HAPPY VALLEY Est.1954 UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Agenda

August 13, 2025
Happy Valley Elementary School Cafeteria – Open Session - 6:00 p.m.
17480 Palm Avenue, Anderson, CA 96007

OPEN SESSION – 6:00 p.m. Elementary Cafeteria

1.0 Call to Order

2.0 Roll Call

3.0 Pledge of Allegiance

4.0 Approval of Open Session Agenda

5.0 Presentation – None

6.0 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.

6.1 Public Comment Session Opened
6.2 Items on the Agenda
6.3 Items not on the Agenda
6.4 Public Comment Session Closed

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

7.1 Community/Staff/District

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

8.0 Communication to the Board – Memorandum of Workers' Compensation Coverage **(Pg.3)**

9.0 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.**

9.1 Approval of Minutes for Regular Board Meeting June 10, 2025; Special Board Meeting June 13, 2025 & Special Board Meeting Aug. 5, 2025. **(Pg.6)**
9.2 Approval of Warrants June 7th – June 30th, July 1st – 31st (no warrants through Aug. 8th) **(Pg.15)**

10.0 Personnel:

10.1 Approve Personnel Action Report **(Pg.25)**

11.0 Discussion/Action Items

11.1 Discussion/Action: Approval of Items Removed from the Consent Agenda
11.2 Discussion/Action: Approve Resolution #26-01 – Designation of Representative and Alternate Representative to the STSIG Joint Powers Authority Board of Directors **(Pg.26)**
11.3 Discussion/Action: Approve Resolution #26-02 – Education Protection Account **(Pg.27)**
11.4 Discussion/Action: Approve Resolution #26-03 – Interfund Transfers **(Pg.30)**
11.5 Discussion/Action: Approve Resolution #26-04 – Authorizing Purchases by Superintendent/Principal **(Pg.31)**
11.6 Discussion/Action: Approve Resolution #26-05 Designation of District Representatives & Authorizations for File Applications for the School Facility Program **(Pg.34)**
11.7 Discussion/Action: Approve Resolution #26-06 Applications Beyond Bond Authority **(Pg.39)**
11.8 Discussion/Action: Approve Resolution #26-07 Five Year Facilities Master Plan **(Pg.42)**
11.9 Discussion/Action: Approve Revised LCAP **(Pg.45)**
11.10 Discussion/Action: Approve 2025/26 Warrant Signature Card for Electronic Batch Submission to SCOE **(Pg.130)**
11.11 Discussion: One-time Incentive Bonuses
11.12 Discussion: Cell Phone Committee Update
11.13 Discussion/Action: Approve March Board Policy Updates **(Pg.131)**

12.0 Superintendent Update

13.0 Business Manager Update

14.0 Enrollment Update – Enrollment will not be updated until August 13th (the first day of school)

15.0 Next Meetings

September 10, 2025
October 8, 2025
November 12, 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 Library
6:00 p.m. – Open Session – Regular Board Meeting – Elementary Cafeteria

16.0 Adjournment of Regular Board Meeting

MEMORANDUM OF WORKERS' COMPENSATION COVERAGE (MOWCC)

Reference No.: 2026WCC

I. **COVERAGE PROVIDER**
SCHOOLS INSURANCE AUTHORITY, P. O. Box 276710, Sacramento, CA 95827-6710

II. **COVERED PARTIES**
Named Covered Members as Per Endorsement 1 and Schools Insurance Authority

III. **COVERAGE PERIOD**
July 1, 2025 (12:01 A.M. PST) to June 30, 2026
Coverage Limits
Statutory Limits of Liability, including defense fees and costs

IV. **INTRODUCTION**
This Memorandum of Workers' Coverage ("MWCC") is entered into by Schools Insurance Authority ("SIA"), a public entity formed pursuant to California Government Code sections 6500 through 6512.1, and the Named Covered Members listed in Endorsement 1.

In consideration of each Named Covered Member's payment of its Workers' Compensation Contribution, coverage is provided for Workers' Compensation Claims to which this MWCC and its Endorsements apply. Pursuant to Government Code Section 990.8(c), the coverage provided by this MOC is not "insurance." The Covered Parties' rights and obligations are not controlled by laws or regulations pertaining to insurance or insurance companies. Such rights and obligations are solely governed by the terms of this MWCC and any Endorsements hereto.

Capitalized words or phrases have special meanings defined in this MOC. Otherwise, all words and phrases contained herein shall have their plain and ordinary meaning.

V. **COVERAGE PROVISIONS**

A. For Members participating in SIA's Workers' Compensation Program, SIA will pay on behalf of the Member all amounts payable to an employee in response to a workers' compensation claim that arises from (a) bodily or psychological injury caused by accident, as long as the accident occurs during the coverage period, and (b) bodily or psychological disease caused or aggravated by the conditions of employment during the coverage period. SIA does not, however, pay (a) fines, penalties or enhanced damage awards issued against a Member pursuant to Labor Code Section 132a and 4553; (b) final awards or judgments based on an adjudicated finding that the Member engaged in intentional conduct intended or expected to cause harm or injury to the employee, or (c) any amount for which indemnity is barred by governing California public policy.

   With respect to all notified claims, including those claims for which no indemnity obligation may ultimately be owed, SIA shall pay all costs and expenses associated with the investigation, adjustment, and defense of the claim. The Member will, in turn, (a) cooperate at all times with SIA's investigatory, claim evaluation, return to work, claim mitigation, and claim management activities, (b) agree to be represented by counsel and vendors selected and supervised by SIA, and (c) proactively assist SIA in any subrogation or apportionment efforts.

VI. **CLAIM NOTIFICATIONS**
Senior Director of Workers' Compensation
SCHOOLS INSURANCE AUTHORITY
P.O. Box 276710
Sacramento, CA 95827-6710

ENDORSEMENT 1
DESIGNATION OF NAMED COVERED MEMBERS

District Name & Address	Most Current OSIP Affiliate Certificate Number	STSIG
Anderson Union High	5504-0044	x
Arcohe Union Elementary	5504-001	
Atwater Elementary	5504-029	
Bella Vista Elementary	5504-0045	x
Black Butte Union Elementary	5504-0046	x
Buckeye Union Elementary	5504-020	
Burnt Ranch Elementary	5504-0047	x
Camino Union Elementary	5504-019	
Castle Rock Union Elementary	5504-0072	x
Center Joint Unified	5504-002	
Coffee Creek Elementary	5504-0048	x
Columbia Elementary	5504-0049	x
Cottonwood Union Elementary	5504-0050	x
Douglas City Elementary	5504-0052	x
El Dorado County Office of ED (EDCOE)	5504-021	
El Dorado Union High	5504-042	
Elk Grove Unified[1]	5504-0083	
Elverta Joint Elementary	5504-004	
Enterprise Elementary	5504-0053	x
Fall River Joint Unified	5504-0054	x
Folsom Cordova Unified[2]	5504-0088	
French Gulch-Whiskeytown Elementary	5504-0055	x
Galt Joint Union Elementary	5504-005	
Galt Joint Union High	5504-006	
Gateway Unified	5504-0056	x
Gold Oak Union Elementary	5504-023	
Gold Trail Union Elementary	5504-030	
Grant Elementary	5504-0057	x
Happy Valley Union Elementary	5504-0081	x
Hayward Unified	5504-014	
Igo Ono-Platina Elementary	5504-0059	x
Indian Diggings Elementary	5504-033	
Junction City Elementary	5504-0060	x
Junction Elementary	5504-0061	x
Latrobe Elementary	5504-017	
Lewiston Elementary	5504-0062	x
Millville Elementary	5504-0063	x
Modesto City Schools *(includes Modesto Elementary SD and Modesto High SD)*	5504-0087	
Mother Load Union Elementary	5504-024	
Mountain Union Elementary	5504-0064	x
Mountain Valley Special Ed JPA	5504-0086	x
Mountain Valley Unified	5504-0065	x
Natomas Charter School	5504-039	
Natomas Union Elementary	5504-015	
North Cow Creek Elementary	5504-0066	x
Oak Run Elementary	5504-0067	x
Pacheco Union[3]	5504-0089	x

Pioneer Union Elementary	5504-025	
Placerville Union Elementary	5504-026	
Pollock Pines Elementary	5504-018	
Redding Elementary	5504-0068	x
Rescue Union Elementary	5504-027	
River Delta Joint Unified	5504-008	
Robla Elementary	5504-009	
Sacramento City Unified	5504-037	
Sacramento County Office of ED (SCOE)	5504-010	
San Juan Unified[4]	5504-0085	
Schools Insurance Authority	5504-035	
Shasta County Office of Ed	5504-0069	x
Shasta Trinity Schools Insurance Group JPA	5504-0080	x
Shasta Union Elementary	5504-0070	x
Shasta Union High	5504-0079	x
Shasta-Trinity Regional Occupational Program	5504-0071	x
Silver Fork Elementary	5504-031	
Southern Trinity Joint Unified	5504-0073	x
Trinity Alps Unified	5504-0074	x
Trinity Center Elementary	5504-0075	x
Trinity County Office of Education	5504-0076	x
Twin Rivers Unified	5504-043	
Visions in Education	5504-0084	
Whitmore Elementary	5504-0077	x
Woodland Joint Unified	5504-011	

[1] Elk Grove previously with SIA 1/1/1977 to 6/30/1997

[2] Folsom Cordova previously with SIA 7/1/1988 to 6/30/1997

[3]Pacheco Union SD previously with STSIG from 10/6/82 to 6/30/1995

[4]San Juan Unified School District previously with SIA 7/1/1977 to 6/30/1985

"Our Community is Committed to Success for Every Child, Every Day"

HAPPY VALLEY Est. 1964
UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Minutes

June 10, 2025
Happy Valley Elementary Cafeteria – Open Session 6:00 p.m.
17480 Palm Ave., Anderson, CA 96007

OPEN SESSION – 6:00 PM Elementary Cafeteria

1.0 Call to Order @ 6:01 p.m.

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

3.0 Pledge of Allegiance led by Jodi Shearman

4.0 Approval of Open Session Agenda –

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

5.0 Presentation – None

6.0 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.

6.1 Public Comment Session Opened @ 6:03 p.m.
6.2 Items on the Agenda – None
6.3 Items not on the Agenda – None
6.4 Public Comment Session Closed @ 6:04 p.m.

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

7.1 Community/Staff/District (suggested 2 minutes maximum per presenter)

a) Community – Darcy Weekley reported the Strawberry Festival went extremely well this year. Even though there was a slight mishap with the strawberries, they did not run out and everything worked out in the end.

b) Certificated Staff – Corey Francescut provided the following: The athletic year concluded on a high note, with the baseball team finishing their season as league champions. Several new banners were also added to the gymnasium wall in recognition of team accomplishments. Additionally, the 8th grade graduation ceremony was a great success. Corey extended his appreciation to all who contributed to making this event memorable for the students.

c) Classified Staff – Joey Weekley recognized the elementary staff for their generosity and quick action in raising funds for a student who was short on expenses to attend a meet in Las Vegas. In a short amount of time, staff members raised $300, allowing the student to participate in the event. Joey expressed his gratitude for their support and dedication to students.

d) Board Members – Cheryl Best provided the following update on 4-H activities: The group held its final meeting of the year. During the recent Strawberry Festival, the Swine group served strawberry pancakes on both Saturday and Sunday, raising between $2,000 and $3,000. The Sheep group hosted a petting zoo and sold chocolate-covered strawberries. All funds raised will go toward purchasing food for 4-H students participating in next year's fair.

e) Primary Site Update - Gina Murphy provided the following update: Summer school is currently underway. Staffing for the upcoming school year is in progress. The new Transitional Kindergarten (TK) classroom will be located in Room 1. She is working with school secretaries to update enrollment forms.

f) Elementary Site Update – Chris Nelson provided the following update: This year marked his first time participating in the 8th grade graduation ceremony. He expressed how much he enjoyed the event and appreciated the strong turnout from parents, family members, and staff who came to celebrate the students. He commended Ashley and Corey for doing a fantastic job organizing the event. Mr. Nelson also gave an update from Ashley Youman on the middle school math scores: Last year, 27% of students were performing at or above grade level. This year's results showed improvement: 28% of 6th grade students, 32% of 8th grade students, and 51% of 7th grade students met or exceeded grade-level expectations.

8.0 Communications to the Board – None

9.0 Public Hearing Section for LCAP Parent Overview and Budget and Excess Reserve Statement

9.1 Open Hearing at 6:17 p.m.

9.2 California School Dashboard Local Indicator Reports - Gina Murphy explained to the board these reports are part of the LCAP. The district is at full or initial initial implementation in different areas.

9.3 Budget Overview for Parents (BOP) - Gina Murphy presented to the board a breakdown of LCFF funding.

9.4 LCAP 2024-2027 - Gina Murphy provided the following report: She explained that the LCAP operates on a three-year cycle. As part of the process, demographic data and survey results were reviewed. A majority of the survey responses focused on concerns and suggestions related to the baseball fields. She noted that funding has been allocated within the LCAP to support improvements to this area.

Mrs. Murphy also shared Larra Snyder's vision for a farm-to-table program at the school. Larra has developed a preliminary map for the project and is collaborating with James Price to move forward with implementation.

9.5 Budget - Larissa Schwab gave an overview of the 2025/2026 budget.
9.6 Close Hearing @ 6:36 p.m.

10.0 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.**

10.1 Approval of Minutes for Regular Board Meeting May 14, 2025
10.2 Approval of Warrants May 10, 2025 – June 6, 2025
10.3 Approve Williams Quarterly Report April – June 2025
10.4 Approve Consolidated Application for Federal Funding

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

11.0 Personnel:

11.1 Approve Personnel Action Report

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to approve the Personnel Action Report

12.0 Discussion/Action Items

12.1 Discussion/Action: Approve Items Removed from Consent Agenda

None

12.2 Discussion/Action: Board Member Conduct and Communicating with the School Community

Jodi Shearman addressed the board with a prepared statement regarding recent social media posts made by Board Member Josh Hancock. In her statement, she expressed concern about a comic created and shared by Mr. Hancock on two separate platforms, in which he commented that he avoided using "big words" so educators could understand it. Mrs. Shearman stated this remark was inappropriate and demonstrated a troubling lack of respect for the professional integrity of the district's educators.

She further noted that, through his statements and content, Mr. Hancock violated multiple tenets of at least three Happy Valley School Board bylaws, which he has sworn to uphold. Mrs. Shearman identified the bylaws in question and also highlighted the comic depicted students in Happy Valley apparel and included a yard duty character—who shares a name with a current district employee—engaging in actions that could be interpreted as illegal and unethical. She emphasized this could be construed as a reference to a real employee, potentially amounting to defamation of character.

Mrs. Shearman formally requested that Mr. Hancock:

1. Edit or remove the portion of the comic that insults educators.

2. Revise the character's name and likeness to clearly indicate they are fictitious.

3. Acknowledge the importance of maintaining professional decorum in all public communications made in his capacity as a board member.

Following Mrs. Shearman's remarks, several staff members voiced their disappointment and concern regarding the potential impact of Mr. Hancock's posts on students, staff, and the broader school community.

No action was taken.

12.3 Discussion/Action: Approve Signatory Deletions and Additions of Tri-Counties Accounts: Petty Cash - 9339 Delete: Elizabeth Roberts Add: Larrisa Schwab; ASB 2228 Delete: Elizabeth Roberts Add: Larrisa Schwab

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to approve Signatory Deletions and Additions to Tri-Counties accounts.

12.4 Discussion/Action: Approve 2025-2026 Expanded Learning Opportunities Program Plan

On a motion by Jodi Shearman, seconded by Cheryl Best, the board voted 3-0 to approve the 2025-2026 Expanded Learning Opportunities Program Plan

12.5 Discussion/Action: Approve 2025-2026 Declaration of Need

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to approve the 2025-2026 Declaration of Need

12.6 Discussion/Action: Approve Updated AB1200 Public Disclosure of Proposed Bargaining Agreement: Confidential/Management (AB1200 was approved at the Feb. board meeting)

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to approve the Updated AB1200.

12.7 Discussion/Action: Approve 2025/26 Classified Range Changes on the Salary Schedule

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to approve the 2025/26 Classified Range Changes.

12.8 Discussion/Action – Approve Proposition 28 Report

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to approve the Proposition 28 Report.

12.9 Discussion: Updated March Board Policies (1st & 2nd Read) – The board will take the summer to go through the policies and be ready to review/discuss and approve in August.

13.0 Superintendent Update – Gina Murphy provided the following updates: the forms have been removed from the foundations of the new TK/Kindergarten buildings. Kylee Gurwell and Aubree Stotka helped to pick out flooring, cabinets, etc. Lakeshore classroom supplies has a kit they are considering purchasing. A plan is still in the works to open the corner lot for extra Parking; Mrs. Murphy also told the board she met with certificated staff on June 5th for professional development. She feels that it went well and was a productive meeting; the maintenance department is kicking into high gear in order to get the campuses in shape for the start of the new school year; Mrs. Murphy also thanked the board for their support during her first year as Superintendent/Principal.

14.0 Business Manager Update – Larrisa Schwab stated she is working on the unaudited actuals now that the budget has been completed.

15.0 Enrollment Update as of June 6, 2025 – 505 Students (TK-8th grade) including Community Day School and Independent Study.

16.0 Next Meetings

June 13, 2025 – Special Board Meeting – 9:00 a.m. District Office

17.0 Adjourn Open Session and Convene Closed Session

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 3-0 to adjourn open session @ 7:03 p.m.

Approved August 13, 2025

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Clerk of the Board

HAPPY VALLEY UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Special Board Meeting Minutes

June 13, 2025
Happy Valley District Office
16300 Cloverdale Rd., Anderson, CA 96007

OPEN SESSION – 9:00 A.M.

1.0 Call to Order @ 9:01 a.m.

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

3.0 Pledge of Allegiance led by – Jodi Shearman

4.0 Approval of Agenda

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to approve the agenda.

5.0 Communications to the Board – California State Controller – Certification of Fiscal Year 2023-2024 Audit Report and Appeal Rights for Apportionment Significant Findings

6.0 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.

6.1 Public Comment Session Opened @ 9:03 a.m.
6.2 Items on the Agenda - None
6.3 Items not on the Agenda – None
6.4 Public Comment Session Closed @ 9:04 a.m.

7.0 Discussion/Action:

7.1 Discussion/Action: Approve California School Dashboard Local Indicator Reports

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to approve the California School Dashboard Local Indicator Reports

7.2 Discussion/Action: Approve Budget Overview for Parents

On a motion by Jodi Shearman, seconded by Cheryl Best, the board voted 4-0 to approve the Budget Overview for Parents

7.3 Discussion/Action: Approve LCAP 2024-2027

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to approve the LCAP 2024-2027

7.4 Discussion/Action: Approve 2025-2026 Budget

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to approve the 2025-2026 Budget

8.0 Next Meetings

July – No meeting

9.0 Adjourn Special Board Meeting

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to adjourn the Special Board Meeting at 9:06 a.m.

Approved August 13, 2025

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Clerk of the Board

HAPPY VALLEY UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Special Board Meeting

August 5, 2025 - Happy Valley District Office
16300 Cloverdale Rd., Anderson, CA 96007
11:00 a.m. – Open Session

OPEN SESSION – 11:00 A.M.

1.0 Call to Order @ 11:01 p.m.

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

3.0 Pledge of Allegiance led by – Jodi Shearman

4.0 Approval of Agenda

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

5.0 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.

5.1 Public Comment Session Opened @ 11:02 a.m.
5.2 Items on the Agenda - None
5.3 Items not on the Agenda – None
5.4 Public Comment Session Closed @ 11:03 a.m.

6.0 Discussion/Action Items:
*******Erin Ciapponi arrived at 11:04 a.m.**

6.1 Discussion/Action: Approve Revised 2025/2026 Budget

Larrisa Schwab reported to the board the district will be receiving more money than was previously reported at the June board meeting. She explained there were propositions that were approved at the end of June after the district's board meeting, there was a new grant the district will receive funds for and an increase in LCFF funding.

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve the revised 2025/2026 budget.

7.0 Adjournment

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to adjourn the Special Board meeting @ 11:14 a.m.

Approved August 13, 2025

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Clerk of the Board

Checks Dated 06/07/2025 through 06/30/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011042506	06/12/2025	CERAMI & BROWNING CONSTRUCTION	35-6210	TK/K RETENTION 01		238,921.19
9011042507	06/12/2025	CERAMI & BROWNING CONSTRUCTION	35-6210	TK/K RENTENTION 01		12,574.80
9011043618	06/24/2025	ACE HARDWARE #12204	01-4510	MAINTENANCE SUPPLIES		15.05
9011043619	06/24/2025	Amazon Capital Services	01-4310	CDS SUPPLY CREDIT	38.76-	
				ELEMENT.	131.05	
				OFFICE/SPED/NURSING/VIKING V. ELOP	54.67	
				PRIMARY LIBRARY INSTRUCTIONAL SPLY	183.77	
				RSP/SPED- A. HALL	23.10	
			01-4510	B. COOK CLASSROOM FUNDS	7.06	
				D.O. & EXEC. ASSISTANT SUPPLIES	163.61	
				D.O. LAPTOP BATTERY REPLACEMENT CREDIT	54.69-	
				D.O. SHREDDERS	181.53	
				DRAWERS RM 8/OFFICE SUPPLIES	93.54	
				ELEMENT. OFFICE/SPED/NURSING/VIKING V.	278.79	
				ELEMENTARY LIBRARY CHAIR	96.51	
				ELEMENTARY OFFICE SUPPLIES	104.95	
				ELOP	795.50	
				ES - 14G6 CB KEYBOARDS	225.25	
				ES - LCARTER DVD PLAYER FOR PC	40.74	
				ES - REPLACEMENT CASES	651.89	
				ES FRONT OFFICE - CB CHARGING	68.23	
				ES OFFICE SUPPLIES	334.28	
				ES- SCREEN REPLACEMENTS	408.94	
				G. MURPHY - PRINCIPAL ORDER	88.22	
				GANDOLFO CLASSROOM FUNDS	74.50	
				GURWELL CLASSROOM INST. SUPPLIES	22.94	
				INDEPENDENT STUDY SUPPLIES	162.12	
				J. PRICE CLASSROOM FUNDS	20.23	
				JAMIE M. CLASSROOM FUNDS	46.93	
				LIT FAIR PRIZES	52.34	
				OFFICE/VIKING VOUCHERS CREDIT	.52-	
				P.E./ SPORTS AWARD PINS	41.79	
				PIAZZA CLASSROOM INSTRUCTIONAL SUPPLIES	45.02	
				PRIMARY CAMPUS OFFICE NEEDS	98.19	

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 06/07/2025 through 06/30/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011043619	06/24/2025	Amazon Capital Services	01-4510	PRIMARY PRINCIPAL ORDER	29.05	
				SANFORD CLASSROOM FUNDS	113.64	
				STUDENT INCENTIVES	72.80	
			01-5814	BOARD SUPPLIES	14.90	
			13-4510	ES CAFTERIA INK	80.81	4,712.92
9011043620	06/24/2025	ANDERSON FARM & YARD SUPPLY	01-4510	FENCING - PRIMARY		10.78
9011043621	06/24/2025	AT&T	01-5910	PHONE SVCS		728.94
9011043622	06/24/2025	BARRIE, ROBIN F	01-5801	PHYSICAL REIMBURSEMENT		150.00
9011043623	06/24/2025	CA DEPT OF EDUCATION CASHIER'S OFFICE	13-4710	STATE FOOD DELIVERY		156.00
9011043624	06/24/2025	CALIF SAFETY - ANNA SCHWA RTZ	01-5801	ALARM MONITORING		570.00
9011043625	06/24/2025	CALIFORNIA IT IN EDUCATION	01-5801	PRIVACY SERVICES- PS25HVUESD YR 1 OF 3		2,300.00
9011043626	06/24/2025	CHEM MARK OF NORTHERN CA	01-6510	PRIMARY CAFETERIA DISHWASHER	17,975.79	
				PRIMARY DISHWASHER ADD-ONS	388.25	18,364.04
9011043627	06/24/2025	CLEAR CREEK COMMUNITY SERVICE	01-5550	BUS BARN WATER SVCS	21.09	
				ELEMENT. BALL PARK WATER SVCS	224.23	
				ELEMENT. PARKING LOT WATER SVCS	110.39	
				PRIMARY WATER SVCS	150.34	506.05
9011043628	06/24/2025	CSBA C/O WEST AMERICA BANK	Cancelled	CSBA MEMBERSHIP 25/26	2,382.00	*
				GAMUT POLICY PLUS 25/26	3,650.00	6,032.00 *
		Cancelled on 07/15/2025, Cancel Register # AP07152025				
9011043629	06/24/2025	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	01-5801	DOJ LIVE SCAN FEES		224.00
9011043630	06/24/2025	HAPPY STOP MARKET	01-4601	MAY BUS/TRANSPORTATION/MAINT. FUEL	3,976.68	
			13-4510	MAY BUS/TRANSPORTATION/MAINT. FUEL	50.57	4,027.25
9011043631	06/24/2025	JACK SCHREDER & ASSOC., INC.	35-6245	APRIL 25 TK FUNDING PROGRAM		1,202.50
9011043632	06/24/2025	KRISTINA COOK	01-5211	APRIL 25 SPED PARENT TRANSP. REIMB.	252.00	
				SPED PARENT TRANSP. REIMB.	280.00	532.00
9011043633	06/24/2025	LAUNDRY WORLD	01-4510	JANITORIAL SUPPLIES		525.37
9011043634	06/24/2025	LINDE GAS & EQUIPMENT INC.	01-5610	CYLINDER RENTAL		22.60
9011043635	06/24/2025	LOUCKS LANDSCAPE SUPPLY	01-4510	ELEMENTARY TRACK SUPPLIES		1,894.32
9011043636	06/24/2025	MOUNTAIN VALLEY SPED JPA	01-5101	ERICS CLASS	9,050.80	
				K-8 ALL SDC	18,364.91	
				OT SERVICES	6,503.05	
				PRESCHOOL MOD SEVERE	3,869.85	
				PSYCH SERVICES - 50/50	6,821.16	
				SPED SVCS- MAY 2025 STUDENT LS	683.13	
				SPEECH SERVICES	22,009.36	
			01-5805	ERMHS COUNSELOR	940.20	

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Checks Dated 06/07/2025 through 06/30/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011043636	06/24/2025	MOUNTAIN VALLEY SPED JPA	01-5805	FACILITY FEE	411.69-	
				NURSING SVCS- 50/50	1,809.53	
				SPED ADMIN COSTS	2,707.88	
				STUDENT SUPPORT SVCS- BCBA	357.50	
			01-7221	ADA PASS THRU	5,311.60	78,017.28
9011043637	06/24/2025	MUELA, SHAWNA M	01-5211	ELOP GAS REIMBURSEMENT		42.00
9011043638	06/24/2025	PG&E	01-5515	ELEMENTARY CLASSROOMS ELECT. SVCS	261.13	
				ELEMENTARY ELECTRIC SVCS	458.96	
				ELEMENTARY MAIN ELECTRIC SVCS	16.74	
				ELEMENTARY ST. LIGHTING	77.51	
				FAMILY CENTER ELECTRIC SVCS	49.28	863.62
9011043639	06/24/2025	PRODUCERS DAIRY FOODS, INC.	13-4710	ELEMENTARY CAFE SUPPLIES	269.80	
				PRIMARY CAFE SUPPLIES	468.11	737.91
9011043640	06/24/2025	Professional Exterminators	01-5510	ELEMENTARY PEST TREATMENT	90.00	
				PRIMARY PEST TREATMENT	70.00	160.00
9011043641	06/24/2025	Redding Metal Crafters, Inc.	01-6510	PRIMARY STAINLESS HOOD-CAFETERIA		3,018.88
9011043642	06/24/2025	SHASTA TRINITY SCHLS INS GROUP	01-9552	JULY 25' VISION	652.50	
			01-9559	JULY 25' VISION	67.50	720.00
9011043643	06/24/2025	SHASTA UNION HIGH SCHOOL DIST.	01-5101	IT MANAGEMENT & TECHNOLOGY SUPP. 24/25	15,821.50	
			01-5920	MANAGED CLOUD SERVICES 24/25	1,955.00	17,776.50
9011043644	06/24/2025	STUDIO 530 PHOTOGRAPHY	01-4510	PRIMARY YEARBOOKS		990.58
9011043645	06/24/2025	SYSCO - SACRAMENTO	13-4510	STUDENT MEAL & CAFE SUPPLIES	540.18	
			13-4710	STUDENT MEAL & CAFE SUPPLIES	299.87	840.05
9011043646	06/24/2025	TEAMSTERS RETIREE TRUST	01-9559	RENEE WADOWSKI H&W		480.00
9011043647	06/24/2025	TPX COMMUNICATIONS	01-5910	ELEM./PRIM. PHONE SVCS		472.29
9011043648	06/24/2025	US OMNI & TSACG COMPL SVCS INC	01-5801	RETIREMENT PLAN SVCS		15.00
9011043649	06/24/2025	VALLEY PACIFIC PETROLEUM SVCS	01-4601	BUS FUEL		173.96
9011043650	06/24/2025	WASTE MANAGEMENT ANDERSON COTTONWOOD DISPOSAL	01-5545	ELEMENTARY GARBAGE SVCS	1,610.10	
				PRIMARY GARBAGE SVCS	840.80	2,450.90
9011043651	06/24/2025	WORLD TELECOM	01-5630	CONFIGURATION OF AXIS CAMERA-PRIMARY		125.00
9011043963	06/26/2025	BOBAN, JESSICA D	01-5211	JUNE 25' H & H MILEAGE REIMB.		102.69
9011043964	06/26/2025	CALIFORNIA'S VALUED TRUST ATTN: FIN DEPT	01-9330	JULY 25' H & D		39,057.60
9011043965	06/26/2025	CERAMI & BROWNING CONSTRUCTION	35-6210	TK/K RETENTION 01		21,398.52
9011043966	06/26/2025	CERAMI & BROWNING CONSTRUCTION	35-6210	MAY 2025 TK/K		406,511.77

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Checks Dated 06/07/2025 through 06/30/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011043967	06/26/2025	COUNTRY BOWL	01-5801	SUMMER SCHOOL FIELD TRIP- 65 BOWLERS		845.00
9011043968	06/26/2025	CSBA C/O WEST AMERICA BANK	01-5310	25/26 CSBA MEMBERSHIP	8,417.00	
				25/26 GAMUT POLICY PLUS	4,200.00	12,617.00
9011043969	06/26/2025	DEMCO	01-4310	24/25 LIBRARY SUPPLIES		220.92
9011043970	06/26/2025	GAYNOR TELESYSTEMS INC.	01-5630	TROUBLESHOOT PRIM. SPEAKERS NOT WORKING		234.00
9011043971	06/26/2025	LOZANO SMITH	01-5810	GENERAL STUDENT - LEGAL SERVICES	145.00	
				TRAININGS/RESOURCES WEBINARS- G. MURPHY	195.00	340.00
9011043972	06/26/2025	MID PACIFIC ENGINEERING	35-6291	GEOTECH ENGINEERING - TK/K PROJECT		9,146.30
9011043973	06/26/2025	MOUNTAIN VALLEY SPED JPA	01-5101	HVSD- REPORTS CARDIFF 4/17-4/18/25		599.12
9011043974	06/26/2025	PITNEY BOWES	01-5930	POSTAGE REFILL		400.39
9011043975	06/26/2025	SEMINGSON ARCHITECTS INC.	01-5801	24242 HV PRIMARY GENERATOR	4,720.00	
				25206 HV ELEMENTARY GENERATOR	4,607.50	
			35-6211	10% OF BIDDING COSTS- TK/K CLASSRMS	18,000.00	27,327.50
9011043976	06/26/2025	US BANK EQUIPMENT FINANCE	01-5801	COPIER/LEASE SVCS	968.88	
			01-7439	COPIER/LEASE SVCS	1,431.84	2,400.72
9011043977	06/26/2025	WCP SOLUTIONS	01-4510	ELEM. & PRIM. MAINTENANCE SUPPLIES	549.53	
				MAINTENANCE SUPPLIES	637.45	1,186.98
				Total Number of Checks	**51**	**922,742.29**

	Count	Amount
Cancel	1	12,064.00
Net Issue		910,678.29

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General	41	207,089.87
13	CafeFoodSvc	5	1,865.34
35	CountySchoolFacilities	7	707,755.08

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Checks Dated 06/07/2025 through 06/30/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
		Total Number of Checks	**50**		916,710.29	
		Less Unpaid Sales Tax Liability			.00	
		Net (Check Amount)			**916,710.29**	

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Checks Dated 07/01/2025 through 07/31/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011044687	07/03/2025	ACE HARDWARE #12204	01-4510	CUSTODIAL/MAINT. SUPPLIES	129.10	
				TRANSPORTATION/GREENHOUSE/IRRIGATION ELEM.	266.14	395.24
9011044688	07/03/2025	AERIES SOFTWARE	01-5801	AERIES COMMUNICATIONS MINIMUM		3,811.50
9011044689	07/03/2025	ANDERSON UNION HIGH SCHOOL	01-5805	JOSHUA WOHLRABE SHARED SVCS		11,142.80
9011044690	07/03/2025	BLUEINK	01-5801	DOCUSIGN BUSINESS PRO ANNUAL RENEWAL		1,920.00
9011044691	07/03/2025	CINTAS	01-5801	LIFELINE VIEW AED AGREEMENT	116.90	
				REVIVER AED VIEW AGREEMENT	212.36	329.26
9011044692	07/03/2025	CLEAR CREEK COMMUNITY SERVICE	01-5550	BUS BARN WATER SVCS	21.09	
				ELEMENT. BALL PARK WATER SVCS	490.23	
				ELEMENT. PARKING LOT WATER SVCS	117.11	
				PRIMARY WATER SVCS	150.90	779.33
9011044693	07/03/2025	COLUMBIA ESD	01-5801	HVUSD-READY SUB SVC FEE 25/26		1,197.62
9011044694	07/03/2025	ELEVATOR TECHNOLOGY, INC	01-5630	SEMI ANNUAL PREVENTATIVE MAINTENANCE		401.00
9011044695	07/03/2025	ENABLING DEVICES	01-4310	SPED/RSP SUPPLIES		993.65
9011044696	07/03/2025	EXPLORELEARNING	01-4310	REFLEX FRAX LICENSE 25/26 - ELEM.		5,595.00
9011044697	07/03/2025	GATEWAY UNIFIED SCHOOL DIST	01-5801	PAYROLL/CBO SUPPORT 24/25		12,155.05
9011044698	07/03/2025	GORDON LEMKE	35-6291	DSA CONSTRUCTION INSPECTION - TK/K BUILDING		4,778.42
9011044699	07/03/2025	JACK SCHREDER & ASSOC., INC.	35-6245	MAY 25' TK FUNDING PROGRAM		1,850.00
9011044700	07/03/2025	LEXIA LEARNING SYSTEMS LLC	01-5801	LEXIA CORE5 READING & POWERUP LIT SUB. RENEW 1YR		14,400.00
9011044701	07/03/2025	MID PACIFIC ENGINEERING	35-6291	GEOTECH ENGINEERING- TK/K PROJECT		3,142.30
9011044702	07/03/2025	MOUNTAIN VALLEY SPED JPA	01-5101	ERICS CLASS	6,602.56	
				K-8 ALL SDC	21,939.76	
				OT SVCS	7,122.30	
				PRESCHOOL MOD-SEVERE	3,671.81	
				PSYCH SVCS- 50/50	6,218.39	
				RSP SVCS	52,217.25	
				SPEECH SVCS	26,020.52	
			01-5805	ERMHS COUNSELOR	1,184.85	
				FACILITY FEE	631.40-	
				NURSING SVCS- 50/50	2,382.83	
				SPECIAL ED ADMIN COSTS	3,024.02	
				STUDENT SUPPORT SVCS-BCBA	741.67	
			01-7221	ADA PASS THRU	709.99	131,204.55

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Checks Dated 07/01/2025 through 07/31/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011044703	07/03/2025	MUELA, SHAWNA M	01-5211	JUNE ELOP SUMMER SCHOOL MILEAGE REIM.		264.46
9011044704	07/03/2025	N.C.G.T. SECURITY FUND	01-9500	JULY 25' H & W		18,803.00
9011044705	07/03/2025	NCSIG	01-5447	25/26 LIABILITY & PROPERTY INSURANCE	70,872.51	
			01-5450	25/26 LIABILITY & PROPERTY INSURANCE	30,373.93	101,246.44
9011044706	07/03/2025	NEESMITH, LINDSEY N	01-4510	TEACHER WELCOME TO N.Y. BOXES		52.30
9011044707	07/03/2025	PG&E	01-5515	PRIMARY ST. LIGHTING		22.15
9011044708	07/03/2025	Readable English	01-5801	LEARNING PORTAL ANNUAL LICENSE SUBSC.		6,500.00
9011044709	07/03/2025	U.S. BANK CORP PAYMENT SYSTEMS	01-4310	ELEM. STUDENT INCENTIVE	96.93	
			01-4510	ELEMENT. LAKE FIELD TRIP SNACKS	358.94	
				ELOP SUMMER SCHOOL FOOD	99.93	
				ELOP SUMMER SCHOOL LUNCHES	128.06	
				ELOP SUMMER SCHOOL SNACKS	37.92	
				ELOP SUMMER SCHOOL SNACKS/SUPPLIES	69.49	
				ELOP SUMMER SCHOOL SUPPLIES	87.75	
				PROFESSIONAL DEVELOPMENT CERT. STAFF	168.41	
			01-5310	AMAZON PRIME SUBSCRIPTION	16.08	
			01-5801	WHISKEYTOWN PERMIT FEES - ELEM. F.T.	150.00	
			01-5805	B. COOK SPED SUBSCRIPTION	49.00	
			13-4510	CAFETERIA SUPPLIES	474.35	1,736.86
9011045179	07/10/2025	ACCU-PRINT	01-5801	FINGERPRINTING (6)		108.00
9011045180	07/10/2025	ACE HARDWARE #12204	01-4510	ELEMENTARY IRRIGATION FIELD SUPPLIES		194.13
9011045181	07/10/2025	ANDERSON FARM & YARD SUPPLY	01-4510	ELEMENTARY GREENHOUSE PARTS		37.71
9011045182	07/10/2025	CERAMI & BROWNING CONSTRUCTION	35-6210	RETENTION-03		23,221.11
9011045183	07/10/2025	CERAMI & BROWNING CONSTRUCTION	35-6210	COMPLETION THRU 6/30/25		441,201.07
9011045184	07/10/2025	COLUMBIA ESD	01-5805	HVUESD - Q4 24/25 ASST. SUPERINT. SVCS		5,435.25
9011045185	07/10/2025	HAPPY STOP MARKET	01-4601	MAINT/BUS/TRANSPORTATION FUEL		2,168.22
9011045186	07/10/2025	LAUNDRY WORLD	01-4510	ELEM/PRIM. JANITORIAL SUPPLIES		300.21
9011045187	07/10/2025	LINDE GAS & EQUIPMENT INC.	01-5610	CYLINDER RENTAL		25.60
9011045188	07/10/2025	LOUCKS LANDSCAPE SUPPLY	01-4510	ELEMENTARY SOCCERFIELD- SAND DELIVERY		1,482.48

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Checks Dated 07/01/2025 through 07/31/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011045189	07/10/2025	PG&E	01-5515	ELEMENTARY ELECTRIC SVCS		241.35
9011045190	07/10/2025	RYLEE MANIORD	01-5805	HV SUMMER SCHOOL 25' INSTRUCTION/CARE TK-8		300.00
9011045191	07/10/2025	SLAKEY BROTHERS	01-5801	LATE CHARGE		12.57
9011045192	07/10/2025	VALLEY SUPPLY ACE HARDWARE	01-4510	ELEMENTARY GREENHOUSE SUPPLIES		59.72
9011045193	07/10/2025	WADOWSKI, RENEE	01-9559	TEAMSTERS H&W OVERPAYMENT REIMB.		120.00
9011045194	07/10/2025	WCP SOLUTIONS	01-4510	ELEM/PRIM. CUSTODIAL MAINT. SUPPLIES		732.70
9011046478	07/24/2025	Amazon Capital Services	01-4310	A STOTKA BASIC MATERIALS 25/26	593.68	
				A. HALL SPED/RSP BOOKS 25/26	62.28	
				A. HALL SPED/RSP MATERIAL 25/26	15.57	
				ELOP INSTRUCTIONAL MATLS	28.91	
				ELOP SUMMER SCHOOL	524.29	
				FIRST 5 SHASTA PLAY GROUP	240.15	
				J HUTCHISON BASIC MATERIALS 25/26	328.29	
				J MORGAN PS BASIC MATERIALS 25/26	192.90	
				K GOODMAN BASIC MATERIALS 25/26	235.81	
				K GURWELL BASIC MATERIALS 25/26	258.63	
				K SANDERS BASIC MATERIALS 25/26	556.27	
				KINSEY'S CLASSROOM- MULTIPLE	93.39	
				M ROACH BASIC MATERIALS 25/26	467.10	
				P SALCIDO BASIC MATERIALS 25/26	264.56	
				PS CAMPUS - RM 8 NEEDS 25/26	6.59	
				PS CAMPUS/RM 8 NEEDS	21.43	
				S. SPENCER BASIC MATERIALS 25/26	169.71	
			01-4510	5/7/25 D.O. SUPPLIES	36.76	
				ATHLETIC AWARDS- COREY	20.15	
				BALDWIN CLASSROOM-303	306.00	
				D.O. FILE FOLDERS	16.25	
				DISTRICT IT SUPPLIES	16.52	
				ELEM. OFFICE REFUND/CREDIT	104.95-	
				ES - PRINTER PARTS (SANFORD)	46.00	
				ES OFFICE SUPPLIES	1,122.39	
				ES. COUNSELING SUPPLY	124.26	
				HEAD LICE REMOVER COMBS	26.76	
				JARAMILLO PRINTER INK TONER-1ST YR	33.86	
				KINSEY'S CLASSROOM- MULTIPLE	95.41	
				PRIMARY PRINCIPAL ORDER	499.61	

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Checks Dated 07/01/2025 through 07/31/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011046478	07/24/2025	Amazon Capital Services	01-4510	PS CAMPUS - RM 8 NEEDS 25/26	49.82	
				PS CAMPUS/OFFICE NEEDS	239.15	
				PS CAMPUS/RM 8 NEEDS	29.97	
				PS OFFICE NEEDS	16.17	
				PS OFFICE SUPPLIES - TONER	141.88	
				SPORTS AWARDS	40.90	
			01-9791	BALDWIN CLASSROOM-303	36.08	
			13-4510	ELEM. CAFE COLOR PRINTER INK	197.11	
				FOOD SERVICES SUPPLIES	84.62	7,134.28
9011046479	07/24/2025	AT&T	01-5910	JULY 25' PHONE SVCS		728.94
9011046480	07/24/2025	BOUNDARY WATERS SCREENPRINTING	01-4510	HVUESD DISTRICT SHIRTS		1,344.67
9011046481	07/24/2025	CALIF SAFETY - ANNA SCHWA RTZ	01-5801	JULY 25' ALARM MONITORING	570.00	
				JULY 25' PRIM. EAST/WEST BLDGS ALARM WIRING	1,835.00	
				JULY 25' PRIM. EAST/WEST BLDGS BATTERY REPLACEMENT	160.04	2,565.04
9011046482	07/24/2025	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	01-5801	JUNE 25' FINGERPRINT APPS (6)		192.00
9011046483	07/24/2025	HYDROTEC SOLUTIONS INC.	01-5630	RECIRC TANK MAINTENANCE - PRIMARY		405.00
9011046484	07/24/2025	LOZANO SMITH	01-5810	GENERAL BOARD GOVERNANCE - REVIEW BOARD STATEMENT		319.00
9011046485	07/24/2025	MID PACIFIC ENGINEERING	35-6291	GEOTECH ENGINEERING - TK/K PROJECT		8,235.41
9011046486	07/24/2025	MOUNTAIN VALLEY SPED JPA	01-5101	HVSD- SPED SVCS (LS) 5/22/25		73.76
9011046487	07/24/2025	PRESTIGE URGENT CARE	01-5801	DOT EXAM - PAIGE CHAMBERS		125.00
9011046488	07/24/2025	Professional Exterminators	01-5510	JULY 25' ELEM. PEST SVCS	90.00	
				JULY 25' PRIM. PEST SVCS	70.00	160.00
9011046489	07/24/2025	SAN JOAQUIN CO OF ED CO SCHL SERV FUND	01-5801	EDJOIN ACCOUNT FEES - FY 25/26		800.00
9011046490	07/24/2025	SHASTA CO OFFICE OF EDUCATION	01-5805	24/25 Q4-3 STANDARD ASSESSMENT SVCS		7,500.00
9011046491	07/24/2025	SHASTA TRINITY SCHLS INS GROUP	01-9552	AUGUST 25' VISION	652.50	
			01-9559	AUGUST 25' VISION	67.50	720.00
9011046492	07/24/2025	TEAMSTERS RETIREE TRUST	01-9559	RENEE WADOWSKI H & W		480.00
9011046493	07/24/2025	TPX COMMUNICATIONS	01-5910	JULY 25' PHONE SVCS		479.44
9011046494	07/24/2025	US BANK EQUIPMENT FINANCE	01-5801	JULY 25' LEASE/COPIER SVCS	968.88	
			01-7439	JULY 25' LEASE/COPIER SVCS	1,431.84	2,400.72
9011046495	07/24/2025	US OMNI & TSACG COMPL SVCS INC	01-5801	RETIREMENT PLAN SVCS		15.00
9011046496	07/24/2025	WASTE MANAGEMENT ANDERSON COTTONWOOD DISPOSAL	01-5545	JULY 25' ELEM. GARBAGE SVCS	1,764.10	

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Checks Dated 07/01/2025 through 07/31/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011046496	07/24/2025	WASTE MANAGEMENT ANDERSON COTTONWOOD DISPOSAL	01-5545	JULY 25' PRIM. GARBAGE SVCS	900.69	2,664.79
				Total Number of Checks	**58**	**834,704.10**

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General	52	351,519.71
13	CafeFoodSvc	2	756.08
35	CountySchoolFacilities	6	482,428.31
	Total Number of Checks	**58**	834,704.10
	Less Unpaid Sales Tax Liability		.00
	Net (Check Amount)		**834,704.10**

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HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

PERSONNEL ACTION REPORT – AGENDA ITEM #10.1

NAME OF EMPLOYEE	EMPLOYEE POSITION	EMPLOYMENT STATUS	EFFECTIVE DATE
Justine Kerr	RSP/SPED Coordinator	New Hire	08/08/2025
Samantha Jackson	Teacher (5th)	New Hire	08/08/2025
Melissa Campbell	Intervention Teacher/TOSA (Elem.)	New Hire	08/08/2025
Alana Cumpston	Teacher (K)	New Hire	08/08/2025
Heather Duncan	Teacher (CDS)	New Hire	08/08/2025
Chrissa Ramos	SPED Inst. Aide (Prim.)	New Hire	08/12/2025
Lacy Campbell	Cafeteria Aide	New Hire	08/12/2025
Hailie Aragon	Instructional Aide (TK)	New Hire	08/12/2025
Louisa Williams	Secretary	Resignation	08/15/2025

RESOLUTION #26-01 OF THE GOVERNING BOARD OF THE HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT REGARDING THE DESIGNATION OF THE OFFICIAL REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE SHASTA-TRINITY SCHOOLS INSURANCE GROUP JOINT POWERS AUTHORITY BOARD OF DIRECTORS

WHEREAS, the Happy Valley Elementary School District is a member of the Shasta-Trinity Schools Insurance Group Joint Powers Authority;

AND WHEREAS a representative and an alternate representative are required to be designated by each member district;

RESOLVE the Governing Board of the Happy Valley Elementary School District of Shasta County, in a regular public meeting assembled this 13th day of August 2025, designates Gina Murphy, Superintendent, as the official representative to the Shasta-Trinity Schools Insurance Group's Board of Directors, and Larrisa Schwab, CBO, as the official alternate representative; Said representative(s) is authorized to sign documents and perform all items pertaining to the interest of the Board of Directors as a legislative body pursuant to the terms of the Shasta-Trinity Schools Insurance Group Joint Powers Authority Agreement.

BE IT FURTHER RESOLVED that the designated official representative or designated official alternate representative, whichever is present, but not both, may vote on the Happy Valley Elementary School District's behalf to expand the lines of coverage provided by the Shasta-Trinity Schools Insurance Group to include any other risk management, insurance, or self-funded program(s) authorized by law.

The above resolution was moved by member _____, seconded by member _____, and passed and adopted this 13th day of August 2025, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAINED:

_____

Signature – Clerk of the Board Print Name Title

BEFORE THE BOARD OF TRUSTEES OF THE
HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SHASTA COUNTY, CALIFORNIA
RESOLUTION #26-02
REGARDING THE EDUCATION PROTECTION ACCOUNT

WHEREAS, the voters approved Proposition 30 on November 6, 2012;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;

WHEREAS, the provisions of Article XIII, Section 36(e) create in the state General Fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f);

WHEREAS, before June 30th of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;

WHEREAS, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within ten days preceding the end of the fiscal year;

WHEREAS, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts;

WHEREAS, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor or any agency of state government;

WHEREAS, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from the Education Protection Account are spent in the school or schools within its jurisdiction;

WHEREAS, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;

WHEREAS, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;

WHEREAS, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent;

WHEREAS, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution;

WHEREAS, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of Happy Valley Union Elementary School District;

2. In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the Happy Valley Union Elementary School District has determined to spend the monies received from the Education Protection Act for Teachers' salaries.

DATED: AUGUST 13, 2025

_____
Jodi Shearman, Board President

_____
Cheryl Best, Vice-President

_____
Erin Ciapponi, Clerk

_____
Josh Hancock, Board Member

_____
Jacque Brousseau, Board Member

BEFORE THE BOARD OF TRUSTEES OF THE
HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SHASTA COUNTY, CALIFORNIA
RESOLUTION #26-03
AUTHORIZATION FOR 2025-2026 INTERFUND TRANSFERS

WHEREAS, the Happy Valley Union Elementary School District will need to transfer money between funds;

WHEREAS, the Happy Valley Union Elementary School District has the need to transfer revenues and expenditures between funds;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Happy Valley Union Elementary School District authorizes the Business Manager or Superintendent to make such transfers as may be needed.

PASSED AND ADOPTED THIS 13th day of August 2025, by the Board of Trustees of the Happy Valley Union Elementary School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Clerk of the Governing Board

BEFORE THE BOARD OF TRUSTEES OF THE
HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
RESOLUTION #26-04
AUTHORIZING THE SUPERINTENDENT/PRINCIPAL TO MAKE CERTAIN PURCHASES RELATED TO SCHOOL ACTIVITES AND FUNCTIONS

WHEREAS, Education Code Section 35160 authorizes a Governing Board to initiate and carry on any program, activity, or otherwise act in any manner which is not in conflict with or inconsistent with, the purposes for which school districts are established; and,

WHEREAS, Education Code Section 35160.1 further authorizes a Governing Board to expend public funds for programs and activities that the Governing Board determines are necessary or desirable in meeting the unique needs of the District; and,

WHEREAS, Education Code Section 35172(c) specifically authorizes a Governing Board to engage in activities that inform and make known to the citizens of the District, the educational programs and activities of Happy Valley UESD; and,

WHEREAS, Education Code Section 35161 also authorizes a Governing Board to delegate to an officer or employee of the District any of the powers or duties that are delegated to it (the Governing Board) by law;

WHEREAS, Education Code Section 44032 requires that the Governing Board pay the actual and necessary expenses of employees incurred in the course of performing services for the District under the direction of the Governing Board; and,

WHEREAS, the Governing Board requires the Superintendent/Principal to promote understanding of District's educational programs through personal contact with individuals and groups throughout Shasta County communities; and,

WHEREAS, the Governing Board recognizes that the Superintendent/Principal may, from time to time, require parents, community members, officers and employees to meet during meal periods or after normal school hours; and,

WHEREAS, the Governing Board further recognizes that the Superintendent/Principal, as part of the educational program at Happy Valley UESD, may need to recognize students, parents, volunteers, and District staff for their contributions and efforts in making the educational program at Happy Valley UESD successful; and,

WHEREAS, the Governing Board has previously authorized the Superintendent/Principal to make expenditures on behalf of the Governing Board and the District in amounts not to exceed $10,000.00 annually, without prior Governing Board approval; and;

WHEREAS, the Governing Board desires to authorize the Superintendent/Principal to purchase awards, flowers, books, trophies, food and beverages, and other mementos to recognize the accomplishments, contributions and efforts of those students, parents, District staff, and volunteers.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Governing Board reaffirms and reauthorizes the Superintendent/Principal to make expenditures on behalf of the Governing Board and/or the District in amounts not to exceed $10,000.00 annually without the prior approval of the Governing Board. Said expenditures shall be presented to the Governing Board for ratification at the next regularly scheduled meeting following the expenditure;

2. The Governing Board hereby designates and approves the following activities for service of food, non-alcoholic beverages and other refreshments:

   Governing Board Meetings
   Functions for volunteers and retiring employees
   Activities honoring individuals in education
   Public School Week activities
   Education events sponsored by the Governing Board
   Seminars, workshops or employee in-services
   Board appointed committee meetings
   Group planning and operational meetings
   Student Presentations

   The Governing Board further herby authorizes the Superintendent/Principal to use her discretion to purchase coffee, water, food items, flowers, books, awards and/or mementos for staff, parents and volunteers as she deems appropriate to encourage and/or recognize participation in school activities, staff contributions to the educational programming, attendance at parent meetings, and encourage volunteerism; and

BE IT FURTHER RESOLVED THAT:

3. Such expenses shall be paid from District funds with the cost per person not to exceed $30.00 and the total expense per event shall not exceed $1,000.00, without prior Governing Board approval.

4. The Governing Board determines that these activities are in accordance with Education Code Section 35160, 35160.1, 70902, 44032/87032 and serve the educational purpose, goals and mission of Happy Valley UESD, including communicating the mission of the District and the Governing Board, increases community awareness of the educational programs of the District and promotes individual and group support of, and participation in, the District's educational program and priorities.

APPROVED AND ADOPTED by the Governing Board of the Happy Valley Union Elementary School District at a regularly scheduled board meeting held on the 13th day of August 2025, in Shasta County, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

_____
Jodi Shearman, President

_____
Erin Ciapponi, Board Clerk

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

SUBJECT: ADOPT RESOLUTION #26-05, SUPPORTING THE DESIGNATION OF DISTRICT REPRESENTATIVES AND AUTHORIZATION TO FILE APPLICATIONS FOR THE SCHOOL FACILITY PROGRAM

RECOMMENDATION:

That the Board of Trustees adopt Resolution #26-05, supporting the designation of District Representatives and authorizing the filing of applications to determine School Facility Program new construction eligibility and modernization eligibility and, if eligible, applications for new construction and modernization funding with the State Allocation Board.

BACKGROUND:

The New Construction Program provides State funds on a 50/50 state and local sharing basis for public school capital facility projects in accordance with statute. Eligibility for State funding is based on a district's need to house pupils and is determined by criteria set in School Facility Program legislation (SB50).

Education Code Section 17072.10 establishes the "new construction grant" per unhoused pupil for new construction projects. The State Allocation Board approved the annual adjustment to the grant on January 24, 2024. The adjusted grants are as follows: $15,770 for each elementary school pupil, $16,679 for each middle school pupil (include 6th grade, if part of a 6-8 school), and $21,223 for each high school pupil.

This "new construction grant" amount is intended to provide the State's share for all necessary project costs that include, but are not limited to, funding for design, the construction of the building, general-site development, education technology, unconventional energy, tests, inspections and furniture/equipment. Site acquisition, utilities, off-site and service-site development are approved for funding based on review and approval of required documentation and funded on a 50/50 state and local sharing basis. The per pupil grant amounts are adjusted annually for inflation based on the change in the Class B Construction Cost Index as approved by the SAB each January.

The Modernization Program provides State funds on a 60/40 basis for improvements to educationally enhance school facilities. Projects eligible under this Program include such modifications as air conditioning, plumbing, lighting, and electrical systems. Site acquisition may not be included in modernization applications. Education Code Section 17074.10 establishes the "modernization grant" for each eligible pupil. The State Allocation Board approved the annual adjustment to the grant on January 24, 2024. The adjusted grants are as follows: $6,005 for each elementary school pupil, $6,350 for each middle school pupil and, $8,315 for each high school pupil.

The "modernization grant" amount is intended to provide the State's share for all necessary project costs. The necessary project costs include, but are not limited to, funding for design, the modernization of the building, education technology, unconventional energy, tests, inspections and furniture/equipment.

Funds for the School Facility Program may be from any funding source made available to the State Allocation Board. This includes the State General Fund and proceeds from the sale of State General Obligation Bonds. In addition, districts are required to provide a portion of the cost of a project from funds available to the school district. This may include, among other sources, local general obligation bonds, developer fees, general fund, etc.

In order to apply for approval of School Facility Program eligibility and potential funding, the District must approve a resolution designating the District Representatives and authorizing the filing of the applications.

Resolution #26-05
BOARD OF TRUSTEES OF THE HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

Designation of District Representative and
Authorization to file Application(s) for School Facility Grant

WHEREAS, the Happy Valley Union Elementary School District is applying to the State Allocation Board for approval of state facilities program projects pursuant to Chapter 12.5, Part 10, Division 1, commencing with Section 17010.10, et. seq., of the Education Code, for needed new construction and modernization of school facilities;

NOW, THEREFORE, BE IT RESOLVED, by the Happy Valley Union Elementary School District Board of Trustees as follows:

1. That Gina Murphy, Superintendent, and Larissa Schwab, Chief Business Official, are designated as District Representative and Alternate Representative, respectively and are hereby authorized and directed to file, on behalf of the District, such applications with the State Allocation Board under Chapter 12.5 of the Education Code. Any previous authorized District Representatives not listed above are to be removed from the list of District Representatives; and,

2. That the District will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an on-going and major maintenance plan that complies with the provisions of Education Code Section 17070.75 and 17070.77 (Regulation Sections 1859.100 through 1859.102); and,

3. That the District will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,

4. That the District understands if the funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the District will be required to certify that the state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from classroom use within six months of the filing of the Notice of Completion for the project; or, it has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities; and,

5. That the facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Regulation Section 1859.163.6; and,

6. That the District will engage in a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4245) of Division 5, of Title 1, of the Government Code for all contracts entered on or after November 4, 1998, for the services of any architect, structural engineer, or other design professional services for any work under the project(s); and,

7. That the District understands if this request is for new construction funding, the District has received approval of the site and the plans from the California Department of Education (CDE). Plan approval is not required if request is for separate design apportionment; and,

8. That the District understands that if this request is for modernization or Charter School Facility Program Rehabilitation funding, the District has received approval of the plans for the project from the California Department of Education (CDE). Plan approval is not required if request is for separate design apportionment; and,

9. That the District will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,

10. That the District will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,

11. That the Districts matching funds required pursuant to Regulation Sections 1859.77.1 or 1859.79 has either been expended by the District, deposited in the County School Facility Fund or will be expended by the District prior to the notice of completion for the project; and,

12. That the District will receive written approval of the plans and specifications for the project(s) from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,

13. That if the District is requesting site acquisition funds as part of its application, the District has complied with Regulation Sections 1859.74 through 1859.75.1; and,

14. That the District understands that with the exception of an apportionment made pursuant to Section 1859.75.1, the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (reference Regulation Section 1859.105); and,

15. That the District understands that if the apportionment for this project was made pursuant to Regulation Section 1859.75.1, the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funds shall be cause for the rescission of the unexpended funds (refer to Regulation Section 1859.105.1); and,

16. That the District understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (reference Regulation Section 1859.90); and,

17. That the statements set forth in the application(s) and supporting documents are true and correct to the best of my knowledge and belief; and,

18. That all school facilities purchased or newly constructed under the project(s) for use by pupils who are individuals with exceptional needs, defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,

19. That the District will certify that all forms submitted are exact duplicates (verbatim) of the forms provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,

20. That the District understands that some or all of the State funding for the project may be returned to the State as a result of an audit pursuant to Section 1859.105, 1859.105.1, 1859.106; and,

21. That the District will comply with the provisions of Section 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,

22. That the District understands if the SFP grants are used for the construction or modernization of school facilities on leased land, the District has entered into a lease agreement for the leased property that meets the requirements of Regulation Section 1859.22; and,

23. That the District understands if the application contains a "Use of New Construction Grant" request, the District will adopt a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board as specified in Sections 1859.77.2, or 1859.77.3, as appropriate; and,

24. That the District understands if requesting additional funding for fire code requirements pursuant to Regulation Section 1859.71.2 or 1859.78.4, the District will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,

25. That the District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Section 51224, 51225.3(b), 51228(b) and 52336.1; and,

26. That the District understands if requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the District; and,

27. That the District understands that if this application is submitted after January 1, 2004 for modernization funding the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state and local standards for the management of any identified lead; and,

28. That the District has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,

29. That the District has or will contract with the Department of Industrial Relations (DIR) for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a), in effect January 1, 2012 through June 19, 2014, if the contract was awarded on January 1, 2012 through June 19, 2014 and the District has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The District understands that if it fails to meet this requirement, it will be required to repay all State bond funds received including interest; and,

30. That the District understands that beginning with the 2005/06 fiscal year, the District will comply with Educational Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,

31. That the District understands that if this application is submitted pursuant to Section 1859.180, the District certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables for the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,

32. That the District has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustic conductive to teaching and learning, and the other characteristics of high-performance schools; and,

33. The District understands if requesting an additional grant for high performance incentive funding, the school district governing board will have a resolution on file that demonstrates support for the high-performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,

34. The District understands that if the application is submitted when there is insufficient Bond Authority, the District has adopted a school board resolution pursuant to Section 1859.95.1.

35. The District will comply with all laws pertaining to the construction or modernization of its school buildings.

PASSED AND ADOPTED by the Board of Trustees of the Happy Valley Union Elementary School District, Shasta County, State of California, this 13th day of August 2025, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

_____
Superintendent

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

SUBJECT: ADOPT RESOLUTION #26-06, acknowledging six certifications for applications received beyond bond authority required to submit modernization and new construction funding applications to the Office of Public-School Construction.

RECOMMENDATION:

That the Board of Trustees adopt Resolution #26-06 acknowledging six certifications for applications received beyond bond authority required to submit modernization and new construction funding applications to the Office of Public-School Construction.

BACKGROUND:

The Office of Administrative Law approved emergency regulations on November 1, 2012 that impact how the Office of Public-School Construction (OPSC) processes applications received after existing bond authority is no longer available for New Construction and Modernization applications. These regulations establish a State Allocation Board (SAB) acknowledged list for projects that are received by OPSC after bond authority is exhausted. The list is called the "Applications Received Beyond Bond Authority List." Applications placed on this list only undergo an intake review to ensure all the required documents have been submitted but are not to be fully processed by OPSC nor presented to SAB for approval.

When OPSC and the SAB have determined there is Insufficient Bond Authority to apportion the School District's new construction and/or modernization funding request, the applications are subject to the new regulations and processing procedures as outlined below.

A new construction and/or modernization application package must include a school board resolution that includes several acknowledgements, as specified in regulation section 1859.95.1:

1. The Board acknowledges that the remaining School Facility Program bond authority is currently exhausted for the funds being requested on this (these) application(s).

2. The Board acknowledges that the State of California is not expected nor obligated to provide funding for the project(s) and the acceptance of the application(s) does not provide a guarantee of future State funding.

3. The Board acknowledges that any potential future State bond measures for the School Facility Program may not provide funds for the application being submitted.

4. The Board acknowledges that criteria (including, but not limited to, funding, qualifications, and eligibility) under a future State school facilities program may be substantially different than the current School Facility Program. The district's Approved Application(s) may be returned.

5. The Board acknowledges that they are electing to commence any pre- construction or construction activities at the district's discretion and that the State is not responsible for any pre-construction or construction activities.

6. The Board acknowledges that, if bond authority becomes available for the SAB to provide funding for the submitted application(s), the School District must apply for financial hardship status. **(for financial hardship funding only)**

RESOLUTION #26-06

RESOLUTION OF THE BOARD OF EDUCATION OF THE HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

WHEREAS, the Board of Education ("School Board") has determined that school facilities within the Happy Valley Union Elementary School District (the "District"), within Shasta County need to be modernized and/or constructed; and

WHEREAS, the State Allocation Board (SAB) has established an "Applications Received Beyond Bond Authority List" for projects that have been received.

Pursuant to title 2, Code of California Regulations section 1859.95.1, the School Board of the Happy Valley Union Elementary School District hereby acknowledges the following:

(1) The Board acknowledges that the remaining School Facility Program bond authority is currently exhausted for the funds being requested on this (these) application(s).

(2) The Board acknowledges that the State of California is not expected nor obligated to provide funding for the project(s) and the acceptance of the application(s) does not provide a guarantee of future State funding.

(3) The Board acknowledges that any potential future State bond measures for the School Facility Program may not provide funds for the application being submitted.

(4) The Board acknowledges that criteria (including, but not limited to, funding, qualifications, and eligibility) under a future State school facilities program may be substantially different than the current School Facility Program. The district's Approved Application(s) may be returned.

(5) The Board acknowledges that they are electing to commence any pre- construction or construction activities at the district's discretion and that the State is not responsible for any pre-construction or construction activities.

(6) The Board acknowledges that, if bond authority becomes available for the SAB to provide funding for the submitted application(s), the School District must apply for financial hardship status.

ADOPTED, SIGNED, AND APPROVED this 13th day of August 2025.
BOARD OF EDUCATION OF THE HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

_____ _____

President of the Board Clerk of the Board

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

SUBJECT: ADOPT RESOLUTION #26-07, acknowledging the five-year Facilities Master Plan certifications required to submit modernization and new construction funding applications to the Office of Public-School Construction.

RECOMMENDATION:

That the Board of Trustees adopt Resolution #26-07 acknowledging the five-year Facilities Master Plan certifications required to submit modernization and new construction funding applications to the Office of Public-School Construction (OPSC).

BACKGROUND:

The Office of Administrative Law (OAL) is in the process of approving regulations regarding the distribution of Proposition 2 funds that impact how OPSC processes applications received on or after October 31, 2024, for new construction and modernization applications. Proposition 2 requires that, as a condition of participating in the School Facility Program (SFP), school districts must submit to OPSC a five-year school facilities master plan, or an updated five-year school facilities master plan, approved by the governing board of the school district.

New construction and modernization application packages received on December 4, 2024, through 12 months following OAL's approval of regulation implementing these policies will be required to submit a school board resolution that includes several acknowledgements, to be specified in regulation Section 17070.54. The resolution includes the required certifications.

RESOLUTION # 26-07
RESOLUTION AUTHORIZING FILING OF APPLICATION(S) FOR STATE ALLOCATION BOARD–ADMINISTERED PROGRAMS FOR THE HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

WHEREAS, Education Code established multiple programs to be administered by the Department of General Services (DGS) as staff to the State Allocation Board (SAB); and

WHEREAS, the Happy Valley Union Elementary School District intends to file applications for eligibility determination, file applications for funding, and/or certify information under one or more SAB-Administered Program(s); and

WHEREAS, the Happy Valley Union Elementary School District intends to file applications for eligibility determination and/or applications for funding under the School Facility Program (SFP) as provided in Section 17070.10, et seq., of the Education Code; and

WHEREAS, the Happy Valley Union Elementary School District is aware that all application submittals on or after October 31, 2024, are subject to Section 17070.54 of the Education Code; and

WHEREAS, the Happy Valley Union Elementary School District is aware of the minimum requirements for the five-year school facilities master plan as outlined in Section 17070.54 of the Education Code;

NOW, THEREFORE BE IT RESOLVED THAT, as a condition of participating in the SFP, as administered by the SAB, the Happy Valley Union Elementary School District shall submit to the DGS a five-year school facilities master plan, or updated five-year school facilities master plan, approved by the governing board of the Happy Valley Union Elementary School District for all application submittals on or after October 31, 2024; and

NOW, THEREFORE BE IT RESOLVED THAT, the Happy Valley Union Elementary School District, as a condition of SFP participation, shall submit the required five-year school facilities master plan within 90 days of the Office of Public-School Construction notification of processing the application; and

NOW, THEREFORE BE IT RESOLVED THAT, the Happy Valley Union Elementary School District acknowledges that failure to submit an acceptable five-year school facilities master plan may result in the rescission of project funding.
may result in the rescission of project funding.

PASSED AND ADOPTED on the 13th of August 2025 by the Happy Valley Union Elementary School District Board of Trustees by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTENTION: _____

_____
Jodi Shearman, Board President
Happy Valley Union Elementary School District

CERTIFICATION

I, Erin Ciapponi, certify that the foregoing is a correct copy of a resolution passed and adopted by the Happy Valley Union Elementary School District on the 13th of August 2025.

Date:_____

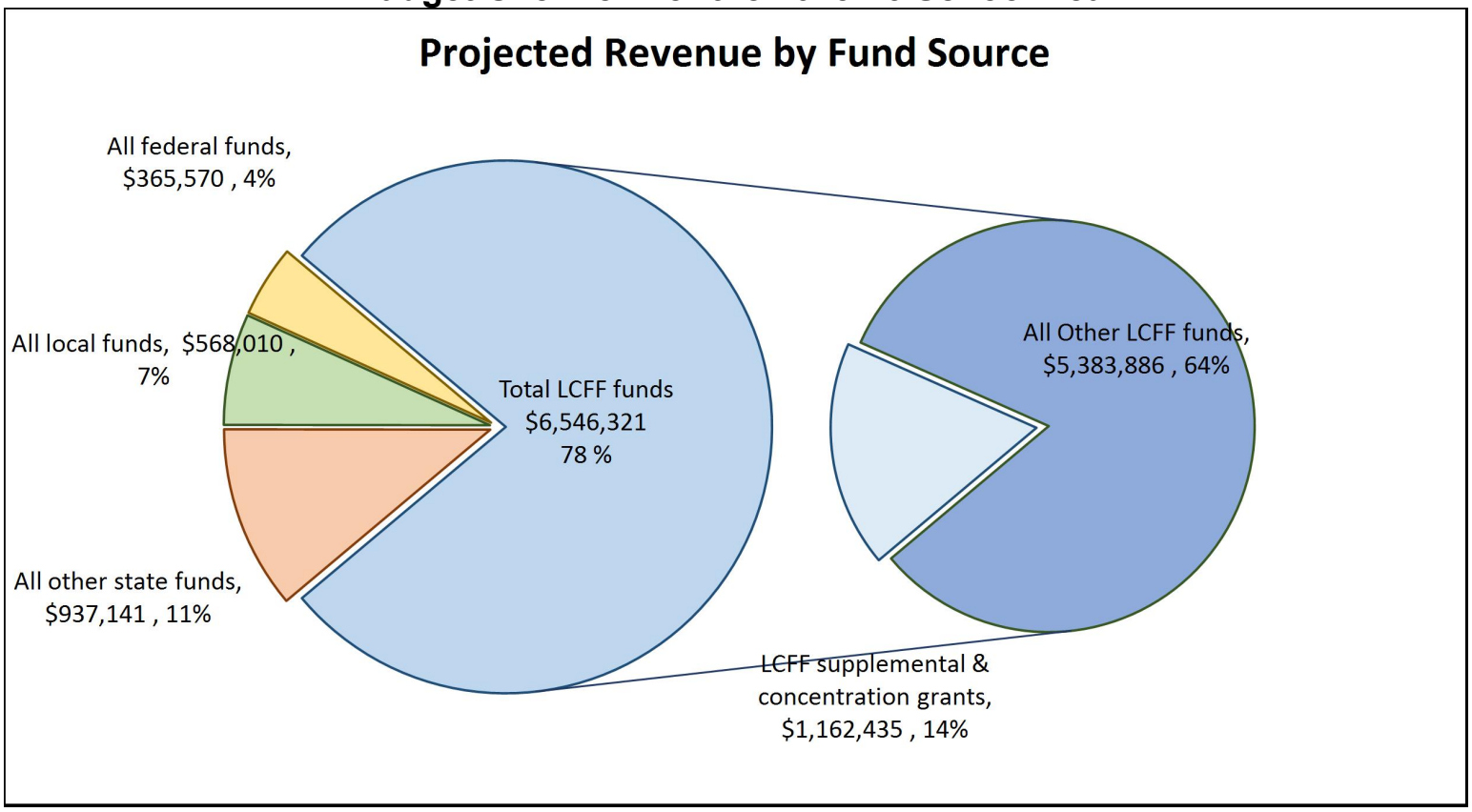
_____
Erin Ciapponi, Board Secretary/Clerk
Happy Valley Union Elementary School District

LCFF Budget Overview for Parents

Local Educational Agency (LEA) Name: Happy Valley Union Elementary School District
CDS Code: 45-70011
School Year: 2025-26
LEA contact information:
Gina Murphy
Superintendent/Principal
gmurphy@hvusd.net
(530)357-2134

School districts receive funding from different sources: state funds under the Local Control Funding Formula (LCFF), other state funds, local funds, and federal funds. LCFF funds include a base level of funding for all LEAs and extra funding - called "supplemental and concentration" grants - to LEAs based on the enrollment of high needs students (foster youth, English learners, and low-income students).

Budget Overview for the 2025-26 School Year

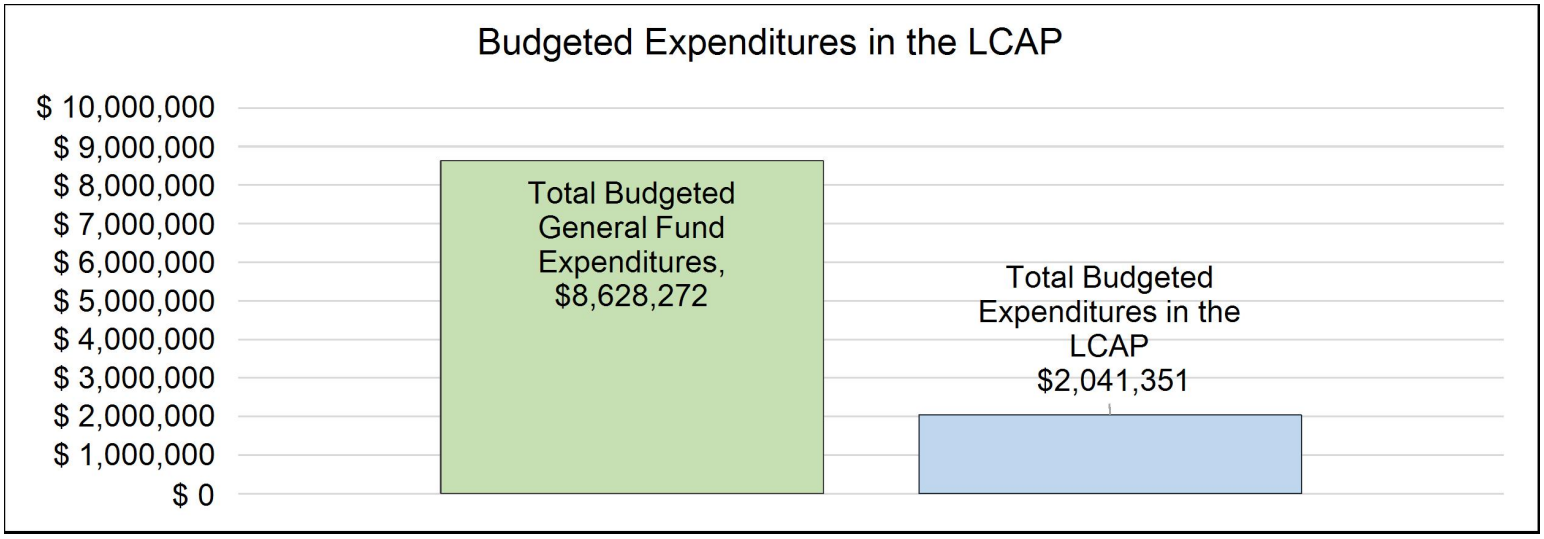


This chart shows the total general purpose revenue Happy Valley Union Elementary School District expects to receive in the coming year from all sources.

The text description for the above chart is as follows: The total revenue projected for Happy Valley Union Elementary School District is $8,417,042, of which $6546321 is Local Control Funding Formula (LCFF), $937141 is other state funds, $568010 is local funds, and $365570 is federal funds. Of the $6546321 in LCFF Funds, $1162435 is generated based on the enrollment of high needs students (foster youth, English learner, and low-income students).

LCFF Budget Overview for Parents

The LCFF gives school districts more flexibility in deciding how to use state funds. In exchange, school districts must work with parents, educators, students, and the community to develop a Local Control and Accountability Plan (LCAP) that shows how they will use these funds to serve students.



This chart provides a quick summary of how much Happy Valley Union Elementary School District plans to spend for 2025-26. It shows how much of the total is tied to planned actions and services in the LCAP.

The text description of the above chart is as follows: Happy Valley Union Elementary School District plans to spend $8,628,272 for the 2025-26 school year. Of that amount, $2,041,351 is tied to actions/services in the LCAP and $6,586,921 is not included in the LCAP. The budgeted expenditures that are not included in the LCAP will be used for the following:

Remaining general fund expenditures include operational funds such as maintenance & operations, transportation, grants, lottery etc.

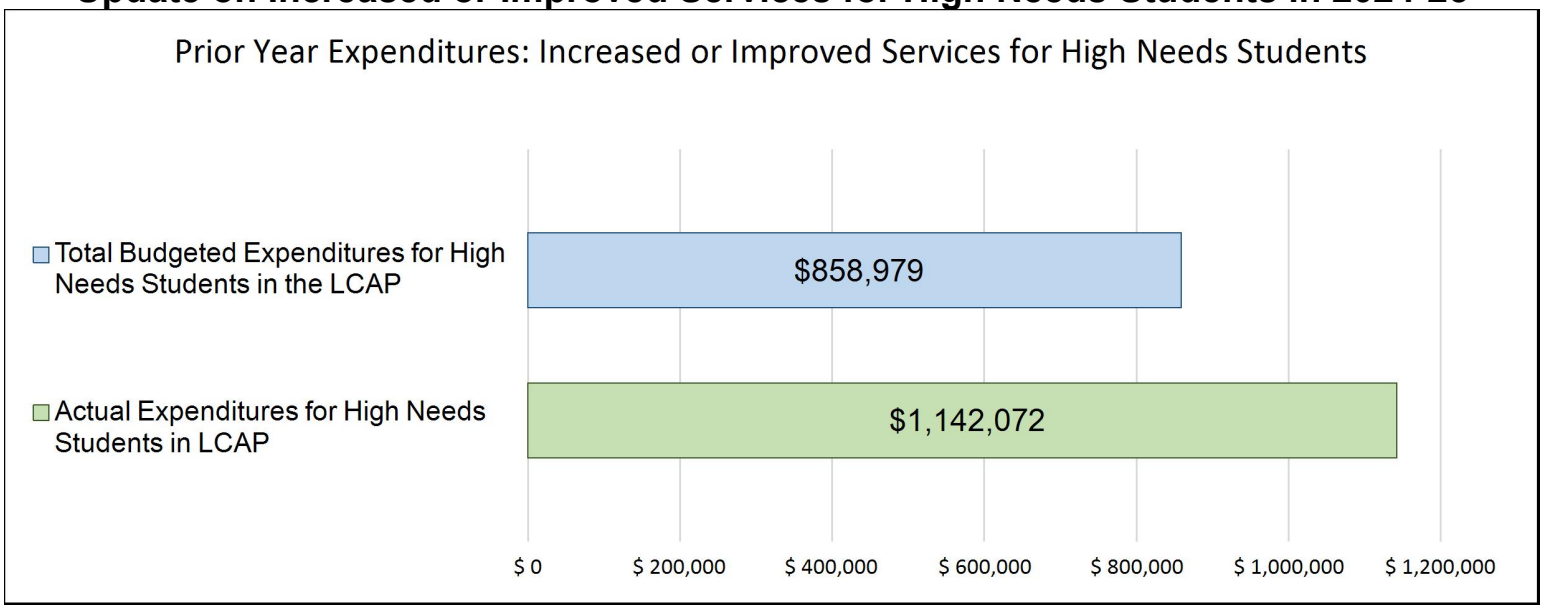
Increased or Improved Services for High Needs Students in the LCAP for the 2025-26 School Year

In 2025-26, Happy Valley Union Elementary School District is projecting it will receive $1162435 based on the enrollment of foster youth, English learner, and low-income students. Happy Valley Union Elementary School District must describe how it intends to increase or improve services for high needs students in the LCAP. Happy Valley Union Elementary School District plans to spend $776,573 towards meeting this requirement, as described in the LCAP.

The district will evaluate the LCAP, mid year, after having time to identify the needs of the high needs students and any additional services the district will be able to provide for them.

LCFF Budget Overview for Parents

Update on Increased or Improved Services for High Needs Students in 2024-25



This chart compares what Happy Valley Union Elementary School District budgeted last year in the LCAP for actions and services that contribute to increasing or improving services for high needs students with what Happy Valley Union Elementary School District estimates it has spent on actions and services that contribute to increasing or improving services for high needs students in the current year.

The text description of the above chart is as follows: In 2024-25, Happy Valley Union Elementary School District's LCAP budgeted $858979 for planned actions to increase or improve services for high needs students. Happy Valley Union Elementary School District actually spent $1142072 for actions to increase or improve services for high needs students in 2024-25.

Local Control and Accountability Plan

The instructions for completing the Local Control and Accountability Plan (LCAP) follow the template.

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Happy Valley Union Elementary School District	Gina Murphy Superintendent/Principal	gmurphy@hvusd.net (530)357-2134

Plan Summary [2025-26]

General Information

A description of the LEA, its schools, and its students in grades transitional kindergarten–12, as applicable to the LEA. LEAs may also provide information about their strategic plan, vision, etc.

Happy Valley Union School District provides an opportunity for every student to succeed every day. Our school community provides a positive learning culture supported by our faculty, staff, families, and community. Many of our veteran teachers are serving second-generation students, providing a rich history and a promising future for our students. Our teachers and support staff participate in collaboration, professional learning, and team discovery to improve disciplinary literacy and social and emotional learning. Teachers are engaged in professional learning in Improvement Science, Restorative Practices, Trauma-Informed Practices, curriculum and instruction, and differentiated instruction. These practices culminated in a district-wide Multi-tiered System of Support (MTSS) to provide a well-rounded educational experience to our students. The district uses Positive Behavior Interventions and Supports (PBIS) as a framework to sustain student-centered learning opportunities. The school system is focused on literacy across the content areas, social and emotional learning, and providing a safe space with a sense of belonging for all students.

Our families participate in community events, school assemblies, celebrations, learning opportunities and support groups. Parents volunteer at our school, enhancing our students' learning experience. Our family liaison provides multiple opportunities for families to gain support and access resources. Our Emergency Operations Team (EOT) has revised and strengthened our Emergency Operations Plan (EOP) to provide a safe, healthy learning environment for all who attend our school. We have implemented an online emergency management system throughout the district. Project SHARE provides a robust after-school program facilitating additional support and quality activities for over half of our student population. The Citizens Patrol is present at the end of the school day to provide a sense of community support and school safety.

Our district has approximately 488 students attending the elementary, primary, or community day sites. We provide quality academic experiences to students from zero-5 and TK- through eighth grade and offer individual personalized learning opportunities to achieve their academic goals with a home-school experience. Our demographics include 10.5% English Learners, 1.8% Foster Youth, and 64.3% Socio-Economically Disadvantaged students. Our teachers and classified staff build relationships and seek to understand the needs of our students to offer a welcoming environment to support students. We center our work on one goal and use data to inform our decisions. In addition, our school provides opportunities to future students and our families by providing school readiness programs, parenting classes, small group support systems, and a family liaison (on each school site) who assist in bridging resources and offering support to our students and their families. We provide social, emotional, and academic counseling services to students needing additional support to improve their literacy and citizenship. Individual counseling, group counseling, academic counseling, and whole class sessions focused on mindfulness are offered to our students. These practices address social skill-building, Adverse Childhood Experiences (ACE's), and other challenging life experiences. When students face learning challenges, they also have the opportunity to work with a behavior coach who guides them in self-regulation, redirection, and successful access to learning.

To provide a rigorous and engaging academic experience, teachers work to articulate current practices through vertical alignment. Alongside this endeavor to connect prior knowledge to increased learning, teachers rely on data to inform instruction and support students' social and emotional needs. Time is spent each week engaged in meaningful collaboration focused on differentiated instruction and developing specific academic skills. Teaching teams prepare their students daily to reach their full potential by identifying learning gaps and prescribing specific learning experiences to address student needs.

Our classified staff serve lovingly and look out for our students and fellow site personnel. Their dedication to our students is evident in their daily performance and unique and vital role at our school site. The Happy Valley School Community proudly supports a positive learning culture for all students.

The District Program and Community Day School have received equity multiplier funding.

We continue to be identified for Differentiated Assistance. Our students with disabilities are in the red performance group for academics, chronic absenteeism and suspension.

Happy Valley Elementary School has been identified for Targeted Support and Improvement. The following student groups are not performing well in the following areas:
Low income students & students with disabilities: Low academic progress in English language arts
Low income students & students with disabilities: High chronic absenteeism rates
Students with disabilities: High suspension rates

NOTE: We have expended our Learning Recovery Emergency Block Grant funds. In April 2025, we completed a needs assessment should the Governor distribute more Learning Recovery Emergency Block Grant funds in the upcoming 2025-2026 budget.

Reflections: Annual Performance

A reflection on annual performance based on a review of the California School Dashboard (Dashboard) and local data.

We have streamlined our plan and have one broad goal and one equity multiplier goal. Our mission statement will become our broad goal and our equity multiplier goal will focus on a goal to improve outcomes for students at the Happy Valley Community Day School and the District program. We have eliminated any unnecessary metrics or metrics that are reported in the local indicator report. We received additional funding to support our schools that have at least a 25% instability rate and 70% low income demographics. Using the Equity Multiplier Funding, we will focus our efforts on academic supports in goal 2 for the students at Community Day School and the District Program.

We have removed many actions and strategies as they were ineffective at meeting our goals. After reviewing the CA School Dashboard Data, our students are below standard (57.4 points) in English language arts and (53.6 points) mathematics. We slightly declined in English Language Arts (6.1 points) and maintained in mathematics (0.1 points). We will concentrate our efforts in best first instruction and supplement instruction through targeted interventions as it is our goal to have all of our students at or above standard in math and English language arts. We will identify and provide added support to students using data to drive instruction and believe this will result in overall growth.

Red Performance Level Student Group(s): While our English Learners and Hispanic student groups are no longer in the red performance level in English language arts. Students with disabilities are in the red performance level in English language arts (98.9 points below standard) and mathematics (112 points below standard). Teachers will identify these students and work with each of them to set targeted goals in literacy. Our Literacy Coach will also work one-on-one with these students.

Chronic absenteeism continues to be a challenge. We have made a concerted effort to focus on specific students and families to identify areas of support to ensure students are coming to school. Our Community School Coordinator works weekly with students and their families to set attendance goals. While we have maintained progress in this area, it is our goal to decrease the chronically absent students to less than 1% next year.

Suspensions: We are in the yellow performance level with 5.8% of all students suspended at least one day in the 2023-2024 school year. This was a decline of 1.8%. Red performance level student groups include English learners (6.3%) and students with disabilities (8.6%).

2023-2024 Happy Valley Elementary School District Red Performance Level (We are required to keep these metrics in our plan for the three year cycle although many of our student groups are no longer in the red performance level on the California Dashboard.)

Chronic Absenteeism
Homeless students 44.40%
Students with disabilities 20.80%
Low income students 19.20%

Suspensions

All students 7.60%
Two or more races 10.20%
Low income student 8.80%
White students 10.20%

English Language Arts
English learners 87.6 points below standard
Hispanic students 82.6 points below standard

English Learner Progress
34.1% English learners making progress towards English language proficiency

Schools Red Performance Groups
Happy Valley Primary School
Chronic Absenteeism
All students 20.50%
Hispanic students 27.30%
Low income students 25.10%
White students 20.30%

Happy Valley Elementary School
Suspension
All students 13.30%
Low income students 16%
Students with disabilities 16.20%
White students 17.10%

English Language Arts
English learner students 116.1 points below standard
Hispanic 95.7 points below standard

Mathematics
English learner students 110.2 points below standard

We continue to be identified for Differentiated Assistance. Our students with disabilities are in the red performance group for academics, chronic absenteeism and suspension.

Happy Valley Elementary School has been identified for Targeted Support and Improvement. The following student groups are not performing well in the following areas:
Low income students & students with disabilities: Low academic progress in English language arts

Low income students & students with disabilities: High chronic absenteeism rates
Students with disabilities: High suspension rates

Reflections: Technical Assistance

As applicable, a summary of the work underway as part of technical assistance.

We continue to be identified for Differentiated Assistance. We have new qualifiers. Our students with disabilities are in the red performance group for academics, chronic absenteeism, and suspension.

Shasta County Office of Education (SCOE) has reached out to our leadership team to share data that identified the need for technical assistance. SCOE met with the leadership team and they decided to focus on suspension, chronic absenteeism, and English learner support in the 2022-2024 school year. When new leadership took over in 2024, they decided to keep the focus on chronic absenteeism. We have written actions in our LCAP to support these areas of focus.

SCOE provided local data dashboards that helped track attendance data and suspension data but Happy Valley already had a system in place for tracking this data so we declined the use of the SCOE built dashboards as to not confuse staff and implement another system. Happy Valley administration and staff reviewed the data on the CA School Dashboard. The Community Schools Grant has offered school wide incentives for attendance like No Tardy Parties and "AttenDANCEs" for classes that have met their goal. Administration has explored alternatives to suspension. We have seen an increase in attendance which we believe we also show an increase in our overall academics this year.

In 2023-2024, the Superintendent and governing board met with the staff to discuss initiative fatigue and determined what actions/strategies they would keep and would eliminate. This has made for a more streamlined plan and a focus on academics.

Comprehensive Support and Improvement

An LEA with a school or schools eligible for comprehensive support and improvement must respond to the following prompts.

Schools Identified

A list of the schools in the LEA that are eligible for comprehensive support and improvement.

Not applicable

Support for Identified Schools

A description of how the LEA has or will support its eligible schools in developing comprehensive support and improvement plans.

Not applicable

Monitoring and Evaluating Effectiveness

A description of how the LEA will monitor and evaluate the plan to support student and school improvement.

Not applicable

Engaging Educational Partners

A summary of the process used to engage educational partners in the development of the LCAP.

School districts and county offices of education must, at a minimum, consult with teachers, principals, administrators, other school personnel, local bargaining units, parents, and students in the development of the LCAP.

Charter schools must, at a minimum, consult with teachers, principals, administrators, other school personnel, parents, and students in the development of the LCAP.

An LEA receiving Equity Multiplier funds must also consult with educational partners at schools generating Equity Multiplier funds in the development of the LCAP, specifically, in the development of the required focus goal for each applicable school.

Educational Partner(s)	Process for Engagement
Teachers	We received feedback through staff surveys, School Site Council, and brainstorm sessions. We reviewed local and state data throughout the year, and reviewed past actions and goals to refine the plan based on the 8 state priorities. Annual presentation of the CA School Dashboard results and the CAASPP results. Monthly meetings were held with the staff to identify and refine areas of need to support students both academically and behaviorally and keep the overall school systems running efficiently and effectively. Feedback is solicited to make continuous improvements in our plan. Presentation of the draft LCAP- input, revisions, and a summary of any feedback from other educational partners.
Principals and Administrators	We received feedback through staff surveys, School Site Council, and brainstorm sessions. Additionally, we reviewed local and state data throughout the year, and reviewed past actions and goals to refine the plan based on the 8 state priorities. Annual presentation of the CA School Dashboard results and the CAASPP results to staff and community.

Educational Partner(s)	Process for Engagement
	We eliminated multiple goals and streamlined the LCAP to include one broad goal and an equity multiplier goal. We eliminated ineffective actions and consolidated actions. We included all required metrics and moved our survey results to the local indicator report. Presentation of the draft LCAP- input, revisions, and a summary of any feedback from other educational partners. Administrators met weekly to discuss all 8 state priorities and the actions/strategies in the LCAP. School administrators aligned the School Plan for Student Achievement with the district goals. Met monthly with the Special Ed Director, the Mountain Valley JPA Special Education & the Shasta County SELPA administrator to determine specific actions for students with disabilities that are included in the LCAP. This included: reviewing job descriptions, programs offered and programs needed, transportation logistics, staff openings, policy, procedures, staff concerns and student IEPs to identify areas of challenge, root causes, and specific needs. We moved all student, staff and parent survey data results to the Local Indicator Report that accompanies the LCAP. This has significantly streamlined our plan
Other school personnel	We received feedback through staff surveys, School Site Council, and brainstorm sessions. Additionally, we reviewed local and state data throughout the year, and reviewed past actions and goals to refine the plan based on the 8 state priorities. Annual presentation of the CA School Dashboard results and the CAASPP results. Presentation of the draft LCAP- input, revisions, and a summary of any feedback from other educational partners.

Educational Partner(s)	Process for Engagement
	We engage regularly with local organizations to connect our families to local resources.Collaborative efforts have included joint events, resource sharing, and leveraging our networks to reach a wider audience.
District bargaining units	We received feedback through staff, student and parent/community surveys. We also received feedback from the School Site Council and staff meetings. We reviewed local and state data throughout the year, and reviewed past actions and goals to refine the plan based on the 8 state priorities. Presentation of the draft LCAP- input, revisions, and a summary of any feedback from other educational partners.
Parents/Community	We received feedback through parent/community surveys, School Site Council, English Learner Parents, parents of students with disabilities and brainstorm sessions. Sending periodic surveys and questionnaires is a simple yet effective way to gather input and feedback from our community. These surveys focus on various topics including the 8 state priorities. The results guide the board’s actions and decisions. We reviewed local and state data throughout the year, and reviewed past actions and goals to refine the plan based on the 8 state priorities. Presentation of the draft LCAP- input, revisions, and a summary of any feedback from other educational partners.
Students	Using student surveys, School Site Council, and brainstorm sessions during Student Advisory we were provided feedback to refine and add actions to the plan

Educational Partner(s)	Process for Engagement
Governing Board/Public	The Governing Board reviewed data from surveys, local and state data, feedback from educational partners, and the draft LCAP. and reviewed past actions and goals to refine the plan based on the 8 state priorities. Year-round: Monthly presentation to the Board on LCAP actions/services that have been implemented for the past month and will be implemented in the coming months. Annual presentation of the CA School Dashboard results and the CAASPP results. Annual presentation to the Governing Board at the regular meeting on Dashboard Local Indicators and survey results. Sending periodic surveys and questionnaires has been a simple yet effective way to gather input and feedback from our community, staff and students. The surveys have focused on everything from curriculum, extra-curricular activities to staff and/or administrative decisions. Surveys on professional development effectiveness have also been administered. Acknowledged and celebrated the successes and achievement of students, teachers, and the community throughout the year. Recognizing these accomplishments has reinforced the idea that community members, staff and students are essential partners in the educational process. Annual presentation to the Governing Board, at a regularly scheduled meeting, and to the classified/certificated staff on the LCAP development process. A public hearing was held on June 10, 2025 to review the plan, the local indicator report and the Budget Overview for Parents. The Governing Board approved the final plan on June 13, 2025.
Special Education Local Area Plan	Met monthly with the Special Ed Director, the Mountain Valley JPA Special Education & the Shasta County Special Education Local Area

Educational Partner(s)	Process for Engagement
	Plan administrator to determine specific actions for students with disabilities that are included in the LCAP. This included: reviewing job descriptions, programs offered and programs needed, transportation logistics, staff openings, policy, procedures, staff concerns and student IEPs to identify areas of challenge, root causes, and specific needs. We submitted our plan to the Special Education Local Area Plan for review and feedback.
Equity Multiplier Funding Community Day School staff and Happy Valley District Program employees	Administration worked with the Happy Valley joint School Site Council to develop actions to support students that generated the additional Equity Multiplier funds. School Site Council represents the community/parents, students, classified/certificated staff (bargaining unit members) and administration. Using the CA School Dashboard data, we reviewed the data for the students that were in red at the Community School and the district level. The team completed a needs analysis to identify actions within goal 2. Administration met with the staff from the District Program and Community Day School to identify actions and metrics for our Equity Multiplier Goal.

A description of how the adopted LCAP was influenced by the feedback provided by educational partners.

The adopted LCAP was influenced by the following feedback:

District bargaining units requested the following:
Positive Behavior Intervention and Support: Refine supports and interventions for students based on data. (Action 1.2 and 1.10)
Copiers: Having two copiers or one in each wing would help with preparation, as there's often a line for the single copier. The district will investigate the cost of this request over the summer.
Music Program: Reassess the current involvement with the music program as it disrupts class schedules and limits options for electives. (Addressed in Prop 28 plan)
Preparation Time: Preparation mainly occurs after hours, with grade-level planning happening during teacher collaboration. Site meetings, while important, sometimes take time away from preparation, and their duration could be evaluated. Staff meetings are required in the contract so we did not add an action.

Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills. (Actions 1.3, 1.10 and 1.11)
Collaboration and Input: Encouragement for continued teacher/staff collaboration and having input on next year's schedule, ideally finalized by March. (Action 1.8)
Support: Recently, support has been good, though the first year felt isolating. Professional development in classroom management. (Action 1.8)
ERIC's Class: There are concerns, but no specific details are provided. (Action 1.7)
Classroom Security: A suggestion is made to install locks on the conjoining doors between classrooms to improve safety, helping to prevent access to adjacent rooms. This has been completed.
Focus on Safety: Ensuring student safety is a top priority, and it is something everyone takes pride in. This is addressed in our safety plan.
Gym Security: Discussion around having keys and an alarm for the gym. This will be addressed in our safety plan and there is an alarm in the gym.
Support for Staff: There's a need for more consistent social skills groups, staff training in restorative practices, and open communication between teachers and behavior coaches. Behavior tracking through accurate data (e.g., SWIS) should be a priority. All teachers will teach Character Strong, at all grade levels. The Counselors and Behavior Coaches will focus on Tier 2 Character Strong. (Action 1.2)
Facilities: Facilities improvement will take place this summer to beautify both campuses. The staff requested more campus beautification (upgrade fields, curb appeal, greenhouse) These costs will be captured in the Expanded Learning Plan. (Action 1.9)
Need for Consequences: There is a call for stronger consequences for extreme behaviors and for students who do not follow the rules. (Action 1.2)

Other school personnel- actions were refined based on feedback.

Parents/Community-School beautification projects and Positive Behavior Intervention and Supports. We streamlined communication this past year but have added timely communication in action 1.13 for next year. (Action 1.9 and Action 1.13)

Administration- Curriculum: Math adoption (Action 1.9) Assessments: We replaced STAR assessments with NWEA benchmark assessments (Action 1.10) Professional Development: Reading Screeners and math adoption (Action 1.8)

Students-actions were refined based on feedback.

Governing Board/Public-no actions or goals were changed as a result of feedback.

Special Education Local Plan Area (SELPA)-the plan was submitted to the Special Education Local Area Plan but no changes were requested.

Community Day School staff and Happy Valley District Program employees for Equity Multiplier Funding-The team decided to add the following actions within Goal 2 based on the review of the needs analysis: Educationally Related Mental Health Services, counselor will be 1 day/week and Board Certified Behavior Analyst will be 2 days/month.

As required by ED Code, we added a goal and actions, in our 3 year plan, to support our students in the red performance level based on the 2023-2024 California Data Dashboard.

Goals and Actions

Goal

Goal #	Description	Type of Goal
1	All students will be provided a safe and engaging learning environment in order to grow academically and socially.	Broad Goal

State Priorities addressed by this goal.

Priority 1: Basic (Conditions of Learning)
Priority 2: State Standards (Conditions of Learning)
Priority 3: Parental Involvement (Engagement)
Priority 4: Pupil Achievement (Pupil Outcomes)
Priority 5: Pupil Engagement (Engagement)
Priority 6: School Climate (Engagement)
Priority 7: Course Access (Conditions of Learning)
Priority 8: Other Pupil Outcomes (Pupil Outcomes)

An explanation of why the LEA has developed this goal.

We developed this goal to include all state priorities. Having 2 goals has allowed us to focus on a few initiatives and refine our academic programs.

2023-2024 California Dashboard Red Performance Level Student Group(s): Our English Learners and Hispanic student groups are in the red performance level in English language arts. Teachers will identify these students and work with each of them to set targeted goals in literacy. A Literacy Coach will also work one-on-one with these students. Actions will remain in the plan for 3 years as per ED Code.

Low income, students with disabilities, and homeless students are at the red performance level with chronic absenteeism. Our Community School Coordinator will identify these students and work directly with them and their families to identify barriers that are keeping them from attending school. Goal setting and incentives will also be used to decrease the chronic absenteeism rates with these student groups.

Chronic absenteeism continues to be a byproduct of the pandemic. However, we have been able to bounce back quickly as compared to other schools in the state. Our families value education and understand that there is a link between good attendance and student achievement. We have made a concerted effort to target students and families to identify areas of support to ensure students are coming to school. Our Chronic Absenteeism Coordinator works weekly with students and their families to set attendance goals. While we have seen a decline of 1.9% from 17.3%, it is our goal to decrease the chronically absent students to less than 1% next year.

Suspension data indicates that 7.6% of all students have been suspended at least once. The following student groups are in the red performance level for suspension: Two or more races (10.2% suspended at least one day), Low Income (10.2% suspended at least one day) White (10.2% suspended at least one day)

Measuring and Reporting Results

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
1.1	Student performance CAASPP English Language Arts	2022-2023 CAASPP Results 29.60% all students met or exceeded standard for ELA 30% of 3rd graders at or above standard 41.81% of 4th graders at or above standard 44.68% of 5th graders at or above standard 20% of 6th graders at or above standard 5.88% of 7th graders at or above standard 36.96% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 51.4 points below standard Declined 9.9 Points District Data Student groups in red performance level:	2023-2024 CAASPP Results 29.50% all students met or exceeded standard for ELA 47.27% of 3rd graders at or above standard 21.74% of 4th graders at or above standard 33.34% of 5th graders at or above standard 31.71% of 6th graders at or above standard 27.58% of 7th graders at or above standard 15.79% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator		50% students met or exceeded standard for English language arts 50% of 3rd graders at or above standard 50% of 4th graders at or above standard 50% of 5th graders at or above standard 50% of 6th graders at or above standard 50% of 7th graders at or above standard 50% of 8th graders at or above standard The CA School Dashboard: Blue progress indicator	2023-2024 CAASPP Results All students Declined .10% 3rd graders increased 17.27% 4th graders decreased 20.07% 5th graders decreased 11.34% 6th graders increased 11.71% 7th graders increased 21.7% 8th graders decreased 21.17% The CA School Dashboard: Orange progress indicator Declined 6.1 Points District Data Student groups in red performance level:

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
		English Learners 87.6 points below standard Declined 40.8 Points Number of Students: 41 Hispanic 82.6 points below standard Declined 38.4 Points Number of Students: 64 Happy Valley Elementary Data Student groups in red performance level in English Language Arts English learner students 116.1 points below standard Hispanic students 95.7 points below standard	57.4 points below standard Declined 6.1 Points District Data Student groups in red performance level: Students with Disabilities 98.9 points below standard Declined 29.7 points Number of Students: 46 Happy Valley Elementary Data Student groups in red performance level in English Language Arts Socioeconomically disadvantaged students 77.2 points below standard. Declined 12.5 points White students 73.2 points below standard. Declined by 23.5 points		Blue progress indicator English Learners students at or above standard Hispanic students at or above standard	Students with Disabilities declined 29.7 points Happy Valley Elementary Data Student groups in red performance level in English Language Arts Socioeconomically disadvantaged students declined 12.5 points White students declined by 23.5 points

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
1.2	Student performance CAASPP Mathematics	2022-2023 CAASPP Results 27.30% students met or exceeded standard for math 26.53% of 3rd graders at or above standard 41.07% of 4th graders at or above standard 34.04% of 5th graders at or above standard 23.63% of 6th graders at or above standard 9.80% of 7th graders at or above standard 28.26% of 8th graders at or above standard The CA School Dashboard: Yellow progress indicator 53.6 points below standard Increased 8.5 Points	2023-2024 CAASPP Results 28.20% students met or exceeded standard for math 38.18% of 3rd graders at or above standard 26.09% of 4th graders at or above standard 29.17% of 5th graders at or above standard 29.27% of 6th graders at or above standard 31.03% of 7th graders at or above standard 15.79% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 53.6 points below standard Maintained 0.1 Points Red Performance Student Groups Students with disabilities 112		50% students met or exceeded standard for math 50% of 3rd graders at or above standard 50% of 4th graders at or above standard 50% of 5th graders at or above standard 50% of 6th graders at or above standard 50% of 7th graders at or above standard 50% of 8th graders at or above standard The CA School Dashboard: Blue progress indicator	2023-2024 CAASPP Results All students increased .90% 3rd graders increased 11.65% 4th graders decreased 14.98% 5th graders decreased 4.87% 6th graders increased 5.64% 7th graders increased 21.23% 8th graders decreased 12.47% The CA School Dashboard: Maintained 0.1 Points Red Performance Student Groups Students with disabilities 112 points below standard

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
			points below standard			
1.3	Student performance CAASPP Science	2022-2023 24.47% students met or exceeded standard for science	2023-2024 15.24% students met or exceeded standard for science		75% students met or exceeded standard for science	9.23% students decreased in science
1.4	Student performance English Learner Progress Indicator-ELPAC Proficiency	2022-2023 CA School Dashboard indicates: Red performance indicator 34.1% making progress Declined 20.2% Number of EL Students: 41 31.7% ELs progressed at least one ELPI level 2.4% ELs who maintained ELPI Level 4 26.8% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 39% ELs who decreased at least one ELPI level	2023-2024 CA School Dashboard indicates: Green performance indicator 53.1% making progress Increased 19% 53.1% ELs progressed at least one ELPI level 0% ELs who maintained ELPI Level 4 28.1% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 18.8% ELs who decreased at least one ELPI level		The CA School Dashboard indicates: Blue performance indicator 75% making progress 50% ELs progressed at least one ELPI level 25% ELs who maintained ELPI Level 4 25% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 0% ELs who decreased at least one ELPI level	2023-2024 CA School Dashboard indicates: Increased 19% ELs progressed at least one ELPI level- Increased by 21.4% ELs who maintained ELPI Level 4-decreased by 2.4% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H-Increased by 1.3% ELs who decreased at least one ELPI level-decreased by 20.2%
1.5	Student performance	2022-2023 Districtwide 0.8%	2023-2024 Districtwide 3.4%		Districtwide 20% Happy Valley Elementary 20%	2023-2024 Districtwide Increased 2.6%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
	English Learner Progress Indicator Reclassification Rate	Happy Valley Elementary 0.8% Happy Valley Primary 0%	Happy Valley Elementary 6.6% Happy Valley Primary 0.4%		Happy Valley Primary 20%	Happy Valley Elementary increased 5.8% Happy Valley Primary Increased 0.4%
1.6	Student Attendance Rates	2023-2024 92.59% attendance rate as of March 22, 2024	2024-2025 93.62% attendance rate as of May 8,2025		98% attendance rate	Increased by approximately 1%
1.7	Student Chronic Absenteeism Rate	2022-2023 CA School Dashboard: 15.4% students are chronically absent Red performance student groups: Low income 19.2% Students with Disabilities 20.8% Homeless Students 44.4%	2023-2024 CA School Dashboard: 15.4% students are chronically absent Red performance student groups: American Indian 25% Foster Youth 22.5% Students with Disabilities 23.9% Homeless Students 46.4% School with Red Performance Indicators Happy Valley Elementary 16.2% All students 21.4% Low Income		The CA School Dashboard: Blue performance indicator Low income less than 3% Students with Disabilities less than 3% Homeless Students less than 3%	Maintained 0% Red performance student groups: Low income Declined 0.7% Students with Disabilities increased 1.3% Homeless Students increased 2% More students groups went added to the red performance level

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
			22.5% Students with Disabilities			
1.8	Middle School Drop Out Rate	2022-2023 0% middle school drop out rate	2023-2024 0% middle school drop out rate		0% middle school drop out rate	Maintained 0%
1.9	Student Suspension Rates	2022-2023 CA School Dashboard: 7.6% of all students were suspended at least one day Red performance student groups (District): Two or more races 10.2% suspended at least one day Low Income 10.2% suspended at least one day White 10.2% suspended at least one day	2023-2024 CA School Dashboard: 5.8% of All students suspended at least one day Yellow Performance Indicator Red performance student groups (District): Students with Disabilities 8.6% suspended at least one day English Learners 6.3% suspended at least one day School with Red Performance Indicators Happy Valley Elementary 16.7% Students with Disabilities suspended at least one day		Blue performance student groups: Two or more races- Less than 3% suspended at least one day Low Income- Less than 3% suspended at least one day White- Less than 3% suspended at least one day	Suspension rate decreased by 1.8% While some students groups are no longer in the red performance levels others have been added to the red performance group Two or more races declined 7.2% Low Income declined 1.8% White declined 1.5%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
1.10	Student Expulsion Rates	2022-2023 0% expulsion rates	2023-2024 0% expulsion rates		0% expulsion rates	Maintained 0%
1.11	Teacher Credential	2023-2024 19.7 Clear Teacher Credentials 4 Interns 1.2 Ineffective	2024-2025 22 Clear Teacher Credentials 3 Interns 1 Ineffective		100% Teachers with Clear Credentials	Increased 3.2 Clear Credentials Decreased by 1 Intern Decreased by .2 Ineffective
1.12	State Priorities 1, 2, 3, 7, and 8 are reported in the Local Indicator Report that accompanies the LCAP. (These include the results of the student, parent and staff surveys as well as staff credentialing, facilities, standards aligned instructional materials, parent engagement, etc.)					

Goal Analysis [2024-25]

An analysis of how this goal was carried out in the previous year.

A description of overall implementation, including any substantive differences in planned actions and actual implementation of these actions, and any relevant challenges and successes experienced with implementation.

All actions were implemented in this goal. We will continue to focus on our Multitiered System of Support to provide students with academic and social emotional supports. We added the Character Strong curriculum to our social emotional learning teaching tools. Our biggest challenge is refining our systems and eliminating ones that weren't working. We have completed the hard work with our budget. We do not have to lay off staff this year like many of the surrounding school districts. We concerted our efforts on chronically absent students and have seen an increase in attendance rates as a result. These small successes have created momentum with students attending school. The Community Schools Coordinator, staff, administration, and students have made attendance a priority including adding Saturday School and

Independent Study for less than three days. This approach is working to increase awareness about the importance of attendance while continue the learning and closing the achievement gaps with student groups.

An explanation of material differences between Budgeted Expenditures and Estimated Actual Expenditures and/or Planned Percentages of Improved Services and Estimated Actual Percentages of Improved Services.

In action 1.2 an additional behavior tech was hired. In action 1.3 there we additional costs incurred for the community school coordinator and attendance clerks due to additional hours and salary increases. In section 1.5 additional costs we incurred for counselor salary increases and increased psychology services. Expenditures in action 1.6 decreased due to the community liaison vacancy. In action 1.7 Additional aides were needed. In action 1.10 additional expenses were incurred for costs for the ASES program, so that the program could be provided at no cost to families. In action 1.14 there was added costs in the acter school programs and camps for enrichment. In action 1.15 we purchased a new bus. The bus was $30,000 less than what we budgeted.

A description of the effectiveness or ineffectiveness of the specific actions to date in making progress toward the goal.

We had mixed results with the effectiveness of the actions within this goal as evidence by our growth and decline on the California School Dashboard. We continue to struggle with making progress academically. Using local student data, staff will identify areas in need of focus. Furthermore, we have been able to reduce chronic absenteeism and suspensions this school year and believe we will show growth in both of these areas in the upcoming 2024 California Dashboard. Our English Learners continue to show increase in English proficiency. Although the California School Dashboard indicates that we have slightly declined in English language arts and maintained math growth in the 2023-2024 school year, we believe we will show a steady increase in our state assessments in the coming year due to streamlining programs and a more focused approach to data and learning. Our budget is back in alignment and the new administration has eliminated unnecessary actions within the plan. This has streamlined the plan and has made it easier to implement the programs and eliminate any programs that weren't working. Providing professional development within the district proved to be beneficial for the staff as they provided positive feedback in our local survey. Staff were able to receive support on their existing curriculum. Additionally, staff focused their efforts on red performance student groups. Our Multi Tiered System of Support provides the necessary academic and social emotional support for our students. Staff work with students in small groups and one on one to meet the students individual needs as a result we are seeing growth in local data.

Actions 1.1 and 1.4-English learner services are effective at meeting the needs of our students as evidence by the ELPAC and English Learner Progress Indicator. Our students continue to show growth.
Action 1.2-While we saw a decrease in our suspension rate for all students, our Students with Disabilities and English Learners were suspended at a higher rate in the prior year. We have made a concerted effort, this year, to provide alternatives to suspension and added a behaviorist to be proactive.
Action 1.3-Our efforts were effective at decreasing the chronically absent students. We have made steady progress at reducing the number of students who are chronically absent.
Action 1.5-The counselor is effective at meeting the needs of our at-risk students. Students, staff and parents indicate that these services are critical for our students.
Action 1.6-These actions are effective at meeting the needs of our at-risk students as evidence from the individual family meetings and surveys.
Action 1.7-Special Education services are meeting the needs of our students on IEPs. They are meeting the goals that are set with staff, parents and each student.

Action 1.8-Professional development has been effective as it has provided knowledge of programs and district initiatives to improve school climate and academic outcomes. Using data, we identified areas of need.
Action 1.9-Facilities are kept in great condition. These actions are effective and providing a safe and engaging learning environment for our students. Our maintenance crew works diligently to maintain the campus throughout the school year. Our FIT report indicates that our facilities are in good condition. We are currently expanding our preschool program with funds from the state of California.
Action 1.10-These actions have been effective ad meeting the individual needs of our students as evidence by staff, student and parent surveys.
Action 1.11-Saturday School and After School interventions are effective as they provide time for students to make up work that they missed while absent.
Action 1.12-Staff indicate this action is effective at providing them with the resources needed to teach.
Action 1.13-This action has been effective at engaging parents with school decisions and events. We have seen an increase in positive responses in our parent surveys regarding the events that are offered at school. Parents are also pleased with the communication from the school.
Action 1.14-This action has been effective as these activities engage students in learning. Our students overwhelmingly like electives, PE, athletics, band, STEM and field trips.
Action 1.15-This action is effective at getting our students to school. Parents appreciate this service.

A description of any changes made to the planned goal, metrics, target outcomes, or actions for the coming year that resulted from reflections on prior practice.

We refined all actions. We removed "purchase a new bus" as we completed that action this past year. However, we added provide bus driver training to the Transportation Action 1.15. We added professional development for staff. All staff are encouraged to attend Fred Jones Classroom Management in August 2025. Also, all teachers, in all grade levels, will be required to teach Character Strong while Behaviorist and Counselors will teach Tier 2 next year so that we are all communicating the same expectations for students districtwide. Finally, we replaced STAR assessments with NWEA benchmark assessments.

A report of the Total Estimated Actual Expenditures for last year's actions may be found in the Annual Update Table. A report of the Estimated Actual Percentages of Improved Services for last year's actions may be found in the Contributing Actions Annual Update Table.

Actions

Action #	Title	Description	Total Funds	Contributing
1.1	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Bilingual paraprofessionals will support English learners ELPAC Coordinator Translate for students and families Provide English Learners and Hispanics with small group instruction with purposeful English development and mathematics.	$39,020.00	Yes

Action #	Title	Description	Total Funds	Contributing
		We provide Structured English immersion for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. Encourage English learners and Long Term English Learners to use language to interact meaningfully in school and beyond. Provide tiered intervention for students not progressing in the English Language Development standards and modify instruction based on student needs. Language development will occur in and through subject matter learning and is integrated across the curriculum, including integrated English Language Development and designated English Language Development using the English Language Arts/English Learner Standards. Students are provided a rigorous, intellectually rich, standards-based curriculum with instructional scaffolding that increases comprehension and participation and develops student autonomy and mastery. Monitor English Learner students and Long Term English Learners frequently to adjust instruction based on identified need. Supplemental instructional materials to support English development. We see parents as critical partners in their child's education and provide parents with strategies to support their child. English learners will be reclassified based on our district protocol. Professional development in language acquisition strategies for staff. Professional development in math strategies.		
1.2	Red performance student groups Suspension	Behaviorist Provide alternatives to suspension especially for our low income, white and two or more student groups. Structured days Refocus room Reflection sheet and goal setting with students SWISS data to identify hot spot areas in the school Behavior team consisting of Principals, Counselor, Behaviorist, and classroom teacher when available meet weekly to discuss options for students After school support for students struggling with completing work Restorative circles/chats	$40,945.00	Yes

Action #	Title	Description	Total Funds	Contributing
		Positive Behavior Intervention and Supports Behavior Intervention Reports Teach students strategies for managing emotions and problem solving solutions Counseling, as needed. Character Strong Social Emotional Learning Curriculum will be taught by all teachers Counselor and Behaviors will teach Tier 2 Character Strong. All staff will be encouraged to attend Fred Jones Classroom Management.		
1.3	Red performance student groups Chronic Absenteeism	Increase attendance with the following student groups: Homeless, Low Income and Students with Disabilities. Asian, Hispanic and White students are also struggling to attend school. Goal set with students who are at risk of missing more than one day of school a month. Parent engagement campaign to reduce absences Community School Coordinator works with families to reduce barriers to learning through identifying students and families needs. School wide classroom attendance campaign to encourage attendance by classroom instead of individuals. Target kindergarteners and explain to parents the importance of attendance. Use of Independent Study and Saturday School to have students make up missed days and missed instruction. Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.	$88,866.00	No
1.4	Red performance student groups English Learners & Hispanic students	Small group instruction for English language arts support for Hispanic and English learners. English Learner Strategies We provide Structured English immersion for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English.	$0.00	Yes

Action #	Title	Description	Total Funds	Contributing
		Funds are addressed in Action 1.10		
1.5	School Counselor and School Psychologist	Student supports for emotional, social, behavioral engagement School Counselor (shared between sites) will be maintained to support at-risk students. Certificated Counselor salary and benefits School Psychologist salary and benefits Behavior team will meet to discuss individual student needs. Teach students problem solving skills, soft skills, and character development. Bullying prevention Character Strong Provide students with strategies to regulate emotions and mend relationships.	$223,685.00	Yes
1.6	Foster Youth Services/Homeless Youth Services	We provide the following support for Foster and Homeless Youth: Coordinate with the case worker and attendance staff. Ensure that transportation is not a barrier. Assign a mentor (youth or adult) to provide guidance, encouragement, and assistance. Help them to find a quiet and supportive place to work and study. Intervene early when they are missing a lot of school. Provide youth and families with community resources such as: Clothing closet Food banks Health clinics Laundry services Hygiene kits Annually train our classified and certificated staff to have an understanding of homelessness and Foster Youth rights and specific needs. Refer students to before/after-school intervention activities, etc. Coordinate with the Homeless and Foster Youth liaison in the district. Reach out to homeless families on a continuous basis. Make sure that the student is enrolled in a free and reduced meal program.	$29,984.00	Yes

Action #	Title	Description	Total Funds	Contributing
		Assign students a “buddy” to help them learn their way around school. Give the student necessary school supplies, to take home. Keep some nutritional snacks for those students who might need additional nutrition. We see parents as critical partners in their child’s education and provide parent outreach with our families on an ongoing basis. Alternatives to suspension		
1.7	Special Education	Special Education Teachers and support staff General and special educators work together to implement programs and services that enable students with disabilities to access the state academic content standards. Special Education students are provided with Tier 1, 2 , and 3 supports both academically and socially. Staff meet regularly to adjust goals and discuss each individual student's needs. Special Education staff will ensure Individualized Education Plans (IEP) are implemented and that each student understands the goals that they are working towards. Progress monitoring ERIC's Class	$549,077.00	No
1.8	Professional Development	Professional development to support social emotional learning, academics, and safety. Fred Jones Classroom Management Multi-Tiered System of Support (Kevin Kurtz) 3 year implementation Reading Screeners Teacher Collaboration Math adoption	$36,671.00	No
1.9	Facilities	Routine facilities maintenance Summer facilities projects	$40,000.00	No

Action #	Title	Description	Total Funds	Contributing
		Beautification projects		
1.10	Multi-tiered System of Support	Certificated instructor and paraprofessionals to assess, diagnose and provide targeted instruction to students in small group to help close the achievement gap in reading and to assist with our goal that 95% of students will be reading on grade level by the end of third grade. Each site will provide quality intervention programs Tier 1, 2, and 3. Teachers will progress monitor students and differentiate instruction based on need. Library Support Monitor California Assessment for Student Progress and Performance (CAASPP) results annually for continual improvement by grade level. Review results with Governing Board, staff, and School Site Council. Progress Monitoring software-to assist with documenting progress of students receiving intervention based on national normed tests. (NWEA benchmark assessments) Certificated staff will communicate weekly with administration in the form of Professional Learning Community notes. These notes will document discussions primarily about the answers to at least one of these questions: What do we want students to learn? How will we know if they did? What are we going to do if they don't? Supplemental materials Books and supplies Progress monitor students to identify current needs. Adjust instruction based on identified needs. Positive Behavior Intervention and Supports-Identify areas of focus based on data and team input. IT Support for instruction (SUHSD contract) Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.	$649,944.00	Yes

Action #	Title	Description	Total Funds	Contributing
1.11	Saturday School or After School for Make-Up Intervention	Saturday School and After School make-up intervention-providing more time and opportunity for students to increase work completion Independent Study Contracts to students who are missing school for more than a day at a time Small group instruction through high dose tutoring Districtwide expectation that students will complete ALL work when they have missed school Funds are addressed in Action 1.2 Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.	$89,000.00	Yes
1.12	Curriculum & Instruction	Adoption of curriculum based on state framework adoptions and curriculum recommendations Pilot programs based on adoption cycle (Math for next year) Books and supplies Supplemental curriculum and instructional resources	$13,530.00	No
1.13	Family Engagement	Parent Square Timely communication between staff and families. Parents will be encouraged to participate in decision making committees like Parent Club and School Site Council. Parents will be invited to family engagement nights. Community School Liaison will engage parents in their student's schooling (Paid for out of the CCSPP Grant)	$3,600.00	Yes
1.14	Broad Course of Study	Physical Education Visual and Performing Arts Electives-books & supplies Electives-Band, PE, Science Technology Engineering and Mathematics (STEM), College Career, and intervention class based on identified area of need	$50,539.00	No

Action #	Title	Description	Total Funds	Contributing
		Field trip entrance fees/transportation Athletics		
1.15	Transportation	Maintain buses Train new bus drivers	$0.00	Yes

Goals and Actions

Goal

Goal #	Description	Type of Goal
2	By the spring of 2026, all students in the Community Day School and District Program will be provided differentiated instruction to make at least one years growth in mathematics and English language arts annually as measured by the metrics listed below.	Equity Multiplier Focus Goal

State Priorities addressed by this goal.

Priority 1: Basic (Conditions of Learning)
Priority 2: State Standards (Conditions of Learning)
Priority 3: Parental Involvement (Engagement)
Priority 4: Pupil Achievement (Pupil Outcomes)
Priority 5: Pupil Engagement (Engagement)
Priority 6: School Climate (Engagement)
Priority 7: Course Access (Conditions of Learning)
Priority 8: Other Pupil Outcomes (Pupil Outcomes)

An explanation of why the LEA has developed this goal.

The Community Day School and District Level program qualified for equity multiplier funding. Equity multiplier funding is not tied to improvements in student outcomes. If the school has a prior year nonstability rate greater than 25 percent and a prior year socioeconomically disadvantaged pupil rate greater than 70 percent, then they will receive equity multiplier funds for that year.

In 2024-2025 LCAP cycle, we did not have a concern for teacher credentialing in these programs. Due the high numbers of students who come and go from these programs, we will differentiate their instruction based on local assessment data and identified need.

Our 2024-2025 California Dashboard did not show any performance levels as we had less than 11 students in the program. We use local data to determine the needs of each student when they enter and exit the program. Due to the revolving nature of the student population at our Community Day School, we focus on the academic and social emotional needs of each student in the program. It is our goal to significantly increase the growth of each student and can be done with the low student to teacher ratio.

Measuring and Reporting Results

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
2.1	Suspension Rate Indicator	2022-2023 CA School Dashboard No performance level due to limited number of students 6.7% suspended at least one day Declined 13.3% Number of Students: 15	No Performance Color Less than 11 students - data not displayed for privacy		CA School Dashboard Blue performance level Less than 1% suspended at least one day	Declined 13.3%
2.2	CAASPP English Language Arts	2022-2023 CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy		CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy
2.3	CAASPP Mathematics	2022-2023 CA School Dashboard CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy		CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy
2.4	Credentialing	District Program-100% appropriately credentialed Community Day School-100% appropriately credentialed	No Performance Color Less than 11 students - data not displayed for privacy		100% of staff are appropriately credentialed	District Program-100% appropriately credentialed Community Day School-100%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
						appropriately credentialed

Goal Analysis [2024-25]

An analysis of how this goal was carried out in the previous year.

A description of overall implementation, including any substantive differences in planned actions and actual implementation of these actions, and any relevant challenges and successes experienced with implementation.

All actions in the goal have been implemented.

Our 2023-2024 California Dashboard did not show any performance levels as we had less than 11 students in the program. We use local data to determine the needs of each student when they enter and exit the program. Due to the revolving nature of the student population at our Community Day School, we focus on the academic and social emotional needs of each student in the program. It is our goal to significantly increase the growth of each student and can be done with the low student to teacher ratio.

An explanation of material differences between Budgeted Expenditures and Estimated Actual Expenditures and/or Planned Percentages of Improved Services and Estimated Actual Percentages of Improved Services.

There are no material differences between the budgeted expenditures and the estimated actual expenditure or planned percentages of improved and estimated actual percentages of Improved Services.

A description of the effectiveness or ineffectiveness of the specific actions to date in making progress toward the goal.

The actions were effective at meeting the goal. Students have been exited from the program and placed back into the general population after meeting the specified requirements. There has been a focus on literacy using the Literacy Coach.
Actions 2.1 and 2.2-This school has a high instability rate with students coming in and out of the program. We provide them with one on one support using the Literacy Coach, the classroom teacher and instructional aide support. We have revised the actions to make them more effective at increasing student achievement.
Action 2.3-This action was effective at meeting our goal. The suspension rate declined 13.3%
Action 2.4-This action was ineffective as we have had difficulty hiring for this position. Next year, we will have a fully credentialed teacher in this position.
Action 2.5- This action is effective at meeting the needs of our students in the Community Day School as it provides the added social and emotional support they need to overcome some of their obstacles to learning.
Action 2.6-Professional development has been effective as it has provided knowledge of programs and district initiatives to improve school climate and academic outcomes. Using data, we identified areas of need. Staff have also been able to provide professional development to their peers.

A description of any changes made to the planned goal, metrics, target outcomes, or actions for the coming year that resulted from reflections on prior practice.

A new Community School Teacher will be hired for the coming year. We added Character Strong curriculum to provide students with skills needed to be good citizens, skills to self regulate, teach students goal setting and develop their character. Curricula and trainings improve behavior, increase safety, and support mental health.

A report of the Total Estimated Actual Expenditures for last year's actions may be found in the Annual Update Table. A report of the Estimated Actual Percentages of Improved Services for last year's actions may be found in the Contributing Actions Annual Update Table.

Actions

Action #	Title	Description	Total Funds	Contributing
2.1	English language arts	Community Day School Teacher Instructional aide to support small groups English language arts interventions-SIPPS instruction daily-pre and post tests with SIPPS and California Reading Literature Project (CRLP) assessments. Staff will review each week to determine individual student needs. Reading curriculum to support students that struggle with literacy Supplemental instructional materials Heggerty Phonemic Awareness reading strategies daily Daily writing instruction Getting Reading Right professional development through the Shasta County Office of Education Small group instruction to increase phonics, fluency, comprehension, spelling, writing Target students who are below grade level in English language arts	$62,882.00	No
2.2	Mathematics	Community Day School Teacher Mathematics interventions- Small group instruction with differentiated instruction. Assessments-Staff will review each week to determine individual student needs. Math curriculum	$57,382.00	No

Action #	Title	Description	Total Funds	Contributing
		Supplemental instructional materials Mathematics strategies daily Daily fact fluency games Math engagement strategies Small group instruction to increase fact fluency, problem solving, and concepts to bring students to up to grade level Funds are addressed in in Action 2.1		
2.3	Alternatives to suspension	Behaviorist 6 hours Bus Aide 1 hr Supplies Contract Services-Mountain Valley JPA or SCOE for Behavior Coach, Psych, other. Indirect Refocus room and reflection forms Restorative justice projects Restorative chats Structured day After school refocus time/make up Positive Behavior intervention and Supports Matrix Incentive activities for positive behavior Check in/check out system Mentor from another student or adult Counselor Character Strong Social Emotional Learning	$16,196.00	No
2.4	Teacher Credentialing	Administration will work with the union to ensure there is consistent staff in these programs. Funds are addressed in Action 1.8	$2,000.00	No
2.5	Counseling	ERMHS counselor will be 1 day/week BCBA will be 2 days/month	$13,000.00	No

Action #	Title	Description	Total Funds	Contributing
		Funds are addressed in Action 2.3		
2.6	Professional Development and Curriculum	Professional development for staff Curriculum	$35,030.00	No

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students [2025-26]

Total Projected LCFF Supplemental and/or Concentration Grants	Projected Additional 15 percent LCFF Concentration Grant
$1162435	$107432

Required Percentage to Increase or Improve Services for the LCAP Year

Projected Percentage to Increase or Improve Services for the Coming School Year	LCFF Carryover — Percentage	LCFF Carryover — Dollar	Total Percentage to Increase or Improve Services for the Coming School Year
22.888%	2.641%	$132,857.07	25.529%

The Budgeted Expenditures for Actions identified as Contributing may be found in the Contributing Actions Table.

Required Descriptions

LEA-wide and Schoolwide Actions

For each action being provided to an entire LEA or school, provide an explanation of (1) the unique identified need(s) of the unduplicated student group(s) for whom the action is principally directed, (2) how the action is designed to address the identified need(s) and why it is being provided on an LEA or schoolwide basis, and (3) the metric(s) used to measure the effectiveness of the action in improving outcomes for the unduplicated student group(s).

Goal and Action #	Identified Need(s)	How the Action(s) Address Need(s) and Why it is Provided on an LEA-wide or Schoolwide Basis	Metric(s) to Monitor Effectiveness
1.2	**Action:** Red performance student groups Suspension **Need:** Red performance student groups: Two or more races, low income, students with disabilities, and white students are being suspended at higher rates than all students. We have a high suspension rate with all of our	We will provide alternatives to suspension and problem solving strategies for students districtwide	Suspension rates Local Indicator Report-student survey results

Goal and Action #	Identified Need(s)	How the Action(s) Address Need(s) and Why it is Provided on an LEA-wide or Schoolwide Basis	Metric(s) to Monitor Effectiveness
	student groups with the exception of our Asian and Homeless students. There is a hire rate of suspensions at Happy Valley Elementary School vs the Primary School. **Scope:** LEA-wide		
1.4	**Action:** Red performance student groups English Learners & Hispanic students **Need:** English Learners & Hispanic students are in red performance indicator on the CA School Dashboard 39% ELs who decreased at least one ELPI level **Scope:** Schoolwide	District wide support for English Learners and Hispanic students. Strategies will support good teaching practices.	CAASPP English language arts English Learner Proficiency Indicator English Learner Reclassification
1.5	**Action:** School Counselor and School Psychologist **Need:** Reduce suspensions and provide students with problem solving skills and character development. Provide students with strategies to regulate emotions and mend relationships. **Scope:**	This service will be provided districtwide to support students' social and emotional needs in order to be able to learn.	Suspension Indicator Local Indicator Report-Student survey results

Goal and Action #	Identified Need(s)	How the Action(s) Address Need(s) and Why it is Provided on an LEA-wide or Schoolwide Basis	Metric(s) to Monitor Effectiveness
	LEA-wide		
1.6	**Action:** Foster Youth Services/Homeless Youth Services **Need:** Foster Youth and Homeless Youth supports **Scope:** LEA-wide	Districtwide support for students who are in foster care or are experiencing homelessness	CAASPP English language arts CAASPP math Local Indicator Report-Student and parent survey feedback
1.10	**Action:** Multi-tiered System of Support **Need:** Students who are not meeting grade level standards **Scope:** LEA-wide	Increase student achievement in math and English language arts	CAASPP English language arts CAASPP mathematics
1.11	**Action:** Saturday School or After School for Make-Up Intervention **Need:** Students who are chronically absent or need to make up work **Scope:** LEA-wide	80% of our students are not at grade level in math, English language arts, and science. Students need to make up work when missing school	CAASPP English language arts CAASPP mathematics California Science Test Chronic absenteeism rate indicator

Goal and Action #	Identified Need(s)	How the Action(s) Address Need(s) and Why it is Provided on an LEA-wide or Schoolwide Basis	Metric(s) to Monitor Effectiveness
1.13	**Action:** Family Engagement **Need:** We have identified the need to reach out to our EL, FY and Low Income parents to engage families in their student's education. **Scope:** LEA-wide	We believe that by partnering with our families, we will build trust and this will in turn help our students succeed.	Parent Survey Data reported in the Annual Local Indicator Report
1.15	**Action:** Transportation **Need:** Transport students to and from school as well as to field trips and extra-curricular activities **Scope:** LEA-wide	Provides students transportation to and from school and outside school events. This will increase attendance which in turn will increase academics and provide students with outside school opportunities that they may not have access to.	Chronic absenteeism CAASPP English language arts CAASPP mathematics

Limited Actions

For each action being solely provided to one or more unduplicated student group(s), provide an explanation of (1) the unique identified need(s) of the unduplicated student group(s) being served, (2) how the action is designed to address the identified need(s), and (3) how the effectiveness of the action in improving outcomes for the unduplicated student group(s) will be measured.

Goal and Action #	Identified Need(s)	How the Action(s) are Designed to Address Need(s)	Metric(s) to Monitor Effectiveness
1.1	**Action:** Red Performance Student Groups English Learners & Long Term English Learners	We review data to target intervention support using a multi-tiered system of support for all students based on their individual needs.	English language proficiency indicator English language reclassification rate

Goal and Action #	Identified Need(s)	How the Action(s) are Designed to Address Need(s)	Metric(s) to Monitor Effectiveness
	Hispanic Students **Need:** Increase language proficiency English Learner Progress Only 34.1% English learners making progress towards English language proficiency District CAASPP English Language Arts English learners 87.6 points below standard Hispanic students 82.6 points below standard Happy Valley Elementary School CAASPP English Language Arts English learner students 116.1 points below standard Hispanic students 95.7 points below standard CAASPP Mathematics English learner students 110.2 points below standard **Scope:** Limited to Unduplicated Student Group(s)		CAASPP English language arts CAASPP mathematics

For any limited action contributing to meeting the increased or improved services requirement that is associated with a Planned Percentage of Improved Services in the Contributing Summary Table rather than an expenditure of LCFF funds, describe the methodology that was used to determine the contribution of the action towards the proportional percentage, as applicable.

Additional Concentration Grant Funding

A description of the plan for how the additional concentration grant add-on funding identified above will be used to increase the number of staff providing direct services to students at schools that have a high concentration (above 55 percent) of foster youth, English learners, and low-income students, as applicable.

Concentration add-on funds will be used to hire an intervention teacher at the primary school.

Staff-to-student ratios by type of school and concentration of unduplicated students	Schools with a student concentration of 55 percent or less	Schools with a student concentration of greater than 55 percent
Staff-to-student ratio of classified staff providing direct services to students	n/a	30
Staff-to-student ratio of certificated staff providing direct services to students	n/a	18

2025-26 Total Planned Expenditures Table

LCAP Year	1. Projected LCFF Base Grant (Input Dollar Amount)	2. Projected LCFF Supplemental and/or Concentration Grants (Input Dollar Amount)	3. Projected Percentage to Increase or Improve Services for the Coming School Year (2 divided by 1)	LCFF Carryover — Percentage (Input Percentage from Prior Year)	Total Percentage to Increase or Improve Services for the Coming School Year (3 + Carryover %)
Totals	5078814	1162435	22.888%	2.641%	25.529%

Totals	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Total Personnel	Total Non-personnel
Totals	$1,097,173.00	$174,657.00	$633,077.00	$136,444.00	$2,041,351.00	$1,366,153.00	$675,198.00

Goal #	Action #	Action Title	Student Group(s)	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Time Span	Total Personnel	Total Non-personnel	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Planned Percentage of Improved Services
1	1.1	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	English Learners	Yes	Limited to Unduplicated Student Group(s)	English Learners	All Schools	On-going	$31,570.00	$7,450.00	$28,129.00	$0.00	$0.00	$10,891.00	$39,020.00	
1	1.2	Red performance student groups Suspension	Low Income	Yes	LEA-wide	Low Income	All Schools	On-Going	$34,545.00	$6,400.00	$24,192.00	$0.00	$0.00	$16,753.00	$40,945.00	
1	1.3	Red performance student groups Chronic Absenteeism	All Students with Disabilities Homeless, Low Income, Hispanic, and White	No			All Schools	2024-2025	$80,864.00	$8,002.00	$88,866.00	$0.00	$0.00	$0.00	$88,866.00	
1	1.4	Red performance student groups English Learners & Hispanic students	English Learners	Yes	School wide	English Learners	All Schools	On-Going	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
1	1.5	School Counselor and School Psychologist	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$89,781.00	$133,904.00	$133,685.00	$0.00	$84,000.00	$6,000.00	$223,685.00	
1	1.6	Foster Youth Services/Homeless Youth Services	Foster Youth	Yes	LEA-wide	Foster Youth	All Schools	On-going	$28,034.00	$1,950.00	$28,184.00	$0.00	$0.00	$1,800.00	$29,984.00	
1	1.7	Special Education	Students with Disabilities	No			All Schools	On-going	$357,789.00	$191,288.00	$0.00	$0.00	$549,077.00	$0.00	$549,077.00	
1	1.8	Professional Development	All	No			All Schools	On-going	$4,021.00	$32,650.00	$15,671.00	$0.00	$0.00	$21,000.00	$36,671.00	

Goal #	Action #	Action Title	Student Group(s)	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Time Span	Total Personnel	Total Non-personnel	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Planned Percentage of Improved Services
1	1.9	Facilities	All	No			All Schools	On-going	$0.00	$40,000.00	$0.00	$40,000.00	$0.00	$0.00	$40,000.00	
1	1.10	Multi-tiered System of Support	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$548,685.00	$101,259.00	$469,783.00	$105,161.00	$0.00	$75,000.00	$649,944.00	
1	1.11	Saturday School or After School for Make-Up Intervention	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$0.00	$89,000.00	$89,000.00	$0.00	$0.00	$0.00	$89,000.00	
1	1.12	Curriculum & Instruction	All	No			All Schools	On-going	$0.00	$13,530.00	$8,530.00	$0.00	$0.00	$5,000.00	$13,530.00	
1	1.13	Family Engagement	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$0.00	$3,600.00	$3,600.00	$0.00	$0.00	$0.00	$3,600.00	
1	1.14	Broad Course of Study	All	No			All Schools	On-going	$41,070.00	$9,469.00	$50,539.00	$0.00	$0.00	$0.00	$50,539.00	
1	1.15	Transportation	Foster Youth Low Income	Yes	LEA-wide	Foster Youth Low Income	All Schools	On going	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
2	2.1	English language arts	All Students who are below grade level in English language arts	No			Specific Schools: Community Day School & District Program	2025-2026	$57,382.00	$5,500.00	$62,582.00	$300.00	$0.00	$0.00	$62,882.00	
2	2.2	Mathematics	All Students are below grade level in mathematics	No			Specific Schools: Community Day School and District Program	2025-2026	$57,382.00	$0.00	$57,382.00	$0.00	$0.00	$0.00	$57,382.00	
2	2.3	Alternatives to suspension	All	No			Specific Schools: Community Day School and District Programs	2025-2026	$0.00	$16,196.00	$0.00	$16,196.00	$0.00	$0.00	$16,196.00	
2	2.4	Teacher Credentialing	All	No			Specific Schools:	2025-2026	$0.00	$2,000.00	$2,000.00	$0.00	$0.00	$0.00	$2,000.00	

Goal #	Action #	Action Title	Student Group(s)	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Time Span	Total Personnel	Total Non-personnel	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Planned Percentage of Improved Services
							Community Day School and District Programs									
2	**2.5**	Counseling	All	No			All Schools Specific Schools: Community Day School and District Programs	2025-2026	$0.00	$13,000.00	$0.00	$13,000.00	$0.00	$0.00	$13,000.00	
2	**2.6**	Professional Development and Curriculum	All	No			All Schools Specific Schools: Community Day School & District Program	2025-2026	$35,030.00	$0.00	$35,030.00	$0.00	$0.00	$0.00	$35,030.00	

2025-26 Contributing Actions Table

1. Projected LCFF Base Grant	2. Projected LCFF Supplemental and/or Concentration Grants	3. Projected Percentage to Increase or Improve Services for the Coming School Year (2 divided by 1)	LCFF Carryover — Percentage (Percentage from Prior Year)	Total Percentage to Increase or Improve Services for the Coming School Year (3 + Carryover %)	4. Total Planned Contributing Expenditures (LCFF Funds)	5. Total Planned Percentage of Improved Services (%)	Planned Percentage to Increase or Improve Services for the Coming School Year (4 divided by 1, plus 5)	Totals by Type	Total LCFF Funds
5078814	1162435	22.888%	2.641%	25.529%	$776,573.00	0.000%	15.290 %	**Total:**	$776,573.00
								LEA-wide Total:	$748,444.00
								Limited Total:	$28,129.00
								Schoolwide Total:	$0.00

Goal	Action #	Action Title	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Planned Expenditures for Contributing Actions (LCFF Funds)	Planned Percentage of Improved Services (%)
1	**1.1**	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Yes	Limited to Unduplicated Student Group(s)	English Learners	All Schools	$28,129.00	
1	**1.2**	Red performance student groups Suspension	Yes	LEA-wide	Low Income	All Schools	$24,192.00	
1	**1.4**	Red performance student groups English Learners & Hispanic students	Yes	Schoolwide	English Learners	All Schools	$0.00	
1	**1.5**	School Counselor and School Psychologist	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$133,685.00	
1	**1.6**	Foster Youth Services/Homeless Youth Services	Yes	LEA-wide	Foster Youth	All Schools	$28,184.00	
1	**1.10**	Multi-tiered System of Support	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$469,783.00	

Goal	Action #	Action Title	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Planned Expenditures for Contributing Actions (LCFF Funds)	Planned Percentage of Improved Services (%)
1	1.11	Saturday School or After School for Make-Up Intervention	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$89,000.00	
1	1.13	Family Engagement	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$3,600.00	
1	1.15	Transportation	Yes	LEA-wide	Foster Youth Low Income	All Schools	$0.00	

2024-25 Annual Update Table

Totals	Last Year's Total Planned Expenditures (Total Funds)	Total Estimated Expenditures (Total Funds)
Totals	$2,040,186.00	$2,702,955.00

Last Year's Goal #	Last Year's Action #	Prior Action/Service Title	Contributed to Increased or Improved Services?	Last Year's Planned Expenditures (Total Funds)	Estimated Actual Expenditures (Input Total Funds)
1	**1.1**	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Yes	$38,520.00	34938
1	**1.2**	Red performance student groups Suspension	Yes	$71,496.00	134960
1	**1.3**	Red performance student groups Chronic Absenteeism	No	$85,641.00	105378
1	**1.4**	Red performance student groups English Learners & Hispanic	Yes	$0.00	0
1	**1.5**	School Counselor and School Psychologist	Yes	$113,858.00	149255
1	**1.6**	Foster Youth Services/Homeless Youth Services	Yes	$33,504.00	13158
1	**1.7**	Special Education	No	$405,884.00	1041313
1	**1.8**	Professional Development	No	$60,146.00	11200
1	**1.9**	Facilities	No	$0.00	0
1	**1.10**	Multi-tiered System of Support	Yes	$522,820.00	595978

Last Year's Goal #	Last Year's Action #	Prior Action/Service Title	Contributed to Increased or Improved Services?	Last Year's Planned Expenditures (Total Funds)	Estimated Actual Expenditures (Input Total Funds)
1	1.11	Saturday School or After School for Make-Up Intervention	Yes	$0.00	0
1	1.12	Curriculum & Instruction	No	$78,356.00	28149
1	1.13	Parent Engagement	Yes	$4,900.00	7324
1	1.14	Broad Course of Study	No	$49,039.00	66649
1	1.15	Transportation	Yes	$320,000.00	295395
2	2.1	English language arts	No	$156,022.00	133308
2	2.2	Mathematics	No	$0.00	0
2	2.3	Alternatives to suspension	No	$100,000.00	85950
2	2.4	Teacher Credentialing	No	$0.00	0
2	2.5	Counseling	No	$0.00	0

2024-25 Contributing Actions Annual Update Table

6. Estimated LCFF Supplemental and/or Concentration Grants (Input Dollar Amount)	4. Total Planned Contributing Expenditures (LCFF Funds)	7. Total Estimated Expenditures for Contributing Actions (LCFF Funds)	Difference Between Planned and Estimated Expenditures for Contributing Actions (Subtract 7 from 4)	5. Total Planned Percentage of Improved Services (%)	8. Total Estimated Percentage of Improved Services (%)	Difference Between Planned and Estimated Percentage of Improved Services (Subtract 5 from 8)
1103056	$858,979.00	$1,142,072.00	($283,093.00)	0.000%	0.000%	0.000%

Last Year's Goal #	Last Year's Action #	Prior Action/Service Title	Contributing to Increased or Improved Services?	Last Year's Planned Expenditures for Contributing Actions (LCFF Funds)	Estimated Actual Expenditures for Contributing Actions (Input LCFF Funds)	Planned Percentage of Improved Services	Estimated Actual Percentage of Improved Services (Input Percentage)
1	1.1	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Yes	$8,271.00	25238		
1	1.2	Red performance student groups Suspension	Yes	$19,238.00	134960		
1	1.4	Red performance student groups English Learners & Hispanic	Yes	$0.00	0		
1	1.5	School Counselor and School Psychologist	Yes	$87,700.00	149255		
1	1.6	Foster Youth Services/Homeless Youth Services	Yes	$31,789.00	13158		
1	1.10	Multi-tiered System of Support	Yes	$387,081.00	517539		
1	1.11	Saturday School or After School for Make-Up Intervention	Yes	$0.00	0		
1	1.13	Parent Engagement	Yes	$4,900.00	6527		
1	1.15	Transportation	Yes	$320,000.00	295395		

2024-25 LCFF Carryover Table

9. Estimated Actual LCFF Base Grant (Input Dollar Amount)	6. Estimated Actual LCFF Supplemental and/or Concentration Grants	LCFF Carryover — Percentage (Percentage from Prior Year)	10. Total Percentage to Increase or Improve Services for the Current School Year (6 divided by 9 + Carryover %)	7. Total Estimated Actual Expenditures for Contributing Actions (LCFF Funds)	8. Total Estimated Actual Percentage of Improved Services (%)	11. Estimated Actual Percentage of Increased or Improved Services (7 divided by 9, plus 8)	12. LCFF Carryover — Dollar Amount (Subtract 11 from 10 and multiply by 9)	13. LCFF Carryover — Percentage (12 divided by 9)
5031413	1103056	3.416%	25.339%	$1,142,072.00	0.000%	22.699%	$132,857.07	2.641%

Local Control and Accountability Plan Instructions

Plan Summary

Engaging Educational Partners

Goals and Actions

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students

For additional questions or technical assistance related to the completion of the Local Control and Accountability Plan (LCAP) template, please contact the local county office of education (COE), or the California Department of Education's (CDE's) Local Agency Systems Support Office, by phone at 916-319-0809 or by email at LCFF@cde.ca.gov.

Introduction and Instructions

The Local Control Funding Formula (LCFF) requires local educational agencies (LEAs) to engage their local educational partners in an annual planning process to evaluate their progress within eight state priority areas encompassing all statutory metrics (COEs have 10 state priorities). LEAs document the results of this planning process in the LCAP using the template adopted by the State Board of Education.

The LCAP development process serves three distinct, but related functions:

- **Comprehensive Strategic Planning:** The process of developing and annually updating the LCAP supports comprehensive strategic planning, particularly to address and reduce disparities in opportunities and outcomes between student groups indicated by the California School Dashboard (California Education Code [EC] Section 52064[e][1]). Strategic planning that is comprehensive connects budgetary decisions to teaching and learning performance data. LEAs should continually evaluate the hard choices they make about the use of limited resources to meet student and community needs to ensure opportunities and outcomes are improved for all students.

- **Meaningful Engagement of Educational Partners:** The LCAP development process should result in an LCAP that reflects decisions made through meaningful engagement (EC Section 52064[e][1]). Local educational partners possess valuable perspectives and insights about an LEA's programs and services. Effective strategic planning will incorporate these perspectives and insights in order to identify potential goals and actions to be included in the LCAP.

- **Accountability and Compliance:** The LCAP serves an important accountability function because the nature of some LCAP template sections require LEAs to show that they have complied with various requirements specified in the LCFF statutes and regulations, most notably:

    - Demonstrating that LEAs are increasing or improving services for foster youth, English learners, including long-term English learners, and low-income students in proportion to the amount of additional funding those students generate under LCFF (EC Section 52064[b][4-6]).

    - Establishing goals, supported by actions and related expenditures, that address the statutory priority areas and statutory metrics (EC sections 52064[b][1] and [2]).

        - **NOTE:** As specified in EC Section 62064(b)(1), the LCAP must provide a description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to EC Section 52052, to be achieved for each of the state priorities. Beginning in 2023–24, EC

Section 52052 identifies long-term English learners as a separate and distinct pupil subgroup with a numerical significance at 15 students.

- Annually reviewing and updating the LCAP to reflect progress toward the goals (EC Section 52064[b][7]).
- Ensuring that all increases attributable to supplemental and concentration grant calculations, including concentration grant add-on funding and/or LCFF carryover, are reflected in the LCAP (EC sections 52064[b][6], [8], and [11]).

The LCAP template, like each LEA's final adopted LCAP, is a document, not a process. LEAs must use the template to memorialize the outcome of their LCAP development process, which must: (a) reflect comprehensive strategic planning, particularly to address and reduce disparities in opportunities and outcomes between student groups indicated by the California School Dashboard (Dashboard), (b) through meaningful engagement with educational partners that (c) meets legal requirements, as reflected in the final adopted LCAP. The sections included within the LCAP template do not and cannot reflect the full development process, just as the LCAP template itself is not intended as a tool for engaging educational partners.

If a county superintendent of schools has jurisdiction over a single school district, the county board of education and the governing board of the school district may adopt and file for review and approval a single LCAP consistent with the requirements in EC sections 52060, 52062, 52066, 52068, and 52070. The LCAP must clearly articulate to which entity's budget (school district or county superintendent of schools) all budgeted and actual expenditures are aligned.

The revised LCAP template for the 2024–25, 2025–26, and 2026–27 school years reflects statutory changes made through Senate Bill 114 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2023 and Senate Bill 153, Chapter 38, Statues of 2024.

At its most basic, the adopted LCAP should attempt to distill not just what the LEA is doing for students in transitional kindergarten through grade twelve (TK–12), but also allow educational partners to understand why, and whether those strategies are leading to improved opportunities and outcomes for students. LEAs are strongly encouraged to use language and a level of detail in their adopted LCAPs intended to be meaningful and accessible for the LEA's diverse educational partners and the broader public.

In developing and finalizing the LCAP for adoption, LEAs are encouraged to keep the following overarching frame at the forefront of the strategic planning and educational partner engagement functions:

> Given present performance across the state priorities and on indicators in the Dashboard, how is the LEA using its budgetary resources to respond to TK–12 student and community needs, and address any performance gaps, including by meeting its obligation to increase or improve services for foster youth, English learners, and low-income students?

LEAs are encouraged to focus on a set of metrics and actions which, based on research, experience, and input gathered from educational partners, the LEA believes will have the biggest impact on behalf of its TK–12 students.

These instructions address the requirements for each section of the LCAP but may include information about effective practices when developing the LCAP and completing the LCAP document. Additionally, the beginning of each template section includes information emphasizing the purpose that section serves.

Plan Summary

Purpose

A well-developed Plan Summary section provides a meaningful context for the LCAP. This section provides information about an LEA's community as well as relevant information about student needs and performance. In order to present a meaningful context for the rest of the LCAP, the content of this section should be clearly and meaningfully related to the content included throughout each subsequent section of the LCAP.

Requirements and Instructions

General Information

A description of the LEA, its schools, and its students in grades transitional kindergarten–12, as applicable to the LEA. LEAs may also provide information about their strategic plan, vision, etc.

Briefly describe the LEA, its schools, and its students in grades TK–12, as applicable to the LEA.

- For example, information about an LEA in terms of geography, enrollment, employment, the number and size of specific schools, recent community challenges, and other such information the LEA may wish to include can enable a reader to more fully understand the LEA's LCAP.
- LEAs may also provide information about their strategic plan, vision, etc.
- As part of this response, identify all schools within the LEA receiving Equity Multiplier funding.

Reflections: Annual Performance

A reflection on annual performance based on a review of the California School Dashboard (Dashboard) and local data.

Reflect on the LEA's annual performance on the Dashboard and local data. This may include both successes and challenges identified by the LEA during the development process.

LEAs are encouraged to highlight how they are addressing the identified needs of student groups, and/or schools within the LCAP as part of this response.

As part of this response, the LEA must identify the following, which will remain unchanged during the three-year LCAP cycle:

- Any school within the LEA that received the lowest performance level on one or more state indicators on the 2023 Dashboard;
- Any student group within the LEA that received the lowest performance level on one or more state indicators on the 2023 Dashboard; and/or
- Any student group within a school within the LEA that received the lowest performance level on one or more state indicators on the 2023 Dashboard.

EC Section 52064.4 requires that an LEA that has unexpended Learning Recovery Emergency Block Grant (LREBG) funds must include one or more actions funded with LREBG funds within the 2025-26, 2026-27 and 2027-28 LCAPs, as applicable to the LEA. To implement the requirements of *EC* Section 52064.4, all LEAs must do the following:

- For the 2025–26, 2026–27, and 2027–28 LCAP years, identify whether or not the LEA has unexpended LREBG funds for the applicable LCAP year.
    - If the LEA has unexpended LREBG funds the LEA must provide the following:
        - The goal and action number for each action that will be funded, either in whole or in part, with LREBG funds; and
        - An explanation of the rationale for selecting each action funded with LREBG funds. This explanation must include:
            - An explanation of how the action is aligned with the allowable uses of funds identified in *EC* Section 32526(c)(2); and
            - An explanation of how the action is expected to address the area(s) of need of students and schools identified in the needs assessment required by *EC* Section 32526(d).
                - For information related to the allowable uses of funds and the required needs assessment, please see the Program Information tab on the LREBG Program Information web page.
            - Actions may be grouped together for purposes of these explanations.
            - The LEA may provide these explanations as part of the action description rather than as part of the Reflections: Annual Performance.
    - If the LEA does not have unexpended LREBG funds, the LEA is not required to conduct the needs assessment required by *EC* Section 32526(d), to provide the information identified above or to include actions funded with LREBG funds within the 2025-26, 2026-27 and 2027-28 LCAPs.

Reflections: Technical Assistance

As applicable, a summary of the work underway as part of technical assistance.

Annually identify the reason(s) the LEA is eligible for or has requested technical assistance consistent with EC sections 47607.3, 52071, 52071.5, 52072, or 52072.5, and provide a summary of the work underway as part of receiving technical assistance. The most common form of this technical assistance is frequently referred to as Differentiated Assistance, however this also includes LEAs that have requested technical assistance from their COE.

- If the LEA is not eligible for or receiving technical assistance, the LEA may respond to this prompt as “Not Applicable.”

Comprehensive Support and Improvement
An LEA with a school or schools identified for comprehensive support and improvement (CSI) under the Every Student Succeeds Act must respond to the following prompts:

Schools Identified

A list of the schools in the LEA that are eligible for comprehensive support and improvement.

- Identify the schools within the LEA that have been identified for CSI.

Support for Identified Schools

A description of how the LEA has or will support its eligible schools in developing comprehensive support and improvement plans.

- Describe how the LEA has or will support the identified schools in developing CSI plans that included a school-level needs assessment, evidence-based interventions, and the identification of any resource inequities to be addressed through the implementation of the CSI plan.

Monitoring and Evaluating Effectiveness

A description of how the LEA will monitor and evaluate the plan to support student and school improvement.

- Describe how the LEA will monitor and evaluate the implementation and effectiveness of the CSI plan to support student and school improvement.

Engaging Educational Partners

Purpose

Significant and purposeful engagement of parents, students, educators, and other educational partners, including those representing the student groups identified by LCFF, is critical to the development of the LCAP and the budget process. Consistent with statute, such engagement should support comprehensive strategic planning, particularly to address and reduce disparities in opportunities and outcomes between student groups indicated by the Dashboard, accountability, and improvement across the state priorities and locally identified priorities (EC Section 52064[e][1]). Engagement of educational partners is an ongoing, annual process.

This section is designed to reflect how the engagement of educational partners influenced the decisions reflected in the adopted LCAP. The goal is to allow educational partners that participated in the LCAP development process and the broader public to understand how the LEA engaged educational partners and the impact of that engagement. LEAs are encouraged to keep this goal in the forefront when completing this section.

Requirements

Requirements

School districts and COEs: *EC* Section 52060(g) and *EC* Section 52066(g) specify the educational partners that must be consulted when developing the LCAP:

- Teachers,

- Principals,
- Administrators,
- Other school personnel,
- Local bargaining units of the LEA,
- Parents, and
- Students

A school district or COE receiving Equity Multiplier funds must also consult with educational partners at schools generating Equity Multiplier funds in the development of the LCAP, specifically, in the development of the required focus goal for each applicable school.

Before adopting the LCAP, school districts and COEs must share it with the applicable committees, as identified below under Requirements and Instructions. The superintendent is required by statute to respond in writing to the comments received from these committees. School districts and COEs must also consult with the special education local plan area administrator(s) when developing the LCAP.

Charter schools: *EC* Section 47606.5(d) requires that the following educational partners be consulted with when developing the LCAP:

- Teachers,
- Principals,
- Administrators,
- Other school personnel,
- Parents, and
- Students

A charter school receiving Equity Multiplier funds must also consult with educational partners at the school generating Equity Multiplier funds in the development of the LCAP, specifically, in the development of the required focus goal for the school.

The LCAP should also be shared with, and LEAs should request input from, schoolsite-level advisory groups, as applicable (e.g., schoolsite councils, English Learner Advisory Councils, student advisory groups, etc.), to facilitate alignment between schoolsite and district-level goals. Information and resources that support effective engagement, define student consultation, and provide the requirements for advisory group composition, can be found under Resources on the CDE's LCAP webpage.

Before the governing board/body of an LEA considers the adoption of the LCAP, the LEA must meet the following legal requirements:

- For school districts, see *Education Code* Section 52062;
    - **Note:** Charter schools using the LCAP as the School Plan for Student Achievement must meet the requirements of *EC* Section 52062(a).
- For COEs, see *Education Code* Section 52068; and
- For charter schools, see *Education Code* Section 47606.5.

- **NOTE:** As a reminder, the superintendent of a school district or COE must respond, in writing, to comments received by the applicable committees identified in the *Education Code* sections listed above. This includes the parent advisory committee and may include the English learner parent advisory committee and, as of July 1, 2024, the student advisory committee, as applicable.

Instructions

Respond to the prompts as follows:

A summary of the process used to engage educational partners in the development of the LCAP.

School districts and county offices of education must, at a minimum, consult with teachers, principals, administrators, other school personnel, local bargaining units, parents, and students in the development of the LCAP.

Charter schools must, at a minimum, consult with teachers, principals, administrators, other school personnel, parents, and students in the development of the LCAP.

An LEA receiving Equity Multiplier funds must also consult with educational partners at schools generating Equity Multiplier funds in the development of the LCAP, specifically, in the development of the required focus goal for each applicable school.

Complete the table as follows:

Educational Partners

Identify the applicable educational partner(s) or group(s) that were engaged in the development of the LCAP.

Process for Engagement

Describe the engagement process used by the LEA to involve the identified educational partner(s) in the development of the LCAP. At a minimum, the LEA must describe how it met its obligation to consult with all statutorily required educational partners, as applicable to the type of LEA.

- A sufficient response to this prompt must include general information about the timeline of the process and meetings or other engagement strategies with educational partners. A response may also include information about an LEA's philosophical approach to engaging its educational partners.

- An LEA receiving Equity Multiplier funds must also include a summary of how it consulted with educational partners at schools generating Equity Multiplier funds in the development of the LCAP, specifically, in the development of the required focus goal for each applicable school.

A description of how the adopted LCAP was influenced by the feedback provided by educational partners.

Describe any goals, metrics, actions, or budgeted expenditures in the LCAP that were influenced by or developed in response to the educational partner feedback.

- A sufficient response to this prompt will provide educational partners and the public with clear, specific information about how the engagement process influenced the development of the LCAP. This may include a description of how the LEA prioritized requests of educational partners within the context of the budgetary resources available or otherwise prioritized areas of focus within the LCAP.

- An LEA receiving Equity Multiplier funds must include a description of how the consultation with educational partners at schools generating Equity Multiplier funds influenced the development of the adopted LCAP.

- For the purposes of this prompt, this may also include, but is not necessarily limited to:
    - Inclusion of a goal or decision to pursue a Focus Goal (as described below)
    - Inclusion of metrics other than the statutorily required metrics
    - Determination of the target outcome on one or more metrics
    - Inclusion of performance by one or more student groups in the Measuring and Reporting Results subsection
    - Inclusion of action(s) or a group of actions
    - Elimination of action(s) or group of actions
    - Changes to the level of proposed expenditures for one or more actions
    - Inclusion of action(s) as contributing to increased or improved services for unduplicated students
    - Analysis of effectiveness of the specific actions to achieve the goal
    - Analysis of material differences in expenditures
    - Analysis of changes made to a goal for the ensuing LCAP year based on the annual update process
    - Analysis of challenges or successes in the implementation of actions

Goals and Actions

Purpose

Well-developed goals will clearly communicate to educational partners what the LEA plans to accomplish, what the LEA plans to do in order to accomplish the goal, and how the LEA will know when it has accomplished the goal. A goal statement, associated metrics and expected outcomes, and the actions included in the goal must be in alignment. The explanation for why the LEA included a goal is an opportunity for LEAs to clearly communicate to educational partners and the public why, among the various strengths and areas for improvement highlighted by performance data and strategies and actions that could be pursued, the LEA decided to pursue this goal, and the related metrics, expected outcomes, actions, and expenditures.

A well-developed goal can be focused on the performance relative to a metric or metrics for all students, a specific student group(s), narrowing performance gaps, or implementing programs or strategies expected to impact outcomes. LEAs should assess the performance of their student groups when developing goals and the related actions to achieve such goals.

Requirements and Instructions

LEAs should prioritize the goals, specific actions, and related expenditures included within the LCAP within one or more state priorities. LEAs must consider performance on the state and local indicators, including their locally collected and reported data for the local indicators that are included in the Dashboard, in determining whether and how to prioritize its goals within the LCAP. As previously stated, strategic planning that

is comprehensive connects budgetary decisions to teaching and learning performance data. LEAs should continually evaluate the hard choices they make about the use of limited resources to meet student and community needs to ensure opportunities and outcomes are improved for all students, and to address and reduce disparities in opportunities and outcomes between student groups indicated by the Dashboard.

In order to support prioritization of goals, the LCAP template provides LEAs with the option of developing three different kinds of goals:

- Focus Goal: A Focus Goal is relatively more concentrated in scope and may focus on a fewer number of metrics to measure improvement. A Focus Goal statement will be time bound and make clear how the goal is to be measured.
    - All Equity Multiplier goals must be developed as focus goals. For additional information, see Required Focus Goal(s) for LEAs Receiving Equity Multiplier Funding below.
- Broad Goal: A Broad Goal is relatively less concentrated in its scope and may focus on improving performance across a wide range of metrics.
- Maintenance of Progress Goal: A Maintenance of Progress Goal includes actions that may be ongoing without significant changes and allows an LEA to track performance on any metrics not addressed in the other goals of the LCAP.

Requirement to Address the LCFF State Priorities

At a minimum, the LCAP must address all LCFF priorities and associated metrics articulated in *EC* sections 52060(d) and 52066(d), as applicable to the LEA. The *LCFF State Priorities Summary* provides a summary of *EC* sections 52060(d) and 52066(d) to aid in the development of the LCAP.

Respond to the following prompts, as applicable:

Focus Goal(s)

Description

The description provided for a Focus Goal must be specific, measurable, and time bound.

- An LEA develops a Focus Goal to address areas of need that may require or benefit from a more specific and data intensive approach.
- The Focus Goal can explicitly reference the metric(s) by which achievement of the goal will be measured and the time frame according to which the LEA expects to achieve the goal.

Type of Goal

Identify the type of goal being implemented as a Focus Goal.

State Priorities addressed by this goal.

Identify each of the state priorities that this goal is intended to address.

An explanation of why the LEA has developed this goal.

Explain why the LEA has chosen to prioritize this goal.

- An explanation must be based on Dashboard data or other locally collected data.
- LEAs must describe how the LEA identified this goal for focused attention, including relevant consultation with educational partners.
- LEAs are encouraged to promote transparency and understanding around the decision to pursue a focus goal.

Required Focus Goal(s) for LEAs Receiving Equity Multiplier Funding

Description

LEAs receiving Equity Multiplier funding must include one or more focus goals for each school generating Equity Multiplier funding. In addition to addressing the focus goal requirements described above, LEAs must adhere to the following requirements.

Focus goals for Equity Multiplier schoolsites must address the following:

(A) All student groups that have the lowest performance level on one or more state indicators on the Dashboard, and

(B) Any underlying issues in the credentialing, subject matter preparation, and retention of the school's educators, if applicable.

- Focus Goals for each and every Equity Multiplier schoolsite must identify specific metrics for each identified student group, as applicable.
- An LEA may create a single goal for multiple Equity Multiplier schoolsites if those schoolsites have the same student group(s) performing at the lowest performance level on one or more state indicators on the Dashboard or, experience similar issues in the credentialing, subject matter preparation, and retention of the school's educators.
    - When creating a single goal for multiple Equity Multiplier schoolsites, the goal must identify the student groups and the performance levels on the Dashboard that the Focus Goal is addressing; or,
    - The common issues the schoolsites are experiencing in credentialing, subject matter preparation, and retention of the school's educators, if applicable.

Type of Goal

Identify the type of goal being implemented as an Equity Multiplier Focus Goal.

State Priorities addressed by this goal.

Identify each of the state priorities that this goal is intended to address.

An explanation of why the LEA has developed this goal.

Explain why the LEA has chosen to prioritize this goal.

- An explanation must be based on Dashboard data or other locally collected data.
- LEAs must describe how the LEA identified this goal for focused attention, including relevant consultation with educational partners.
- LEAs are encouraged to promote transparency and understanding around the decision to pursue a focus goal.
- In addition to this information, the LEA must also identify:
    - The school or schools to which the goal applies

LEAs are encouraged to approach an Equity Multiplier goal from a wholistic standpoint, considering how the goal might maximize student outcomes through the use of LCFF and other funding in addition to Equity Multiplier funds.

- Equity Multiplier funds must be used to supplement, not supplant, funding provided to Equity Multiplier schoolsites for purposes of the LCFF, the Expanded Learning Opportunities Program (ELO-P), the Literacy Coaches and Reading Specialists (LCRS) Grant Program, and/or the California Community Schools Partnership Program (CCSPP).
- This means that Equity Multiplier funds must not be used to replace funding that an Equity Multiplier schoolsite would otherwise receive to implement LEA-wide actions identified in the LCAP or that an Equity Multiplier schoolsite would otherwise receive to implement provisions of the ELO-P, the LCRS, and/or the CCSPP.

Note: *EC* Section 42238.024(b)(1) requires that Equity Multiplier funds be used for the provision of evidence-based services and supports for students. Evidence-based services and supports are based on objective evidence that has informed the design of the service or support and/or guides the modification of those services and supports. Evidence-based supports and strategies are most commonly based on educational research and/or metrics of LEA, school, and/or student performance.

Broad Goal

Description

Describe what the LEA plans to achieve through the actions included in the goal.

- The description of a broad goal will be clearly aligned with the expected measurable outcomes included for the goal.

- The goal description organizes the actions and expected outcomes in a cohesive and consistent manner.
- A goal description is specific enough to be measurable in either quantitative or qualitative terms. A broad goal is not as specific as a focus goal. While it is specific enough to be measurable, there are many different metrics for measuring progress toward the goal.

Type of Goal

Identify the type of goal being implemented as a Broad Goal.

State Priorities addressed by this goal.

Identify each of the state priorities that this goal is intended to address.

An explanation of why the LEA has developed this goal.

Explain why the LEA developed this goal and how the actions and metrics grouped together will help achieve the goal.

Maintenance of Progress Goal

Description

Describe how the LEA intends to maintain the progress made in the LCFF State Priorities not addressed by the other goals in the LCAP.

- Use this type of goal to address the state priorities and applicable metrics not addressed within the other goals in the LCAP.
- The state priorities and metrics to be addressed in this section are those for which the LEA, in consultation with educational partners, has determined to maintain actions and monitor progress while focusing implementation efforts on the actions covered by other goals in the LCAP.

Type of Goal

Identify the type of goal being implemented as a Maintenance of Progress Goal.

State Priorities addressed by this goal.

Identify each of the state priorities that this goal is intended to address.

An explanation of why the LEA has developed this goal.

Explain how the actions will sustain the progress exemplified by the related metrics.

Measuring and Reporting Results:

For each LCAP year, identify the metric(s) that the LEA will use to track progress toward the expected outcomes.

- LEAs must identify metrics for specific student groups, as appropriate, including expected outcomes that address and reduce disparities in outcomes between student groups.

- The metrics may be quantitative or qualitative; but at minimum, an LEA's LCAP must include goals that are measured using all of the applicable metrics for the related state priorities, in each LCAP year, as applicable to the type of LEA.

- To the extent a state priority does not specify one or more metrics (e.g., implementation of state academic content and performance standards), the LEA must identify a metric to use within the LCAP. For these state priorities, LEAs are encouraged to use metrics based on or reported through the relevant local indicator self-reflection tools within the Dashboard.

- **Required metrics for LEA-wide actions:** For each action identified as 1) contributing towards the requirement to increase or improve services for foster youth, English learners, including long-term English learners, and low-income students and 2) being provided on an LEA-wide basis, the LEA must identify one or more metrics to monitor the effectiveness of the action and its budgeted expenditures.

    - These required metrics may be identified within the action description or the first prompt in the increased or improved services section, however the description must clearly identify the metric(s) being used to monitor the effectiveness of the action and the action(s) that the metric(s) apply to.

- **Required metrics for Equity Multiplier goals**: For each Equity Multiplier goal, the LEA must identify:

    - The specific metrics for each identified student group at each specific schoolsite, as applicable, to measure the progress toward the goal, and/or

    - The specific metrics used to measure progress in meeting the goal related to credentialing, subject matter preparation, or educator retention at each specific schoolsite.

- **Required metrics for actions supported by LREBG funds**: To implement the requirements of *EC* Section 52064.4, LEAs with unexpended LREBG funds must include at least one metric to monitor the impact of each action funded with LREBG funds included in the goal.

    - The metrics being used to monitor the impact of each action funded with LREBG funds are not required to be new metrics; they may be metrics that are already being used to measure progress towards goals and actions included in the LCAP.

Complete the table as follows:

Metric #

- Enter the metric number.

Metric

- Identify the standard of measure being used to determine progress towards the goal and/or to measure the effectiveness of one or more actions associated with the goal.

Baseline

- Enter the baseline when completing the LCAP for 2024–25.
    - Use the most recent data associated with the metric available at the time of adoption of the LCAP for the first year of the three-year plan. LEAs may use data as reported on the 2023 Dashboard for the baseline of a metric only if that data represents the most recent available data (e.g., high school graduation rate).
    - Using the most recent data available may involve reviewing data the LEA is preparing for submission to the California Longitudinal Pupil Achievement Data System (CALPADS) or data that the LEA has recently submitted to CALPADS.
    - Indicate the school year to which the baseline data applies.
    - The baseline data must remain unchanged throughout the three-year LCAP.
        - This requirement is not intended to prevent LEAs from revising the baseline data if it is necessary to do so. For example, if an LEA identifies that its data collection practices for a particular metric are leading to inaccurate data and revises its practice to obtain accurate data, it would also be appropriate for the LEA to revise the baseline data to align with the more accurate data process and report its results using the accurate data.
        - If an LEA chooses to revise its baseline data, then, at a minimum, it must clearly identify the change as part of its response to the description of changes prompt in the Goal Analysis for the goal. LEAs are also strongly encouraged to involve their educational partners in the decision of whether or not to revise a baseline and to communicate the proposed change to their educational partners.
    - Note for Charter Schools: Charter schools developing a one- or two-year LCAP may identify a new baseline each year, as applicable.

Year 1 Outcome

- When completing the LCAP for 2025–26, enter the most recent data available. Indicate the school year to which the data applies.
    - Note for Charter Schools: Charter schools developing a one-year LCAP may provide the Year 1 Outcome when completing the LCAP for both 2025–26 and 2026–27 or may provide the Year 1 Outcome for 2025–26 and provide the Year 2 Outcome for 2026–27.

Year 2 Outcome

- When completing the LCAP for 2026–27, enter the most recent data available. Indicate the school year to which the data applies.

- Note for Charter Schools: Charter schools developing a one-year LCAP may identify the Year 2 Outcome as not applicable when completing the LCAP for 2026–27 or may provide the Year 2 Outcome for 2026–27.

Target for Year 3 Outcome

- When completing the first year of the LCAP, enter the target outcome for the relevant metric the LEA expects to achieve by the end of the three-year LCAP cycle.
    - Note for Charter Schools: Charter schools developing a one- or two-year LCAP may identify a Target for Year 1 or Target for Year 2, as applicable.

Current Difference from Baseline

- When completing the LCAP for 2025–26 and 2026–27, enter the current difference between the baseline and the yearly outcome, as applicable.
    - Note for Charter Schools: Charter schools developing a one- or two-year LCAP will identify the current difference between the baseline and the yearly outcome for Year 1 and/or the current difference between the baseline and the yearly outcome for Year 2, as applicable.

Timeline for school districts and COEs for completing the "**Measuring and Reporting Results**" part of the Goal.

Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
Enter information in this box when completing the LCAP for **2024–25** or when adding a new metric.	Enter information in this box when completing the LCAP for **2024–25** or when adding a new metric.	Enter information in this box when completing the LCAP for **2025–26**. Leave blank until then.	Enter information in this box when completing the LCAP for **2026–27**. Leave blank until then.	Enter information in this box when completing the LCAP for **2024–25** or when adding a new metric.	Enter information in this box when completing the LCAP for **2025–26** and **2026–27**. Leave blank until then.

Goal Analysis:

Enter the LCAP Year.

Using actual annual measurable outcome data, including data from the Dashboard, analyze whether the planned actions were effective towards achieving the goal. "Effective" means the degree to which the planned actions were successful in producing the target result. Respond to the prompts as instructed.

Note: When completing the 2024–25 LCAP, use the 2023–24 Local Control and Accountability Plan Annual Update template to complete the Goal Analysis and identify the Goal Analysis prompts in the 2024–25 LCAP as "Not Applicable."

A description of overall implementation, including any substantive differences in planned actions and actual implementation of these actions, and any relevant challenges and successes experienced with implementation.

- Describe the overall implementation of the actions to achieve the articulated goal, including relevant challenges and successes experienced with implementation.
    - Include a discussion of relevant challenges and successes experienced with the implementation process.
    - This discussion must include any instance where the LEA did not implement a planned action or implemented a planned action in a manner that differs substantively from how it was described in the adopted LCAP.

An explanation of material differences between Budgeted Expenditures and Estimated Actual Expenditures and/or Planned Percentages of Improved Services and Estimated Actual Percentages of Improved Services.

- Explain material differences between Budgeted Expenditures and Estimated Actual Expenditures and between the Planned Percentages of Improved Services and Estimated Actual Percentages of Improved Services, as applicable. Minor variances in expenditures or percentages do not need to be addressed, and a dollar-for-dollar accounting is not required.

A description of the effectiveness or ineffectiveness of the specific actions to date in making progress toward the goal.

- Describe the effectiveness or ineffectiveness of the specific actions to date in making progress toward the goal. “Effectiveness” means the degree to which the actions were successful in producing the target result and “ineffectiveness” means that the actions did not produce any significant or targeted result.
    - In some cases, not all actions in a goal will be intended to improve performance on all of the metrics associated with the goal.
    - When responding to this prompt, LEAs may assess the effectiveness of a single action or group of actions within the goal in the context of performance on a single metric or group of specific metrics within the goal that are applicable to the action(s). Grouping actions with metrics will allow for more robust analysis of whether the strategy the LEA is using to impact a specified set of metrics is working and increase transparency for educational partners. LEAs are encouraged to use such an approach when goals include multiple actions and metrics that are not closely associated.
    - Beginning with the development of the 2024–25 LCAP, the LEA must change actions that have not proven effective over a three-year period.

A description of any changes made to the planned goal, metrics, target outcomes, or actions for the coming year that resulted from reflections on prior practice.

- Describe any changes made to this goal, expected outcomes, metrics, or actions to achieve this goal as a result of this analysis and analysis of the data provided in the Dashboard or other local data, as applicable.
    - As noted above, beginning with the development of the 2024–25 LCAP, the LEA must change actions that have not proven effective over a three-year period. For actions that have been identified as ineffective, the LEA must identify the ineffective action and must include a description of the following:

- The reasons for the ineffectiveness, and
- How changes to the action will result in a new or strengthened approach.

Actions:

Complete the table as follows. Add additional rows as necessary.

Action #

- Enter the action number.

Title

- Provide a short title for the action. This title will also appear in the action tables.

Description

- Provide a brief description of the action.
    - For actions that contribute to meeting the increased or improved services requirement, the LEA may include an explanation of how each action is principally directed towards and effective in meeting the LEA's goals for unduplicated students, as described in the instructions for the Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students section.
    - As previously noted, for each action identified as 1) contributing towards the requirement to increase or improve services for foster youth, English learners, including long-term English learners, and low-income students and 2) being provided on an LEA-wide basis, the LEA must identify one or more metrics to monitor the effectiveness of the action and its budgeted expenditures.
    - These required metrics may be identified within the action description or the first prompt in the increased or improved services section; however, the description must clearly identify the metric(s) being used to monitor the effectiveness of the action and the action(s) that the metric(s) apply to.

Total Funds

- Enter the total amount of expenditures associated with this action. Budgeted expenditures from specific fund sources will be provided in the action tables.

Contributing

- Indicate whether the action contributes to meeting the increased or improved services requirement as described in the Increased or Improved Services section using a “Y” for Yes or an “N” for No.
    - **Note:** for each such contributing action, the LEA will need to provide additional information in the Increased or Improved Services section to address the requirements in *California Code of Regulations*, Title 5 [5 *CCR*] Section 15496 in the Increased or Improved Services section of the LCAP.

***Actions for Foster Youth*:** School districts, COEs, and charter schools that have a numerically significant foster youth student subgroup are encouraged to include specific actions in the LCAP designed to meet needs specific to foster youth students.

Required Actions

For English Learners and Long-Term English Learners

- LEAs with 30 or more English learners and/or 15 or more long-term English learners must include specific actions in the LCAP related to, at a minimum:
    - Language acquisition programs, as defined in *EC* Section 306, provided to students, and
    - Professional development for teachers.
    - If an LEA has both 30 or more English learners and 15 or more long-term English learners, the LEA must include actions for both English learners and long-term English learners.

For Technical Assistance

- LEAs eligible for technical assistance pursuant to *EC* sections 47607.3, 52071, 52071.5, 52072, or 52072.5, must include specific actions within the LCAP related to its implementation of the work underway as part of technical assistance. The most common form of this technical assistance is frequently referred to as Differentiated Assistance.

For Lowest Performing Dashboard Indicators

- LEAs that have Red Dashboard indicators for (1) a school within the LEA, (2) a student group within the LEA, and/or (3) a student group within any school within the LEA must include one or more specific actions within the LCAP:
    - The specific action(s) must be directed towards the identified student group(s) and/or school(s) and must address the identified state indicator(s) for which the student group or school received the lowest performance level on the 2023 Dashboard. Each student group and/or school that receives the lowest performance level on the 2023 Dashboard must be addressed by one or more actions.
    - These required actions will be effective for the three-year LCAP cycle.

For LEAs With Unexpended LREBG Funds

- To implement the requirements of *EC* Section 52064.4, LEAs with unexpended LREBG funds must include one or more actions supported with LREBG funds within the 2025–26, 2026–27, and 2027–28 LCAPs, as applicable to the LEA. Actions funded with LREBG funds must remain in the LCAP until the LEA has expended the remainder of its LREBG funds, after which time the actions may be removed from the LCAP.
    - Prior to identifying the actions included in the LCAP the LEA is required to conduct a needs assessment pursuant to *EC* Section 32526(d). For information related to the required needs assessment please see the Program Information tab on the LREBG

Program Information web page. Additional information about the needs assessment and evidence-based resources for the LREBG may be found on the California Statewide System of Support LREBG Resources web page. The required LREBG needs assessment may be part of the LEAs regular needs assessment for the LCAP if it meets the requirements of *EC* Section 32526(d).

- School districts receiving technical assistance and COEs providing technical assistance are encouraged to use the technical assistance process to support the school district in conducting the required needs assessment, the selection of actions funded by the LREBG and/or the evaluation of implementation of the actions required as part of the LCAP annual update process.
- As a reminder, LREBG funds must be used to implement one or more of the purposes articulated in *EC* Section 32526(c)(2).
- LEAs with unexpended LREBG funds must include one or more actions supported by LREBG funds within the LCAP. For each action supported by LREBG funding the action description must:
  - Identify the action as an LREBG action;
  - Include an explanation of how research supports the selected action;
  - Identify the metric(s) being used to monitor the impact of the action; and
  - Identify the amount of LREBG funds being used to support the action.

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students

Purpose

A well-written Increased or Improved Services section provides educational partners with a comprehensive description, within a single dedicated section, of how an LEA plans to increase or improve services for its unduplicated students as defined in *EC* Section 42238.02 in grades TK–12 as compared to all students in grades TK–12, as applicable, and how LEA-wide or schoolwide actions identified for this purpose meet regulatory requirements. Descriptions provided should include sufficient detail yet be sufficiently succinct to promote a broader understanding of educational partners to facilitate their ability to provide input. An LEA's description in this section must align with the actions included in the Goals and Actions section as contributing.

Please Note: For the purpose of meeting the Increased or Improved Services requirement and consistent with *EC* Section 42238.02, long-term English learners are included in the English learner student group.

Statutory Requirements

An LEA is required to demonstrate in its LCAP how it is increasing or improving services for its students who are foster youth, English learners, and/or low-income, collectively referred to as unduplicated students, as compared to the services provided to all students in proportion to the increase in funding it receives based on the number and concentration of unduplicated students in the LEA (*EC* Section 42238.07[a][1], *EC*

Section 52064[b][8][B]; 5 *CCR* Section 15496[a]). This proportionality percentage is also known as the "minimum proportionality percentage" or "MPP." The manner in which an LEA demonstrates it is meeting its MPP is two-fold: (1) through the expenditure of LCFF funds or through the identification of a Planned Percentage of Improved Services as documented in the Contributing Actions Table, and (2) through the explanations provided in the Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students section.

To improve services means to grow services in quality and to increase services means to grow services in quantity. Services are increased or improved by those actions in the LCAP that are identified in the Goals and Actions section as contributing to the increased or improved services requirement, whether they are provided across the entire LEA (LEA-wide action), provided to an entire school (Schoolwide action), or solely provided to one or more unduplicated student group(s) (Limited action).

Therefore, for *any* action contributing to meet the increased or improved services requirement, the LEA must include an explanation of:

- How the action is increasing or improving services for the unduplicated student group(s) (Identified Needs and Action Design), and
- How the action meets the LEA's goals for its unduplicated pupils in the state and any local priority areas (Measurement of Effectiveness).

LEA-wide and Schoolwide Actions

In addition to the above required explanations, LEAs must provide a justification for why an LEA-wide or Schoolwide action is being provided to all students and how the action is intended to improve outcomes for unduplicated student group(s) as compared to all students.

- Conclusory statements that a service will help achieve an expected outcome for the goal, without an explicit connection or further explanation as to how, are not sufficient.

- Further, simply stating that an LEA has a high enrollment percentage of a specific student group or groups does not meet the increased or improved services standard because enrolling students is not the same as serving students.

For School Districts Only

Actions provided on an **LEA-wide** basis at **school districts with an unduplicated pupil percentage of less than 55 percent** must also include a description of how the actions are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state and any local priority areas. The description must provide the basis for this determination, including any alternatives considered, supporting research, experience, or educational theory.

Actions provided on a **Schoolwide** basis for **schools with less than 40 percent enrollment of unduplicated pupils** must also include a description of how these actions are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state and any local priority areas. The description must provide the basis for this determination, including any alternatives considered, supporting research, experience, or educational theory.

Requirements and Instructions

Complete the tables as follows:

Total Projected LCFF Supplemental and/or Concentration Grants

- Specify the amount of LCFF supplemental and concentration grant funds the LEA estimates it will receive in the coming year based on the number and concentration of foster youth, English learner, and low-income students. This amount includes the Additional 15 percent LCFF Concentration Grant.

Projected Additional 15 percent LCFF Concentration Grant

- Specify the amount of additional LCFF concentration grant add-on funding, as described in *EC* Section 42238.02, that the LEA estimates it will receive in the coming year.

Projected Percentage to Increase or Improve Services for the Coming School Year

- Specify the estimated percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all students in the LCAP year as calculated pursuant to 5 *CCR* Section 15496(a)(7).

LCFF Carryover — Percentage

- Specify the LCFF Carryover — Percentage identified in the LCFF Carryover Table. If a carryover percentage is not identified in the LCFF Carryover Table, specify a percentage of zero (0.00%).

LCFF Carryover — Dollar

- Specify the LCFF Carryover — Dollar amount identified in the LCFF Carryover Table. If a carryover amount is not identified in the LCFF Carryover Table, specify an amount of zero ($0).

Total Percentage to Increase or Improve Services for the Coming School Year

- Add the Projected Percentage to Increase or Improve Services for the Coming School Year and the Proportional LCFF Required Carryover Percentage and specify the percentage. This is the LEA's percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all students in the LCAP year, as calculated pursuant to 5 *CCR* Section 15496(a)(7).

Required Descriptions:

LEA-wide and Schoolwide Actions

For each action being provided to an entire LEA or school, provide an explanation of (1) the unique identified need(s) of the unduplicated student group(s) for whom the action is principally directed, (2) how the action is designed to address the identified need(s) and why it is being provided on an LEA or schoolwide basis, and (3) the metric(s) used to measure the effectiveness of the action in improving outcomes for the unduplicated student group(s).

If the LEA has provided this required description in the Action Descriptions, state as such within the table.

Complete the table as follows:

Identified Need(s)

Provide an explanation of the unique identified need(s) of the LEA's unduplicated student group(s) for whom the action is principally directed.

An LEA demonstrates how an action is principally directed towards an unduplicated student group(s) when the LEA explains the need(s), condition(s), or circumstance(s) of the unduplicated student group(s) identified through a needs assessment and how the action addresses them. A meaningful needs assessment includes, at a minimum, analysis of applicable student achievement data and educational partner feedback.

How the Action(s) are Designed to Address Need(s) and Why it is Provided on an LEA-wide or Schoolwide Basis

Provide an explanation of how the action as designed will address the unique identified need(s) of the LEA's unduplicated student group(s) for whom the action is principally directed and the rationale for why the action is being provided on an LEA-wide or schoolwide basis.

- As stated above, conclusory statements that a service will help achieve an expected outcome for the goal, without an explicit connection or further explanation as to how, are not sufficient.
- Further, simply stating that an LEA has a high enrollment percentage of a specific student group or groups does not meet the increased or improved services standard because enrolling students is not the same as serving students.

Metric(s) to Monitor Effectiveness

Identify the metric(s) being used to measure the progress and effectiveness of the action(s).

Note for COEs and Charter Schools: In the case of COEs and charter schools, schoolwide and LEA-wide are considered to be synonymous.

Limited Actions

For each action being solely provided to one or more unduplicated student group(s), provide an explanation of (1) the unique identified need(s) of the unduplicated student group(s) being served, (2) how the action is designed to address the identified need(s), and (3) how the effectiveness of the action in improving outcomes for the unduplicated student group(s) will be measured.

If the LEA has provided the required descriptions in the Action Descriptions, state as such.

Complete the table as follows:

Identified Need(s)

Provide an explanation of the unique need(s) of the unduplicated student group(s) being served identified through the LEA's needs assessment. A meaningful needs assessment includes, at a minimum, analysis of applicable student achievement data and educational partner feedback.

How the Action(s) are Designed to Address Need(s)

Provide an explanation of how the action is designed to address the unique identified need(s) of the unduplicated student group(s) being served.

Metric(s) to Monitor Effectiveness

Identify the metric(s) being used to measure the progress and effectiveness of the action(s).

For any limited action contributing to meeting the increased or improved services requirement that is associated with a Planned Percentage of Improved Services in the Contributing Summary Table rather than an expenditure of LCFF funds, describe the methodology that was used to determine the contribution of the action towards the proportional percentage, as applicable.

- For each action with an identified Planned Percentage of Improved Services, identify the goal and action number and describe the methodology that was used.

- When identifying a Planned Percentage of Improved Services, the LEA must describe the methodology that it used to determine the contribution of the action towards the proportional percentage. The percentage of improved services for an action corresponds to the amount of LCFF funding that the LEA estimates it would expend to implement the action if it were funded.

- For example, an LEA determines that there is a need to analyze data to ensure that instructional aides and expanded learning providers know what targeted supports to provide to students who are foster youth. The LEA could implement this action by hiring additional staff to collect and analyze data and to coordinate supports for students, which, based on the LEA's current pay scale, the LEA estimates would cost $165,000. Instead, the LEA chooses to utilize a portion of existing staff time to analyze data relating to students who are foster youth. This analysis will then be shared with site principals who will use the data to coordinate services provided by instructional assistants and expanded learning providers to target support to students. In this example, the LEA would divide the estimated cost of $165,000 by the amount of LCFF Funding identified in the Total Planned Expenditures Table and then convert the quotient to a percentage. This percentage is the Planned Percentage of Improved Services for the action.

Additional Concentration Grant Funding

A description of the plan for how the additional concentration grant add-on funding identified above will be used to increase the number of staff providing direct services to students at schools that have a high concentration (above 55 percent) of foster youth, English learners, and low-income students, as applicable.

An LEA that receives the additional concentration grant add-on described in *EC* Section 42238.02 is required to demonstrate how it is using these funds to increase the number of staff who provide direct services to students at schools with an enrollment of unduplicated students that is greater than 55 percent as compared to the number of staff who provide direct services to students at schools with an enrollment of unduplicated students that is equal to or less than 55 percent. The staff who provide direct services to students must be certificated staff and/or classified staff employed by the LEA; classified staff includes custodial staff.

Provide the following descriptions, as applicable to the LEA:

- An LEA that does not receive a concentration grant or the concentration grant add-on must indicate that a response to this prompt is not applicable.

- Identify the goal and action numbers of the actions in the LCAP that the LEA is implementing to meet the requirement to increase the number of staff who provide direct services to students at schools with an enrollment of unduplicated students that is greater than 55 percent.

- An LEA that does not have comparison schools from which to describe how it is using the concentration grant add-on funds, such as a single-school LEA or an LEA that only has schools with an enrollment of unduplicated students that is greater than 55 percent, must describe how it is using the funds to increase the number of credentialed staff, classified staff, or both, including custodial staff, who provide direct services to students at selected schools and the criteria used to determine which schools require additional staffing support.

- In the event that an additional concentration grant add-on is not sufficient to increase staff providing direct services to students at a school with an enrollment of unduplicated students that is greater than 55 percent, the LEA must describe how it is using the funds to retain staff providing direct services to students at a school with an enrollment of unduplicated students that is greater than 55 percent.

Complete the table as follows:

- Provide the staff-to-student ratio of classified staff providing direct services to students with a concentration of unduplicated students that is 55 percent or less and the staff-to-student ratio of classified staff providing direct services to students at schools with a concentration of unduplicated students that is greater than 55 percent, as applicable to the LEA.

    - The LEA may group its schools by grade span (Elementary, Middle/Junior High, and High Schools), as applicable to the LEA.

    - The staff-to-student ratio must be based on the number of full-time equivalent (FTE) staff and the number of enrolled students as counted on the first Wednesday in October of each year.

- Provide the staff-to-student ratio of certificated staff providing direct services to students at schools with a concentration of unduplicated students that is 55 percent or less and the staff-to-student ratio of certificated staff providing direct services to students at schools with a concentration of unduplicated students that is greater than 55 percent, as applicable to the LEA.

    - The LEA may group its schools by grade span (Elementary, Middle/Junior High, and High Schools), as applicable to the LEA.

    - The staff-to-student ratio must be based on the number of FTE staff and the number of enrolled students as counted on the first Wednesday in October of each year.

Action Tables

Complete the Total Planned Expenditures Table for each action in the LCAP. The information entered into this table will automatically populate the other Action Tables. Information is only entered into the Total Planned Expenditures Table, the Annual Update Table, the Contributing Actions Annual Update Table, and the LCFF Carryover Table. The word “input” has been added to column headers to aid in identifying the column(s) where information will be entered. Information is not entered on the remaining Action tables.

The following tables are required to be included as part of the LCAP adopted by the local governing board or governing body:

- Table 1: Total Planned Expenditures Table (for the coming LCAP Year)
- Table 2: Contributing Actions Table (for the coming LCAP Year)
- Table 3: Annual Update Table (for the current LCAP Year)
- Table 4: Contributing Actions Annual Update Table (for the current LCAP Year)
- Table 5: LCFF Carryover Table (for the current LCAP Year)

Note: The coming LCAP Year is the year that is being planned for, while the current LCAP year is the current year of implementation. For example, when developing the 2024–25 LCAP, 2024–25 will be the coming LCAP Year and 2023–24 will be the current LCAP Year.

Total Planned Expenditures Table

In the Total Planned Expenditures Table, input the following information for each action in the LCAP for that applicable LCAP year:

- **LCAP Year**: Identify the applicable LCAP Year.
- **1. Projected LCFF Base Grant**: Provide the total amount estimated LCFF entitlement for the coming school year, excluding the supplemental and concentration grants and the add-ons for the Targeted Instructional Improvement Block Grant program, the former Home-to-School Transportation program, and the Small School District Transportation program, pursuant to 5 *CCR* Section 15496(a)(8). Note that the LCFF Base Grant for purposes of the LCAP also includes the Necessary Small Schools and Economic Recovery Target allowances for school districts, and County Operations Grant for COEs.

  See *EC* sections 2574 (for COEs) and 42238.02 (for school districts and charter schools), as applicable, for LCFF entitlement calculations.
- **2. Projected LCFF Supplemental and/or Concentration Grants:** Provide the total amount of LCFF supplemental and concentration grants estimated on the basis of the number and concentration of unduplicated students for the coming school year.
- **3. Projected Percentage to Increase or Improve Services for the Coming School Year:** This percentage will not be entered; it is calculated based on the Projected LCFF Base Grant and the Projected LCFF Supplemental and/or Concentration Grants, pursuant to 5 *CCR* Section 15496(a)(8). This is the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all students in the coming LCAP year.
- **LCFF Carryover — Percentage:** Specify the LCFF Carryover — Percentage identified in the LCFF Carryover Table from the prior LCAP year. If a carryover percentage is not identified in the LCFF Carryover Table, specify a percentage of zero (0.00%).
- **Total Percentage to Increase or Improve Services for the Coming School Year:** This percentage will not be entered; it is calculated based on the Projected Percentage to Increase or Improve Services for the Coming School Year and the LCFF Carryover —

Percentage. ***This is the percentage by which the LEA must increase or improve services for unduplicated pupils as compared to the services provided to all students in the coming LCAP year.***

- **Goal #**: Enter the LCAP Goal number for the action.
- **Action #**: Enter the action's number as indicated in the LCAP Goal.
- **Action Title**: Provide a title of the action.
- **Student Group(s)**: Indicate the student group or groups who will be the primary beneficiary of the action by entering "All," or by entering a specific student group or groups.
- **Contributing to Increased or Improved Services?:** Type "Yes" if the action **is** included as contributing to meeting the increased or improved services requirement; OR, type "No" if the action is **not** included as contributing to meeting the increased or improved services requirement.
- If "Yes" is entered into the Contributing column, then complete the following columns:
    - **Scope**: The scope of an action may be LEA-wide (i.e., districtwide, countywide, or charterwide), schoolwide, or limited. An action that is LEA-wide in scope upgrades the entire educational program of the LEA. An action that is schoolwide in scope upgrades the entire educational program of a single school. An action that is limited in its scope is an action that serves only one or more unduplicated student groups.
    - **Unduplicated Student Group(s)**: Regardless of scope, contributing actions serve one or more unduplicated student groups. Indicate one or more unduplicated student groups for whom services are being increased or improved as compared to what all students receive.
    - **Location**: Identify the location where the action will be provided. If the action is provided to all schools within the LEA, the LEA must indicate "All Schools." If the action is provided to specific schools within the LEA or specific grade spans only, the LEA must enter "Specific Schools" or "Specific Grade Spans." Identify the individual school or a subset of schools or grade spans (e.g., all high schools or grades transitional kindergarten through grade five), as appropriate.
- **Time Span**: Enter "ongoing" if the action will be implemented for an indeterminate period of time. Otherwise, indicate the span of time for which the action will be implemented. For example, an LEA might enter "1 Year," or "2 Years," or "6 Months."
- **Total Personnel**: Enter the total amount of personnel expenditures utilized to implement this action.
- **Total Non-Personnel**: This amount will be automatically calculated based on information provided in the Total Personnel column and the Total Funds column.

- **LCFF Funds**: Enter the total amount of LCFF funds utilized to implement this action, if any. LCFF funds include all funds that make up an LEA's total LCFF target (i.e., base grant, grade span adjustment, supplemental grant, concentration grant, Targeted Instructional Improvement Block Grant, and Home-To-School Transportation).
    - **Note:** For an action to contribute towards meeting the increased or improved services requirement, it must include some measure of LCFF funding. The action may also include funding from other sources, however the extent to which an action contributes to meeting the increased or improved services requirement is based on the LCFF funding being used to implement the action.
- **Other State Funds**: Enter the total amount of Other State Funds utilized to implement this action, if any.
    - **Note:** Equity Multiplier funds must be included in the "Other State Funds" category, not in the "LCFF Funds" category. As a reminder, Equity Multiplier funds must be used to supplement, not supplant, funding provided to Equity Multiplier schoolsites for purposes of the LCFF, the ELO-P, the LCRS, and/or the CCSPP. This means that Equity Multiplier funds must not be used to replace funding that an Equity Multiplier schoolsite would otherwise receive to implement LEA-wide actions identified in the LEA's LCAP or that an Equity Multiplier schoolsite would otherwise receive to implement provisions of the ELO-P, the LCRS, and/or the CCSPP.
- **Local Funds**: Enter the total amount of Local Funds utilized to implement this action, if any.
- **Federal Funds**: Enter the total amount of Federal Funds utilized to implement this action, if any.
- **Total Funds**: This amount is automatically calculated based on amounts entered in the previous four columns.
- **Planned Percentage of Improved Services**: For any action identified as contributing, being provided on a Limited basis to unduplicated students, and that does not have funding associated with the action, enter the planned quality improvement anticipated for the action as a percentage rounded to the nearest hundredth (0.00%). A limited action is an action that only serves foster youth, English learners, and/or low-income students.
    - As noted in the instructions for the Increased or Improved Services section, when identifying a Planned Percentage of Improved Services, the LEA must describe the methodology that it used to determine the contribution of the action towards the proportional percentage. The percentage of improved services for an action corresponds to the amount of LCFF funding that the LEA estimates it would expend to implement the action if it were funded.

      For example, an LEA determines that there is a need to analyze data to ensure that instructional aides and expanded learning providers know what targeted supports to provide to students who are foster youth. The LEA could implement this action by hiring additional staff to collect and analyze data and to coordinate supports for students, which, based on the LEA's current pay scale, the LEA estimates would cost $165,000. Instead, the LEA chooses to utilize a portion of existing staff time to analyze data relating to students who are foster youth. This analysis will then be shared with site principals who will use the data to coordinate services provided by instructional assistants and expanded learning providers to target support to students. In this example, the LEA would divide the estimated cost of $165,000 by the amount of LCFF Funding identified in the Data Entry Table and then convert the quotient to a percentage. This percentage is the Planned Percentage of Improved Services for the action.

Contributing Actions Table

As noted above, information will not be entered in the Contributing Actions Table; however, the 'Contributing to Increased or Improved Services?' column will need to be checked to ensure that only actions with a "Yes" are displaying. If actions with a "No" are displayed or if actions that are contributing are not displaying in the column, use the drop-down menu in the column header to filter only the "Yes" responses.

Annual Update Table

In the Annual Update Table, provide the following information for each action in the LCAP for the relevant LCAP year:

- **Estimated Actual Expenditures**: Enter the total estimated actual expenditures to implement this action, if any.

Contributing Actions Annual Update Table

In the Contributing Actions Annual Update Table, check the 'Contributing to Increased or Improved Services?' column to ensure that only actions with a "Yes" are displaying. If actions with a "No" are displayed or if actions that are contributing are not displaying in the column, use the drop-down menu in the column header to filter only the "Yes" responses. Provide the following information for each contributing action in the LCAP for the relevant LCAP year:

- **6. Estimated Actual LCFF Supplemental and/or Concentration Grants:** Provide the total amount of LCFF supplemental and concentration grants estimated based on the number and concentration of unduplicated students in the current school year.
- **Estimated Actual Expenditures for Contributing Actions**: Enter the total estimated actual expenditure of LCFF funds used to implement this action, if any.
- **Estimated Actual Percentage of Improved Services:** For any action identified as contributing, being provided on a Limited basis only to unduplicated students, and that does not have funding associated with the action, enter the total estimated actual quality improvement anticipated for the action as a percentage rounded to the nearest hundredth (0.00%).
    - Building on the example provided above for calculating the Planned Percentage of Improved Services, the LEA in the example implements the action. As part of the annual update process, the LEA reviews implementation and student outcome data and determines that the action was implemented with fidelity and that outcomes for foster youth students improved. The LEA reviews the original estimated cost for the action and determines that had it hired additional staff to collect and analyze data and to coordinate supports for students that estimated actual cost would have been $169,500 due to a cost of living adjustment. The LEA would divide the estimated actual cost of $169,500 by the amount of LCFF Funding identified in the Data Entry Table and then convert the quotient to a percentage. This percentage is the Estimated Actual Percentage of Improved Services for the action.

LCFF Carryover Table

- **9. Estimated Actual LCFF Base Grant**: Provide the total amount of estimated LCFF Target Entitlement for the current school year, excluding the supplemental and concentration grants and the add-ons for the Targeted Instructional Improvement Block Grant program,

the former Home-to-School Transportation program, and the Small School District Transportation program, pursuant to 5 *CCR* Section 15496(a)(8). Note that the LCFF Base Grant for purposes of the LCAP also includes the Necessary Small Schools and Economic Recovery Target allowances for school districts, and County Operations Grant for COEs. See *EC* sections 2574 (for COEs) and 42238.02 (for school districts and charter schools), as applicable, for LCFF entitlement calculations.

- **10. Total Percentage to Increase or Improve Services for the Current School Year:** This percentage will not be entered. The percentage is calculated based on the amounts of the Estimated Actual LCFF Base Grant (9) and the Estimated Actual LCFF Supplemental and/or Concentration Grants (6), pursuant to 5 *CCR* Section 15496(a)(8), plus the LCFF Carryover – Percentage from the prior year. This is the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all students in the current LCAP year.

Calculations in the Action Tables

To reduce the duplication of effort of LEAs, the Action Tables include functionality such as pre-population of fields and cells based on the information provided in the Data Entry Table, the Annual Update Summary Table, and the Contributing Actions Table. For transparency, the functionality and calculations used are provided below.

Contributing Actions Table

- **4. Total Planned Contributing Expenditures (LCFF Funds)**
    - This amount is the total of the Planned Expenditures for Contributing Actions (LCFF Funds) column.
- **5. Total Planned Percentage of Improved Services**
    - This percentage is the total of the Planned Percentage of Improved Services column.
- **Planned Percentage to Increase or Improve Services for the coming school year (4 divided by 1, plus 5)**
    - This percentage is calculated by dividing the Total Planned Contributing Expenditures (4) by the Projected LCFF Base Grant (1), converting the quotient to a percentage, and adding it to the Total Planned Percentage of Improved Services (5).

Contributing Actions Annual Update Table

Pursuant to *EC* Section 42238.07(c)(2), if the Total Planned Contributing Expenditures (4) is less than the Estimated Actual LCFF Supplemental and Concentration Grants (6), the LEA is required to calculate the difference between the Total Planned Percentage of Improved Services (5) and the Total Estimated Actual Percentage of Improved Services (7). If the Total Planned Contributing Expenditures (4) is equal to or greater than the Estimated Actual LCFF Supplemental and Concentration Grants (6), the Difference Between Planned and Estimated Actual Percentage of Improved Services will display “Not Required.”

- **6. Estimated Actual LCFF Supplemental and Concentration Grants**

- This is the total amount of LCFF supplemental and concentration grants the LEA estimates it will actually receive based on the number and concentration of unduplicated students in the current school year.

- **4. Total Planned Contributing Expenditures (LCFF Funds)**
  - This amount is the total of the Last Year's Planned Expenditures for Contributing Actions (LCFF Funds).
- **7. Total Estimated Actual Expenditures for Contributing Actions**
  - This amount is the total of the Estimated Actual Expenditures for Contributing Actions (LCFF Funds).
- **Difference Between Planned and Estimated Actual Expenditures for Contributing Actions (Subtract 7 from 4)**
  - This amount is the Total Estimated Actual Expenditures for Contributing Actions (7) subtracted from the Total Planned Contributing Expenditures (4).
- **5. Total Planned Percentage of Improved Services (%)**
  - This amount is the total of the Planned Percentage of Improved Services column.
- **8. Total Estimated Actual Percentage of Improved Services (%)**
  - This amount is the total of the Estimated Actual Percentage of Improved Services column.
- **Difference Between Planned and Estimated Actual Percentage of Improved Services (Subtract 5 from 8)**
  - This amount is the Total Planned Percentage of Improved Services (5) subtracted from the Total Estimated Actual Percentage of Improved Services (8).

LCFF Carryover Table

- **10. Total Percentage to Increase or Improve Services for the Current School Year (6 divided by 9 plus Carryover %)**
  - This percentage is the Estimated Actual LCFF Supplemental and/or Concentration Grants (6) divided by the Estimated Actual LCFF Base Grant (9) plus the LCFF Carryover – Percentage from the prior year.
- **11. Estimated Actual Percentage of Increased or Improved Services (7 divided by 9, plus 8)**
  - This percentage is the Total Estimated Actual Expenditures for Contributing Actions (7) divided by the LCFF Funding (9), then converting the quotient to a percentage and adding the Total Estimated Actual Percentage of Improved Services (8).
- **12. LCFF Carryover — Dollar Amount LCFF Carryover (Subtract 11 from 10 and multiply by 9)**

- If the Estimated Actual Percentage of Increased or Improved Services (11) is less than the Estimated Actual Percentage to Increase or Improve Services (10), the LEA is required to carry over LCFF funds.

  The amount of LCFF funds is calculated by subtracting the Estimated Actual Percentage to Increase or Improve Services (11) from the Estimated Actual Percentage of Increased or Improved Services (10) and then multiplying by the Estimated Actual LCFF Base Grant (9). This amount is the amount of LCFF funds that is required to be carried over to the coming year.

- **13. LCFF Carryover — Percentage (12 divided by 9)**

  - This percentage is the unmet portion of the Percentage to Increase or Improve Services that the LEA must carry over into the coming LCAP year. The percentage is calculated by dividing the LCFF Carryover (12) by the LCFF Funding (9).

California Department of Education
November 2024

SCHOOL DISTRICT
WARRANT SIGNATURE CARD

School District: Happy Valley Union Elem. School Dist. Org #: 52

In accordance with Education Code Sections *42631, 42632, and 42633, the Board of Trustees of the School District authorizes the following persons to sign for approval of warrants and fund transfers of the above-named district:

Typed Name	Original Signature	Facsimile (if authorized)
Larrisa Schwab		
Gina Murphy		
Rhonda Grijalva		

Allow Electronic Authorization for Accounts Payable Batch Approval (check one): YES ☑ NO ☐

Passed and adopted this 13th day of August, 2025

By_____
Clerk of the Board

Return to Shasta County Office of Education
Attn: Superintendent's Office

Education Code Section 42631: All payments from the funds of a school district shall be made by written order of the governing board of the district. Orders shall be on forms prescribed by the county superintendent of schools unless the warrants are processed by an on-line data processing system. Forms may be printed and furnished by the board of supervisors or the county superintendent of schools.

Education Code Section 42632: Each order drawn on the funds of a school district shall be signed by at least a majority of the members of the governing board of the district, or by a person or persons authorized by the governing board to sign orders in its name. No persons other than an officer or employee of the district shall be authorized to sign orders.

Education Code Section 42633: The governing board of each school district shall be responsible for filing or causing to be filed with the county superintendent of schools the verified signature of each person, including members of the governing board, authorized to sign orders in its name. Except for districts determined to be fiscally accountable pursuant to Section 42650, no order on the funds of any school district shall be approved by the county superintendent of school unless the signatures are on file in his office and he is satisfied that the signatures on the order are those of persons authorized to sign the order.

Policy 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 09/01/1988 **| Last Revised Date:** ~~10~~03/01/~~2023~~ 2025**| Last Reviewed Date:** ~~10~~03/01/~~2023~~2025

CSBA NOTE: The following optional policy, accompanying administrative regulation, and exhibit are for complaints concerning the content or use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, and should be revised to reflect district practice.

~~Pursuant to Education Code 242, as added by AB 1078 (Ch. 229, Statutes of 2023),~~ ~~the~~The California Department of ~~Education~~Education's (CDE~~)~~ ~~is required to develop, by July 1, 2025,~~), "Guidance for Local Instructional Materials Adoptions," provides guidance for districts when identifying, reviewing, piloting, and ~~public educational~~adopting instructional materials ~~to ensure that~~in all ~~Californians can access information about educational laws~~content areas, including links to current legislation, sample timelines, support for student groups, and ~~policies that safeguard the right to an accurate and inclusive curriculum.~~
implementation considerations.

For complaints regarding the sufficiency of instructional materials or textbooks pursuant to Education Code 35186, see AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

For ~~more information regarding~~policy related to the selection, evaluation, and prohibited use of individual instructional materials, see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers. For more information regarding the adoption of instructional materials, see CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

The Governing Board uses a comprehensive process to adopt district instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of district staff, parents/guardians, and community members, and, as appropriate, students. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their ~~child's~~student's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the accompanying administrative regulation and exhibit.

The district shall accept complaints concerning instructional materials only from staff, district residents, or the parents/guardians of ~~children~~students enrolled in a district school. (Education Code 35160)

CSBA NOTE: Education Code 243~~, as added by AB 1078,~~ clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

~~Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078~~ In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use of the textbook, instructional material, supplemental instructional material, or curriculum would subject a student to unlawful discrimination pursuant to Education Code 220.
Complaints alleging discrimination based on a violation of Education Code 243 or 244, as added by SB 153, may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

However, a complaint related to the use or prohibited use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library that alleges unlawful discrimination based on a violation of Education Code 243 or 244 shall be filed, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

~~CSBA NOTE: Pursuant to Education Code 60040.5, as added by AB 1078, CDE is required to issue, by July 1, 2025,~~CSBA NOTE: CDE's, "Guidance for Local Instructional Materials Adoptions," provides guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

Additionally, the Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books," provides guidance to districts regarding the obligation to provide curricula, instructional materials, and books that are inclusive and reflect the roles and contributions of our diverse population.

When deliberating upon challenged materials, the Superintendent, or any designee or committee established by the Superintendent to review the materials, shall consider the degree to which the materials ~~aligned~~align with the criteria for instructional materials as specified in law, Board policy,

and administrative regulation. In addition, such deliberations may consider the educational philosophy and vision of the district; the educational suitability of the materials including the manner in which the materials support the curriculum and appropriateness for the student's age; the professional opinions of teachers of the subject and of other competent authorities and/or experts; reviews of the materials by reputable bodies; the stated objectives in using the materials; community standards; the allegations in the complaint, including the extent to which the objections are based on the dislike of ideas contained in the materials; and the impact that keeping or removing the materials would have on student well-being.

CSBA NOTE: Education Code 243~~, as added by AB 1078,~~ clarifies that it is unlawful discrimination for the Board to prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library on the basis that it contains inclusive or diverse perspectives. Additionally, Education Code 244, as added by SB 153, prohibits the Board from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

While Education Code 243 ~~is~~and 244 are specifically applicable to boards, districts should assume that any similar decision by the Superintendent, designee, or any committee established by the Superintendent would likely constitute unlawful discrimination as well; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The Superintendent, or any designee or committee established by the Superintendent to review the materials, shall not prohibit the continued use of an appropriately adopted textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library on the basis that it contains inclusive and/or diverse perspectives, as specified in Education Code 243.

Additionally, the Superintendent, or any designee or committee established by the Superintendent to the review materials, shall not authorize the continued use of an adopted textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

If the complainant finds the Superintendent's or review committee's decision unsatisfactory, the complainant may appeal the decision to the Board.

CSBA NOTE: The following optional paragraph limits reconsideration within a specified time period and should be modified to reflect district practice.

Any challenged instructional material that is reviewed by the district shall not be subject to further reconsideration for 12 months, unless required by law.

CSBA NOTE: Education Code 35186 details a specific process that districts must use to resolve complaints regarding sufficiency/availability of instructional materials or textbooks. See AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 60119, boards are required to hold a public hearing annually

regarding the sufficiency of instructional materials. If, at the public hearing, the Board makes a determination of "insufficient materials~~",~~," Education Code 1240~~, as amended by AB 1078,~~ requires the Board to take certain actions and specifies potential consequences for not remedying the deficiency as required by law; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

Complaints related to the sufficiency of textbooks or instructional materials shall be resolved as specified in Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures.

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5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 1240	County superintendent of schools; duties
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Ed. Code 220	Prohibition of discrimination
Ed. Code ~~242~~240-244	Prohibition of discrimination; instructional materials~~Access to information about educational laws and policies regarding right to accurate and inclusive curriculum~~
~~Ed. Code 243~~	~~Prohibition of discrimination; instructional materials~~
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35160	Powers and duties of school boards
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 44805	Teacher enforcement of course of studies; use of textbooks, rules and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51933	Sexual health education and HIV prevention materials

Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Public hearing on sufficiency of textbooks and instructional materials
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks and instructional materials
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials

Management Resources	**Description**
California Department of Education Publication	Instructional Materials, FAQ
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
California Department of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024 (https://www.cde.ca.gov/ci/cr/cf/documents/glimacfird.docx)
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
California School Boards Association Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
California School Boards Association Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
California School Boards Association Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)

Website	CSBA District and County Office of Education Legal Services
Website	Department of Justice
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
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1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
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1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
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5145.3	Nondiscrimination/Harassment
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6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction

6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
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
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

Regulation 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 **| Last Revised Date:** ~~10~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~10~~03/01/~~2023~~2025

CSBA NOTE: The following optional regulation is for complaints concerning the content or use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, and should be modified to reflect district practice. Complaints alleging unlawful discrimination based on a violation of Education Code 243, ~~as added by AB 1078 (Ch. 229, Statutes of 2023),~~ related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), related to the prohibited adoption or approval of use of any such materials if the use would subject a student to unlawful discrimination pursuant to Education Code 220, are required to be investigated or resolved in accordance with the procedures specified in BP/AR 1312.3 - Uniform Complaint Procedures, or may be directly filed with the Superintendent of Public Instruction. For complaints regarding the sufficiency of instructional materials or textbooks pursuant to Education Code 35186, see AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

For ~~more information regarding~~policy related to the selection, evaluation, and prohibited use of individual instructional materials, see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers. For more information regarding the adoption of instructional materials, see CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

Step 1: Informal Complaint

If a staff member, district resident, or parent/guardian of a student enrolled in a district school has a complaint regarding the content or use of any specific instructional material, such individual shall informally discuss the material in question with the principal. (Education Code 35160)

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, the complainant shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection and location

of such material shall be given. In order for the district to reply appropriately, complainants shall sign all complaints and provide identifying information. Anonymous complaints will not be accepted.

Upon receiving a complaint, the principal shall provide the complainant with a written acknowledgement of its receipt and respond to any procedural questions the complainant may have. The principal shall then notify the Superintendent or designee, the teacher(s), and other staff as appropriate.

During the investigation of the complaint, the challenged material may remain in use until a final decision has been reached.

Step 3: Review Committee

The Superintendent or designee shall determine whether to convene a review committee to review the complaint.

If the Superintendent or designee determines that a review committee is necessary, the Superintendent or designee shall appoint a committee composed of administrators and staff members selected from relevant instructional and administrative areas. The Superintendent or designee may also appoint parents/guardians, students, and community members, as appropriate, to serve on the committee.

The Superintendent or designee may provide training to the review committee to ensure that the review committee is informed regarding its responsibilities, the criteria to follow when reviewing instructional materials, and applicable laws, Board policy(ies), and administrative regulation(s).

Within 30 days of being convened, the review committee shall summarize its findings in a written report. The Superintendent or designee shall notify the complainant in writing of the committee's decision within 15 days of receiving the committee's report.

Step 4: Superintendent Determination

If the Superintendent or designee determines that a review committee is not necessary, the Superintendent or designee shall, in a timely manner, issue a decision regarding the complaint.

Step 5: Appeal to the Governing Board

If the complainant remains unsatisfied, the complainant may appeal the Superintendent's or review committee's decision to the Governing Board. The Board's decision shall be final.

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State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 18111	Exclusion of books by Governing board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code ~~242~~240-244	Prohibition of discrimination; instructional materials~~Access to information about educational laws and policies regarding right to accurate and inclusive curriculum~~
~~Ed. Code 243~~	~~Prohibition of discrimination; instructional materials~~
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35160	Powers and duties of school boards
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 44805	Teacher enforcement of course of studies; use of textbooks, rules and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Public hearing on sufficiency of textbooks and instructional materials
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks and instructional materials
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials

Management Resources	Description
California Department of Education Publication	Instructional Materials, FAQ
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
California Department of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024 (https://www.cde.ca.gov/ci/cr/cf/documents/glimacfird.docx)
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
California School Boards Association Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
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California School Boards Association Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
Website	CSBA District and County Office of Education Legal Services
Website	Department of Justice
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description

0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
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6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials

6163.1	Library Media Centers
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

Exhibit 1312.2-E(1): Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 **| Last Revised Date:** ~~10~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~10~~03/01/~~2023~~2025

REQUEST FOR RECONSIDERATION OF EXISTING INSTRUCTIONAL MATERIALS

This form is only for use by district employees, district residents, or parents/guardians of ~~children~~students enrolled in a district school to challenge the content or use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library.

Date:_____

Name of person filing complaint:~~_____~~
~~**Anonymous complaints will not be accepted.**~~ (Required):
_____

Group represented (if any):_____

Phone:_____

E-mail address:_____

Address:_____

Instructional Material Being Challenged:

Title:_____

Author:_____

Publisher:_____

Date of Edition:_____

Name of school/classroom instructional material was used:_____

1. Please specifically state the nature of your concern or objection and identify your objection by page, website, webpage and/or link, recording or digital sequence, video frame, or words, as appropriate. You may use additional pages if necessary.

_____

_____

_____

_____

2. Was the instructional material of concern read/heard/viewed in isolation or was the entire selection read/heard/viewed? If the entire selection was not read/heard/viewed, what is your estimate regarding the percentage of the amount read/heard/viewed?

_____

_____

_____

_____

3. What is your concern regarding the consequence if a student reads/hears/views the instructional material? In your assessment, is the instructional material appropriate for the age of the students being taught?

_____

_____

_____

_____

4. What would you like the school to do about the instructional material?

_____

_____

_____

_____

_____

Signature of complainant

For District Use:

Request received by:_____

Date:_____

Title:_____

Action taken:_____

Date:_____

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California School Boards Association Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
California School Boards Association Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)

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Policy 1340: Access To District Records

Status: ADOPTED

Original Adopted Date: 02/01/1999 **| Last Revised Date:** ~~05~~03/01/~~2020~~2025 **| Last Reviewed Date:** ~~05~~03/01/~~2020~~2025

CSBA NOTE: The following optional policy and accompanying administrative regulation reflect requirements of the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215) pertaining to public access to public records of the district. "Public records," as defined by Government Code 7920.530, include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics; see "Definitions" in the accompanying administrative regulation. For information regarding retention of records, see BP/AR 3580 - District Records, AR 4112.6/4212.6/4312.6 - Personnel Files, and BP/AR 5125 - Student Records.

Because the rules and regulations surrounding CPRA disclosures are complex, it is recommended that districts with questions about an appropriate response to a CPRA request consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Governing Board recognizes the right of members of the public to have access to public records of the district. The district shall provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

CSBA NOTE: In *City of San Jose v. Superior Court*, the California Supreme Court held that communications regarding public business that have been sent, received, or stored by public officials on a personal account or device are not categorically exempt from disclosure under the CPRA ~~(Government Code 7920.000 - 7930.215).~~. The court noted that public agencies are required to disclose all applicable records that can be located "with reasonable effort," including those records contained on a public official's or employee's personal device, regardless of whether they were transmitted through district servers. Such searches need not be extraordinarily extensive or intrusive. For further information, see CSBA's , "Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications~~.~~ ." Also see AR 3580 - District Records, BP 4040 – Employee Use of Technology, and BB 9012 - Board Member Electronic Communications.

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

~~CSBA NOTE: Government Code 7922.535 authorizes the district to charge a person requesting a copy of a record a fee covering the direct costs of duplication; however, no fee can be charged to a person who wishes to inspect but not copy a record. In North County Parents Organization for Children with Special Needs v. Department of Education, the court determined that direct costs~~

~~include only the cost of running the copy machine and possibly the expense of the person operating it. Examples of costs that do not fit this definition include costs associated with searching, reviewing, or redacting the record; assisting the requester in formulating the request; responding to the request; or employee time to sit with the requester during inspection of the record. Because it is not clearly authorized by law, districts wishing to charge for the cost of the copy machine operator should consult with legal counsel.~~

~~In addition, Government Code 7922.535 authorizes districts to provide faster access or access to more records than the minimum standards provided by law. According to the court in North County Parents Organization, this provision permits a district to waive or reduce its fees, as a reduction in copy fees permits greater access to records. For example, a district may consider waiving fees below a certain dollar threshold because the costs of collecting the fee exceed the fee amount.~~

~~Pursuant to Government Code 7922.535, as amended by AB 1819 (Ch. 695, Statutes of 2019), members of the public who request to inspect a disclosable record of the district have the right to use their own equipment on district premises, without being charged any fees or costs, to photograph, copy, or reproduce the record in a manner that does not require the equipment to make physical contact with the record. For further information about exceptions and limitations on the use of one's own equipment to copy a record of the district, see "Inspection of Records and Requests for Copies" in the accompanying administrative regulation.~~

The district may charge for copies of public records or other materials requested by individuals or groups, ~~unless they are using their own personal equipment to reproduce the record. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in~~in accordance with law and as specified in the accompanying administrative regulation.

CSBA NOTE: The following paragraph is optional.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

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 430-438	Individual student records
CA Constitution Article 1, Section 3	Right of access to governmental information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35145	Public meetings
Ed. Code 35170	Authority to secure copyrights

Ed. Code 35250	Duty to keep certain records and reports
Ed. Code 35266	Cybersecurity
Ed. Code 41020	Requirement for annual audit
Ed. Code 42103	Budget notification
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44839	Medical certificates; periodic medical examination
Ed. Code 49060-49079	Student records
Ed. Code 49091.10	Parental review of curriculum and instruction
Gov. Code 11549.3	Office of Information Security
Gov. Code 3547	Proposals relating to representation
Gov. Code 53262	Employment contracts
Gov. Code 54957.2	Minute book record of closed sessions
Gov. Code 54957.5	Agendas and other writings distributed for discussion or consideration
Gov. Code 6205-6210	Address confidentiality; victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder and dependent adult abuse
Gov. Code 6215-6216	Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81008	Political Reform Act, public records; inspection and reproduction
Gov. Code 8310.3	California Religious Freedom Act
Gov. Code 8550-8669.7	California Emergency Services Act
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.8	Family Educational Rights and Privacy

Management Resources	**Description**
Attorney General Opinion	64 Ops.Cal.Atty.Gen. 186 (1981)
Attorney General Opinion	71 Ops.Cal.Atty.Gen. 235 (1988)

CA Office of the Attorney General Publication	Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
CA Office of the Attorney General Publication	California Department of Justice Guidelines for Access to Public Records, ~~October 2017~~January 2023 (https://oag.ca.gov/system/files/media/pra-guidelines.pdf)
CA Office of the Attorney General Publication	Summary of the California Public Records Act, August 2004 (https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/summary_public_records_act.pdf)
Court Decision	National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward (2020) 9 Cal.5th 488
Court Decision	Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440
Court Decision	Fairley v. Superior Court (1998) 66 Cal.App. 4th 1414
Court Decision	International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County (2007) 42 Cal.4th 319
Court Decision	Kleitman v. Superior Court (1999) 74 Cal.App. 4th 324
Court Decision	Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
Court Decision	Los Angeles Times v. Alameda Corridor Transportation Authority (2001) 88 Cal.App.4th 1381
Court Decision	North County Parents Organization for Children with Special Needs v. Department of Education (1994) 23 Cal.App. 4th 144
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017 (https://www.csba.org/-/media/CSBA/Files/Advocacy/ELA/2017-03_LegalAlert_PRA_ElectronicDevices.ashx?la=en&rev=7f24e74fc2474138940357bc5efe1377)
League of California Cities Publication	The People's Business: A Guide to the California Public Records Act, rev. ~~April 2017~~September 2022 (https://www.calcities.org/docs/default-source/city-attorneys/the-people's-business.pdf?sfvrsn=f827f33f_3)
Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	State Bar of California

Website	California Office of the Attorney General
Website	CSBA
Website	California Office of Emergency Services (https://www.caloes.ca.gov/)

Cross References

Code	Description
0400	Comprehensive Plans
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1112	Media Relations
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
2121	Superintendent's Contract
3100	Budget

3100	Budget
3230	Federal Grant Funds
3230	Federal Grant Funds
3311	Bids
3311	Bids
3312	Contracts
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3514.2	Integrated Pest Management
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113.5	Working Remotely
4117.5	Termination Agreements
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.42	Exposure Control Plan For Bloodborne Pathogens

4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4213.5	Working Remotely
4217.5	Termination Agreements
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4313.5	Working Remotely
4317.5	Termination Agreements
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens

4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5141.6	School Health Services
5141.6	School Health Services
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6143	Courses Of Study
6143	Courses Of Study
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
7110	Facilities Master Plan

7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9223	Filling Vacancies
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9324	Minutes And Recordings

Regulation 1340: Access To District Records

Status: ADOPTED

Original Adopted Date: 03/01/2019 **| Last Revised Date:** ~~05~~03/01/~~2020~~2025 **| Last Reviewed Date:** ~~05~~03/01/~~2020~~2025

CSBA NOTE: Article 1, Section 3 of the California Constitution grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Courts broadly interpret rules or laws granting access and narrowly interpret those denying access; thus, the burden is on the district to demonstrate the need for restricting access to public records.

The following optional administrative regulation lists those records defined as public and, in contrast, those defined as exempt and/or confidential, to which there is no public access. ~~It is not intended to provide an all-inclusive list of records that may be defined as either public or confidential.~~

This administrative regulation is a non-exhaustive list of records that may be defined as either public or exempt and/or confidential. Other records which fall into these definitions may exist and may be identified in the future.

Definitions

CSBA NOTE: Pursuant to Government Code 7920.530, a "public record" includes any writing that relates to district business as defined below.

Emails and other electronic communications related in a substantive manner to district business are considered public records. Furthermore, in *City of San Jose v. Superior Court*, the California Supreme Court held that using a personal account or personal device to send, receive, or store communications regarding public business does not categorically exclude those records from disclosure upon request under the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215). The court noted that public agencies are required to disclose all applicable records that can be located "with reasonable effort," including those records contained on a public employee's or official's personal device or account. Such searches need not be extraordinarily extensive or intrusive. For further information, see CSBA's , "Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications~~.~~." Also see the accompanying Board policy, AR 3580 - District Records, BP 4040 – Employee Use of Technology, and BB 9012 - Board Member Electronic Communications.

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 7920.530)

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or

symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 7920.545)

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (Government Code 7920.515)

Public Records

CSBA NOTE: While not specifically enumerated in Government Code 7920.530, ~~items~~Items #1-~~14~~15 below are items which fall within the definition of "public records."

~~Public~~Unless otherwise exempt from disclosure, public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (Education Code 35145)

6. Meeting agendas (Government Code 54957.5)

7. Official communications between the district and other government agencies

CSBA NOTE: District and school plans (e.g., local control and accountability plan, school plan for student achievement, comprehensive safety plan) must generally be accessible to the public. However, pursuant to Education Code 32281, the Governing Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the school site. See BP 0450 - Comprehensive Safety Plan.

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law

9. Initial proposals of exclusive employee representatives and of the district , once presented at a district Governing Board meeting (Government Code 3547)

CSBA NOTE: Government Code 7927.200 exempts from disclosure those records pertaining to pending litigation until the pending litigation or claim has been finally adjudicated or otherwise settled. However, the Attorney General opined in 71 Ops.Cal.Atty.Gen. 235 (1988) that certain

records predating the filing of ~~the~~a lawsuit are subject to disclosure. In *Fairley v. Superior Court*, a California Court of Appeal concurred and held that documents were exempted only if they were prepared for use in litigation. ~~(~~See ~~item~~Item #2 in ~~the section~~ ~~"~~"Exempt and Confidential Public Records~~"~~", below~~.)~~ ~~The Board should~~. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~if it believes that any document~~with questions regarding disclosure of documents related to litigation ~~should not be disclosed~~.

10. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 7927.200, 7927.205)

11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

CSBA NOTE: Generally, the names and salaries of public employees are subject to disclosure under the CPRA. In *Sacramento County Employees Retirement System v. Superior Court*, a California Court of Appeal held that the names and corresponding pension benefits of members of a county retirement system are subject to disclosure and are not considered "individual records of members" protected by Government Code 31532. However, in *International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, the California Supreme Court recognized that, in some instances, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances. ~~The Board should consult legal counsel if it believes that any document related to the names and salaries of public employees should not be disclosed.~~It is recommended that districts with questions about the disclosure of employee information consult CSBA's District and County Office of Education Legal Services or district legal counsel.

12. Documents containing names, salaries, and pension benefits of district employees

13. Employment contracts and settlement agreements (Government Code 53262)

14. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)

CSBA NOTE: Pursuant to Government Code 7928.801, any executed contract for the purchase of goods or services by the district, including the price and terms of payment, is a public record subject to disclosure under the CPRA. It is recommended that districts with questions about contracting with entities for goods or services outside of California, or pursuant to federal law, consult CSBA's District and County Office of Education Legal Services or district legal counsel.

15. Executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor (Government Code 7928.801)

Access to public records of the district shall be granted to ~~Governing~~ Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate

among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 7921.305, 7921.310)

CSBA NOTE: Government Code 7922.200 specifies that the CPRA does not require a district to disclose a social security number and states the Legislature's intent that districts will redact social security numbers from any records being disclosed to the public. In addition, Government Code 7928.300 prohibits disclosure of an employee's personal cell phone number and birth date.

Exempt and Confidential Public Records

Records exempt from disclosure under the California Public Records Act (CPRA) include, but are not limited to:

Confidential Public Records

CSBA NOTE: Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement (ICE), as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order. An ICE "administrative warrant" is not a court order that would allow a district to disclose student records without parent/guardian consent. See BP/AR 5125 - Student Records, BP/AR 5145.13 - Response to Immigration Enforcement, and the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.

In addition, pursuant to Government Code 8310.3, districts are prohibited from collecting or disclosing to federal government authorities any personal information regarding an individual's religious beliefs, practices, or affiliation for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 7927.500)

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 7927.200, 7927.205)

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6205-6210 and 6215-6216 to protect victims of domestic

violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, as well as district employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district. This type of protection has been extended to district employees and Board members who face threats of violence, or violence or harassment from the public because of the employee's work for the district, and, pursuant to Government Code 6205-6210, to victims of child abduction and members of their households. Government Code 6207 provides that, when creating a public record, the district may not include actual residences of students, parents/guardians, or employees when a substitute address is designated through the Safe at Home program. Districts are required to accept the program participation card issued by the Secretary of State and to substitute a post office box as the participant's address.

3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 7927.700)

   The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees ~~may~~shall only be disclosed as follows: (Government Code 7928.300)

   a. To an agent or a family member of the employee

   b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

   c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed

   d. Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, personal email address, or birth date, and the district shall remove the home address, home telephone number, and personal cell phone number from any mailing list of the district except a list used exclusively to contact the employee~~.~~

   e. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

CSBA NOTE: Pursuant to Government Code 7928.205, as amended by AB 1785 (Ch. 551, Statutes of 2024), the district is prohibited from publicly posting online the information specified below of any elected or appointed official, such as a Board member, without first obtaining the written permission of that individual.

4. The home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official posted by the district online without first obtaining the written permission of that individual (Government Code 7928.205)

4. 5. Student records, except directory information and other records to the extent permitted by law and district policy (Education Code 49073, 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

5. 6. Test questions, scoring keys, and other examination data except as provided by law (Government Code 7929.605)

6. 7. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 7928.705)

7. 8. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in an unfair competitive disadvantage to the person supplying the information (Government Code 7925.000)

8. 9. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library; to persons authorized in writing, by the individual to whom the records pertain, to inspect the records; or by court order (Government Code 7927.100, 7927.105)

CSBA NOTE: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Board.

In *Los Angeles County Board of Supervisors v. Superior Court*, the California Supreme Court held that invoices for the services of district counsel, or portions of those invoices, may be privileged and therefore exempt from disclosure. ~~The Board should consult~~ It is recommended that districts with ~~legal counsel to determine what~~questions about disclosable records ~~to disclose~~ in response to a CPRA request for ~~such~~legal invoices consult CSBA's District and County Office of Education Legal Services or district legal counsel.

9. 10. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 7927.705)

10. 11. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 7929.200)

CSBA NOTE: Item #12 is related to the information technology security of the district. Government Code 11549.3, authorizes districts, at district expense, to request the Military

Department, in consultation with the California Cybersecurity Integration Center, to perform an independent security assessment of the district or individual district school. During the process of conducting an independent security assessment pursuant to Government Code 11549.3, information and records concerning the independent security assessment are confidential and are not disclosable.

12. Information security record if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of the district (Government Code 7929.210)

~~11.~~ 13. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 7924.110)

~~12.~~ 14. Minutes of Board meetings held in closed session (Government Code 54957.2)

~~13.~~ 15. Computer software developed by the district (Government Code 7922.585)

~~14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 7929.210)~~

~~15.~~ 16. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 7926.400, 7930.000-7930.215)

~~16.~~ 17. Any other records listed as exempt from public disclosure in the ~~California Public Records Act~~CPRA or other statutes

CSBA NOTE: Item #~~17~~18 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 7922.000. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~should be consulted to determine~~when determining whether a request for a record falls under this exemption.

~~17.~~ 18. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 7922.000)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 7922.200, 7928.300)

CSBA NOTE: Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information, as such disclosure is not among the limited exceptions specified in law for which student records may be released without parent/guardian consent or a lawful judicial subpoena/warrant. See BP/AR 5125 - Student Records and BP/AR 5145.13 - Response to Immigration Enforcement.

Additionally, pursuant to Government Code 8310.3, districts are prohibited from collecting or disclosing to federal government authorities any personal information regarding an individual's religious beliefs, practices, or affiliation for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed. (Education Code 234.7; Government Code 8310.3)

Inspection of Records ~~and~~, Requests for Copies, and Recovery of Costs

~~CSBA NOTE: Court decisions have held that a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.~~ CSBA NOTE: In *Los Angeles Times v. Alameda Corridor Transportation Authority*, a California Court of Appeal held that the CPRA does not require written requests and therefore a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

Any person may request a copy or inspection of any district record that is not exempt from disclosure. (Government Code 7922.530)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of the determination and the reasons for the decision. (Government Code 7922.535)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 7922.535)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request

3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the

request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request

4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

CSBA NOTE: In an effort to balance the right of the public to access public records in a timely manner while affording districts adequate opportunity to satisfy information requests during a state of emergency proclaimed pursuant to the California Emergency Services Act (Government Code 8550-8669.7), Government Code 7922.535, as amended by SB 1034 (Ch. 161, Statutes of 2024), includes, in the definition of "unusual circumstances," the need to search for, collect, and examine records due to the state of emergency.

5. The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor pursuant to the California Emergency Services Act in the jurisdiction where the district is located when the state of emergency currently affects, due to the state of emergency, the district's ability to timely respond to staffing shortages or closure of facilities where the requested records are located (Government Code 8567)

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 7922.535)

Public records shall be open to inspection at all times during district office hours. ~~Any~~If a portion of the requested record(s) is exempt from disclosure, any non-exempt, reasonably segregable portion of ~~a~~the record shall be made available for inspection ~~by any person requesting the record~~ after deletion of the portions ~~that are~~ exempted by law. (Government Code 7922.525)

CSBA NOTE: Government Code 7922.530 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 7922.500 also states that a district may not delay or obstruct the inspection or copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

Upon request for a copy that reasonably describes an identifiable, non-exempt record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 7922.530)

If only a portion of the identified record is exempt from disclosure, the record's exempt material shall be redacted prior to disclosure.

CSBA NOTE: The following optional paragraph is for use by districts that charge for copies. See the accompanying Board policy.

Government Code 7922.530 permits, but does not require, the district to charge a person requesting a physical copy of a record a fee covering the direct costs of duplication; however, no fee may be charged to a person who wishes to inspect but not copy a record. In *North County Parents Organization for Children with Special Needs v. Department of Education*, the court determined that direct costs include only the cost of running the copy machine and possibly the expense of the person operating it. Examples of costs that do not fit this definition include costs associated with searching, reviewing, or redacting the record; assisting the requester in formulating the request;

responding to the request; or employee time to sit with the requester during inspection of the record.

Pursuant to Government Code 7922.530, members of the public who request to inspect a disclosable record of the district have the right to use their own equipment on district premises, without being charged any fees or costs, to photograph, copy, or reproduce the record in a manner that does not require the equipment to make physical contact with the record.

Additionally, Government Code 7922.575 allows recovery of direct costs when the district would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals or requires data compilation, extraction, or programming to produce the record. In *National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward*, the California Supreme Court clarified that the term "data extraction" does not include the process of redacting exempt material from otherwise disclosable electronic records and that a public agency may not recover costs for the compilation or redaction of video footage.

Due to the complex nature of cost recovery standards under the CPRA it is recommended that districts with questions regarding the permissibility of fees consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. in accordance with law. Written requests to waive the fee shall be submitted to the Superintendent or designee.

~~CSBA NOTE: Pursuant to Government Code 7922.530, members of the public have the right to use their own equipment on district premises to copy a disclosable record, without being charged any fees or costs. The record must be reproduced in a manner as specified below.~~

Without charging any fees or costs, the Superintendent or designee shall allow members of the public to use their own equipment on district premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 7922.530)

1. Do not require the equipment to make physical contact with the record

2. Will not result in damage to the record

3. Will not result in unauthorized access to the district's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the district's electronic records

~~CSBA NOTE: Government Code 7922.530 authorizes the district to impose reasonable limits on the use of personal equipment by members of the public to copy disclosable records, as specified below.~~

The Superintendent or designee may impose any reasonable limit on the use of personal equipment to photograph, copy, or reproduce a disclosable record that is necessary to protect the safety of the records, or to prevent the copying of records from being an unreasonable burden to the orderly function of the district and its employees. The Superintendent or designee may also impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic

or high-value records. (Government Code 7922.530)

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's ~~web site~~website and, in response to a public records request, directing the member of the public to the location on the ~~web site~~website where the record can be found. However, if the member of the public is unable to access or reproduce the record from the ~~web site~~website, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 7922.545)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 7922.570)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 7922.575)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals~~.~~

2. The request would require data compilation, extraction, or programming to produce the record~~.~~

Assistance in Identifying Requested Records

CSBA NOTE: Government Code 7922.600 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. Pursuant to Government Code 7922.605, this assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential as specified in Government Code 7920.505.

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 7922.600)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

   If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the ~~Public Records Act~~CPRA shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 7922.500, 7922.540)

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 430-438	Individual student records
CA Constitution Article 1, Section 3	Right of access to governmental information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35145	Public meetings
Ed. Code 35170	Authority to secure copyrights
Ed. Code 35250	Duty to keep certain records and reports
Ed. Code 35266	Cybersecurity
Ed. Code 41020	Requirement for annual audit
Ed. Code 42103	Budget notification
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44839	Medical certificates; periodic medical examination
Ed. Code 49060-49079	Student records
Ed. Code 49091.10	Parental review of curriculum and instruction
Gov. Code 11549.3	Office of Information Security
Gov. Code 3547	Proposals relating to representation
Gov. Code 53262	Employment contracts
Gov. Code 54957.2	Minute book record of closed sessions
Gov. Code 54957.5	Agendas and other writings distributed for discussion or consideration

Gov. Code 6205-6210	Address confidentiality; victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder and dependent adult abuse
Gov. Code 6215-6216	Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81008	Political Reform Act, public records; inspection and reproduction
Gov. Code 8310.3	California Religious Freedom Act
Gov. Code 8550-8669.7	California Emergency Services Act
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.8	Family Educational Rights and Privacy

Management Resources	**Description**
Attorney General Opinion	64 Ops.Cal.Atty.Gen. 186 (1981)
Attorney General Opinion	71 Ops.Cal.Atty.Gen. 235 (1988)
CA Office of the Attorney General Publication	Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, ~~April~~ ~~2018~~December 2024
CA Office of the Attorney General Publication	California Department of Justice Guidelines for Access to Public Records, ~~October~~ ~~2017~~January 2023 (https://oag.ca.gov/system/files/media/pra-guidelines.pdf)
CA Office of the Attorney General Publication	Summary of the California Public Records Act, August 2004 (https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/summary_public_records_act.pdf)
Court Decision	National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward (2020) 9 Cal.5th 488
Court Decision	Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440
Court Decision	Fairley v. Superior Court (1998) 66 Cal.App. 4th 1414
Court Decision	International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County (2007) 42 Cal.4th 319
Court Decision	Kleitman v. Superior Court (1999) 74 Cal.App. 4th 324

Court Decision	Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
Court Decision	Los Angeles Times v. Alameda Corridor Transportation Authority (2001) 88 Cal.App.4th 1381
Court Decision	North County Parents Organization for Children with Special Needs v. Department of Education (1994) 23 Cal.App. 4th 144
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017 (https://www.csba.org/-/media/CSBA/Files/Advocacy/ELA/2017-03_LegalAlert_PRA_ElectronicDevices.ashx?la=en&rev=7f24e74fc2474138940357bc5efe1377)
League of California Cities Publication	The People's Business: A Guide to the California Public Records Act, rev. ~~April 2017~~September 2022 (https://www.calcities.org/docs/default-source/city-attorneys/the-people's-business.pdf?sfvrsn=f827f33f_3)
Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	State Bar of California
Website	California Office of the Attorney General
Website	CSBA
Website	California Office of Emergency Services (https://www.caloes.ca.gov/)

Cross References

Code	Description
0400	Comprehensive Plans
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan

0460	Local Control And Accountability Plan
1100	Communication With The Public
1112	Media Relations
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
2121	Superintendent's Contract
3100	Budget
3100	Budget
3230	Federal Grant Funds
3230	Federal Grant Funds
3311	Bids
3311	Bids
3312	Contracts
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3514.2	Integrated Pest Management
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies

3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113.5	Working Remotely
4117.5	Termination Agreements
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4213.5	Working Remotely
4217.5	Termination Agreements
4219.23	Unauthorized Release Of Confidential/Privileged Information

4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4313.5	Working Remotely
4317.5	Termination Agreements
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5141.6	School Health Services

5141.6	School Health Services
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6143	Courses Of Study
6143	Courses Of Study
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
7110	Facilities Master Plan
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9223	Filling Vacancies
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session

9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9324	Minutes And Recordings

Policy 3311: Bids

Status: ADOPTED

Original Adopted Date: 08/01/2013 **| Last Revised Date:** ~~12~~03/01/~~2016~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

CSBA NOTE: Pursuant to Government Code 54202, districts are **mandated** to establish bidding procedures governing the purchase of equipment and supplies; this policy and the accompanying administrative regulation reflects the competitive bidding procedures applicable to these purchases.

Additionally, Public Contract Code 20111~~,~~ requires public contracts for the lease or purchase of equipment, materials, supplies, or services or for "public projects," as defined, ~~are required~~ to be competitively bid when they involve expenditure of specified amounts.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045); for more information regarding UPCCAA see BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures. Also see AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment for procedures applicable to those contracts.

Due to the complexities of the bid process, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

CSBA NOTE: Requirements for competitive bidding, including notice and advertising, are specified in Public Contract Code 20110-20118.4. ~~See~~See "Instructions and Procedures for Advertised Bids," in the accompanying administrative regulation.

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with ~~law.~~Government Code 54202, and that meet the requirements for bidding

procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

CSBA NOTE: Pursuant to Public Contract Code 20111.5, the district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required; see "Prequalification Procedure" in the accompanying administrative regulation. However, pursuant to Public Contract Code 20111.6, a district with average daily attendance of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of $1 ~~million~~,000,000 or more, ~~if~~when the project uses state general funds, School Facilities Program funds (Education Code 17070.10-17079.30~~)~~), or ~~other~~uses or is reimbursed from future state school bonds ~~are used~~. A model prequalification questionnaire is available on the Department of Industrial ~~Relations~~Relations' website.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

CSBA NOTE: ~~Districts should be careful in crafting~~It is recommended that districts carefully craft bid specifications, as a misleading specification that results in a lower bid than might have been made may make the district liable for the extra work done or expenses incurred by the contractor. In *Los Angeles Unified School District v. Great American Insurance Co.*, the California Supreme Court held in favor of a contractor who was misled by the district's nondisclosure of material information that would have affected the contractor's bid.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, ~~and~~ service required, and include all information of which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Award of Contract

CSBA NOTE: Pursuant to Public Contract Code 20111, a contract required to be put out to bid must be awarded to the lowest responsible bidder. As defined in Public Contract Code 1103, a "responsible bidder" is one who has demonstrated the attribute of trustworthiness and possesses the quality, fitness, capacity, and experience to satisfactorily perform the proposed work.

However, a bid may be awarded ~~to~~ other than to only the lowest responsible bidder when conditions specified in law exist.

Additionally, pursuant to Public Contract Code 6102, ~~as added by SB 34 (Ch. 297, Statutes of 2022), a contract executed on or after January 1, 2023, including a contract negotiated prior to January 1, 2023,~~a contract is voidable if entered into in violation of a state or federal crime relating to bribery of a public official, including, but not limited to, a violation of Penal Code 68 or 86.

~~Except as authorized by law, contracts~~Contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than $10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

~~CSBA NOTE: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Governing Board determines it is in the best interest of the district. See the accompanying administrative regulation for a list of those items that may be leased or purchased using this procedure.~~CSBA NOTE: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, or national origin in state employment and contracting. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel with questions about the granting of preferences to any such business.

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

CSBA NOTE: Districts may, in accordance with Education Code 17250.25, utilize the design-build method of construction delivery. The repeal of Education Code 17250.55, pursuant to SB 956 (Ch. 177, Statutes of 2024), has the effect of indefinitely extending the authorization for districts to use such method of construction delivery, which otherwise would have become inoperative January 1, 2025. Pursuant to Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity.

5. When procuring a design-build contract for a public works project in excess of $1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

CSBA NOTE: Pursuant to Education Code 17250.60-17250.69, the district may, until January 1, 2029, utilize alternative design-build contracts for public works projects in excess of $5,000,000. Pursuant to Education Code 17250.60, "alternative design-build" means a project delivery process in which both the design and construction of a project are procured from a single design-build entity based on its proposed design cost, general conditions, overhead, and profit as a component of the project price.

A contract for an alternative design-build project must be awarded to either the low bidder or the best value, and is subject to further negotiation and amendment pursuant to Education Code 17250.65. Alternative design-build subcontracts are subject to an open book evaluation by the district and the district sets the price based on this open book evaluation. The alternative design-build contract may be subject to further negotiation or amendment, and if the district and the design-build entity are unable to reach an agreement, the district may terminate the contract. A district that utilizes the alternative design-build procurement method is required to submit, by January 1, 2028, a report to the Legislature, as specified in Education Code 17250.67. See AR 3311.3 - Design-Build Contracts for more information specific to design-build and alternative design-build projects.

6. When procuring an alternative design-build contract for a public works project in excess of $5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

CSBA NOTE: The law does not specify a procedure for handling protests by bidders. The following optional section provides one such procedure and should be modified to reflect district practice.

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

CSBA NOTE: The following paragraph provides a process for appealing a bid award to the Governing Board. Although the law does not specify the notice to be given in this circumstance, it is recommended that the district give notice to the bidder at least three business days before the Board meeting where the appeal will be heard, which is reflected below, and may be modified to reflect district practice.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Bids Not Required

CSBA NOTE: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Board determines it is in the best interest of the district.

The Attorney General opined, in 89 Ops.Cal.Atty.Gen. 1, 2006, that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. This opinion does not clearly address whether the piggyback exception applies to typical portable or relocatable single-classroom buildings, that lack a permanent foundation. However, in 2022 the State Allocation Board (SAB) notified districts that permanent modular school facilities must be competitively bid and districts that use piggyback contracts for permanent modular facilities are ineligible for state funding from SAB administered programs. It is recommended that districts considering using the piggyback process for modular facilities which are relocatable, portable, or temporary consult CSBA's District and County Office of Education Legal Services or district legal counsel.

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property ~~to the extent authorized by law.~~, including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118) Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

CSBA NOTE: The following optional paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "cost-benefit" analysis specified in Government Code 4217.12.

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which

notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

CSBA NOTE: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In *Marshall v. Pasadena Unified School District*, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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
Bus. Code 7056	General engineering contractor
Bus. Code 7057	General building contractor
Code of Civil Procedure 446	Verification of pleadings
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17250.10-17250.~~55~~52	Design-build contracts
Ed. Code 17250.60-17250.69	Alternative design-build contracts
Ed. Code 17400	Leasing Property
Ed. Code 17406	Lease-leaseback contract
Ed. Code 17595	Purchase of supplies through Department of General Services
Ed. Code 17602	Purchase of surplus property from federal agencies
Ed. Code 38083	Purchase of perishable foodstuffs and seasonal commodities
Ed. Code 38110-38120	Apparatus and supplies
Ed. Code 39802	Transportation services

Gov. Code 4217.10-4217.18	Energy conservation contracts
Gov. Code 4330-4334	California made materials
Gov. Code 53060	Special services and advice
Gov. Code 54201-54205	Purchase of supplies and equipment by local agencies
Gov. Code 7920.530	~~Definition of public~~Public record; definition
Pub. Cont. Code 1102	~~Definition of emergency~~Emergency; definition
Pub. Cont. Code 1103	~~Definition; responsible~~Responsible bidder; definition
Pub. Cont. Code 12200	~~Definitions, recycled~~Recycled goods, materials and supplies; definition
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20101-20103.7	Public construction projects; requirements for bidding
Pub. Cont. Code 20103.8	Award of contracts
Pub. Cont. Code 20110-20118.4	Local Agency Public Construction Act; school districts
Pub. Cont. Code 20189	Bidder's security; earthquake relief
Pub. Cont. Code 22000-22045	Uniform Public Construction Cost Accounting Act
Pub. Cont. Code 22152	Recycled product procurement
Pub. Cont. Code 3000-3010	Roofing projects
Pub. Cont. Code 3400	Bid specifications
Pub. Cont. Code 3410	U.S. produce and processed foods
Pub. Cont. Code 4113	Prime contractor; subcontractor
Pub. Cont. Code 6102	Bribery of public official; voidable contract
Pub. Cont. Code 6610	Bid visits
CA Constitution, Article 2, Section 31(a)	Prohibition of discrimination in operation of public education

Management Resources	**Description**
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	Office of Public School Construction, Piggyback Contracts
CA Department of General Services Publication	Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022
CA Department of Industrial Relations Publication	Model Prequalification Questionnaire

Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861
Court Decision	Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425
Court Decision	Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449
Court Decision	Los Angeles Unified School District v. Great American Insurance Co. (2010) 49 Cal.4th 739
Court Decision	Marshall v. Pasadena Unified School District (2004) 119 Cal.App.4th 1241
Website	CSBA District and County Office of Education Legal Services
Website	California Department of General Services
Website	CSBA
Website	California Department of Education
Website	California Association of School Business Officials

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1340	Access To District Records
1340	Access To District Records
3000	Concepts And Roles
3230	Federal Grant Funds
3230	Federal Grant Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3300	Expenditures And Purchases
3311.1	Uniform Public Construction Cost Accounting Procedures

3311.1	Uniform Public Construction Cost Accounting Procedures
3311.2	Lease-Leaseback Contracts
3311.3	Design-Build Contracts
3311.4	Procurement Of Technological Equipment
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3512	Equipment
3512-E(1)	Equipment
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3540	Transportation
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3580	District Records
3580	District Records
3600	Consultants
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
6163.1	Library Media Centers
7000	Concepts And Roles
7140	Architectural And Engineering Services

7140	Architectural And Engineering Services
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

Regulation 3311: Bids

Status: ADOPTED

Original Adopted Date: 10/01/2015 **| Last Revised Date:** ~~09~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

CSBA NOTE: Pursuant to Government Code 54202, districts are **mandated** to establish bidding procedures governing the purchase of equipment and supplies. The following administrative regulation and accompanying Board policy reflects the competitive bidding procedures applicable to these purchases, as well as contracts pursuant to Public Contract Code 20111 for certain services, public works projects, and repairs and maintenance, when the contract exceeds the amount specified in law.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045~~), which allows public projects~~). Pursuant to Public Contract Code 22032, as amended by AB 2192 (Ch. 953, Statutes of ~~$60~~2024), projects of $75,000 or less ~~to~~may be performed by district employees and public projects of ~~$200~~220,000 or less ~~to~~may be ~~awarded through an~~contracted using a more informal bidding process. ~~See~~For more information regarding UPCCAA, see BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures. Districts that have adopted the UPCCAA procedures should modify the following regulation to delete or revise conflicting provisions related to contracts for public works. Also see AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment for procedures applicable to those contracts.

Advertised/Competitive Bids

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of $15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility

CSBA NOTE: For the contracts specified in Item #2a-c below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For ~~2023~~2025, the bid limit is ~~$109,300~~114,800.

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:

a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters

c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance also includes landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems. Maintenance does not include painting, repainting, or decorating, other than ~~touchup, or among other types of work,~~minor repainting; janitorial or custodial services; and protection provided by security forces. (Public Contract Code 20115, 22002)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. ~~The~~Additionally, the Superintendent or designee ~~also~~ may post the notice on the district's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

CSBA NOTE: Pursuant to Public Contract Code 2600 all bid documents and construction contracts, when applicable, must contain a notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603. Skilled and trained workforce requirements are required for lease-leaseback projects, design-build, and alternative design-build projects. Skilled and trained workforce is optional for all other construction delivery methods. See AR 3311.2 Lease-Leaseback Contracts and AR 3311.3 -- Design-Build Contracts for specific bidding requirements.

~~The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available.~~ For lease-leaseback, design-build, and alternative design-

build projects, the notice shall additionally specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold~~.~~ (Public Contract Code 22152)

2. All bids for construction work shall be presented under sealed cover~~.~~ (Public Contract Code 20111)

   The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

   The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded~~.~~ (Public Contract Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time~~.~~ (Public Contract Code 20112)

5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted~~.~~ (Public Contract Code 20117)

CSBA NOTE: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. ~~Districts should~~It is recommended that districts consult ~~with~~ CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate, ~~if they have~~with questions regarding the applicability of this law.

6. If the district requires that the bid ~~include~~includes prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid~~.~~ (Public Contract Code 20103.8)

In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 20103.8)

a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.

b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.

c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened. (Public Contract Code 20103.8)

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

CSBA NOTE: For a bid to be successful, it must conform to bid specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., the bidder must be "responsible" as defined in Public Contract Code 1103). There is no right to a due process hearing when the district has merely found the bid to be nonresponsive. However, the district must be careful in makingIt is recommended that districts provide clear and comprehensive bid specifications to bidders and that a determination on the "nonresponsiveness" of a bid be based only on anything other than the documents submitted. To avoid any confusion, the district should provide clear and comprehensive bid specifications to bidders.

When rejecting the lowest responsive bid on the basis that the bidder is nonresponsible, the district mustis required to inform the bidder of the evidence used when making the determination and afford the bidder a hearing with the right to present evidence that the bidder is responsible.

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination.

b. When the lowest bidder is determined to be nonresponsible, the Superintendent or designee shall notify the bidder of the right to present evidence of the bidder's responsibility at a hearing before the Board.

8. After being opened, all submitted bids become public records pursuant to Government Code 7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

Prequalification Procedure

CSBA NOTE: The following section is optional. Pursuant to Public Contract Code 20111.6, a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of $1,000,000 or more, when the project uses ~~or is reimbursed from~~state general funds, School Facilities Program funds (Education Code 17070.10-17079.30~~)~~), or uses or ~~other~~is reimbursed from future state school bonds. A model prequalification questionnaire is available on the Department of Industrial ~~Relations~~Relations' website.

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of $1,000,000 or more and is funded or reimbursed wholly or partly by state general funds, the School Facilities Program funds, or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

The district shall award each contract to the lowest responsible bidder, except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than $10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

CSBA NOTE: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, or national origin in state employment and contracting. The district should consult with CSBA's District and County Office of Education Legal Services or district legal counsel if there is any question about the granting of preferences to any such business.

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

CSBA NOTE: Until January 1, 2025, districts may, in accordance with Education Code 17250.25, utilize the design-build method of construction delivery. Pursuant to Education Code 17250.15, design-build means a project delivery process in which both the design and construction of a project are procured from a single entity.

5. When procuring a design-build contract for a public works project in excess of $1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

CSBA NOTE: Pursuant to Education Code 17250.60-17250.69, as added by AB 185 (Ch. 571, Statutes of 2022), the district may, until January 1, 2029, utilize alternative design-build contracts for public works projects in excess of $5,000,000. Pursuant to Education Code 17250.60, alternative design-build means a project delivery process in which both the design and construction of a project are procured from a single design-build entity based on its proposed design cost, general conditions, overhead, and profit as a component of the project price.

A contract for an alternative design-build project must be awarded to either the low bidder or the best value, and is subject to further negotiation and amendment pursuant to Education Code 17250.65. Alternative design-build subcontracts are subject to an open book evaluation by the district and the district sets the price based on this open book evaluation. The alternative design-build contract may be subject to further negotiation or amendment and if the district and the design-build entity are unable to reach an agreement, the district may terminate the contract. A district that utilizes the alternative design-build procurement method is required to submit, by January 1, 2028, a report to the Legislature, as specified in Education Code 17250.67. See AR 3311.3 - Design-Build Contracts for more information specific to design-build and alternative design-build projects.

6. When procuring an alternative design-build contract for a public works project in excess of $5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

CSBA NOTE: The law does not specify a procedure for handling protests by bidders. The following optional section provides one such procedure and should be modified to reflect district practice.

If the bidder believes that the award is not in compliance with law, Board policy, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract

award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

CSBA NOTE: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Limitation on Use of Sole Sourcing

CSBA NOTE: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is optional.

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern

2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

   In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

CSBA NOTE: The following optional paragraph is for use by districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name, also known as sole sourcing, if the Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use

2. To match others in use on a particular public improvement that has been completed or is in the course of completion

3. To obtain a necessary item that is only available from one source

4. To respond to the Board's declaration of an emergency, ~~as~~so long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

Bids Not Required

~~CSBA NOTE: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined in 89 Ops.Cal.Atty.Gen. 1, 2006 that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. This opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Additionally, in 2022 the State Allocation Board (SAB) notified districts that modular school facilities must be competitively bid and districts that use piggyback contracts for modular facilities are ineligible for state funding from SAB administered programs. Districts considering using the piggyback process for relocatables, portables, modulars, and the like should consult CSBA's District and County Office of Education Legal Services or district legal counsel.~~CSBA NOTE: Districts may be exempt from certain bidding requirements; see "Bids Not Required" in the accompanying Board policy. The following optional paragraphs are additional instances that do not require competitive bidding.

~~Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may "piggyback" by authorizing another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms~~

that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

CSBA NOTE: The following optional paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "cost-benefit" analysis specified in Government Code 4217.12.

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

SupplementaryWithout taking estimates or advertising for bids, supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids.. (Public Contract Code 20118.3)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

CSBA NOTE: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In Marshall v. Pasadena Unified School District, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

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State	Description
Bus. Code 7056	General engineering contractor
Bus. Code 7057	General building contractor
Code of Civil Procedure 446	Verification of pleadings
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17250.10-17250.~~55~~52	Design-build contracts
Ed. Code 17250.60-17250.69	Alternative design-build contracts
Ed. Code 17400	Leasing Property
Ed. Code 17406	Lease-leaseback contract
Ed. Code 17595	Purchase of supplies through Department of General Services
Ed. Code 17602	Purchase of surplus property from federal agencies
Ed. Code 38083	Purchase of perishable foodstuffs and seasonal commodities
Ed. Code 38110-38120	Apparatus and supplies
Ed. Code 39802	Transportation services
Gov. Code 4217.10-4217.18	Energy conservation contracts
Gov. Code 4330-4334	California made materials
Gov. Code 53060	Special services and advice
Gov. Code 54201-54205	Purchase of supplies and equipment by local agencies
Gov. Code 7920.530	~~Definition of public~~Public record; definition
Pub. Cont. Code 1102	~~Definition of emergency~~Emergency; definition
Pub. Cont. Code 1103	~~Definition; responsible~~Responsible bidder; definition
Pub. Cont. Code 12200	~~Definitions, recycled~~Recycled goods, materials and supplies; definition
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20101-20103.7	Public construction projects; requirements for bidding
Pub. Cont. Code 20103.8	Award of contracts

Pub. Cont. Code 20110-20118.4	Local Agency Public Construction Act; school districts
Pub. Cont. Code 20189	Bidder's security; earthquake relief
Pub. Cont. Code 22000-22045	Uniform Public Construction Cost Accounting Act
Pub. Cont. Code 22152	Recycled product procurement
Pub. Cont. Code 3000-3010	Roofing projects
Pub. Cont. Code 3400	Bid specifications
Pub. Cont. Code 3410	U.S. produce and processed foods
Pub. Cont. Code 4113	Prime contractor; subcontractor
Pub. Cont. Code 6102	Bribery of public official; voidable contract
Pub. Cont. Code 6610	Bid visits
CA Constitution, Article 2, Section 31(a)	Prohibition of discrimination in operation of public education

Management Resources	**Description**
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	Office of Public School Construction, Piggyback Contracts
CA Department of General Services Publication	Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022
CA Department of Industrial Relations Publication	Model Prequalification Questionnaire
Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861
Court Decision	Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425
Court Decision	Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449
Court Decision	Los Angeles Unified School District v. Great American Insurance Co. (2010) 49 Cal.4th 739
Court Decision	Marshall v. Pasadena Unified School District (2004) 119 Cal.App.4th 1241
Website	CSBA District and County Office of Education Legal Services
Website	California Department of General Services
Website	CSBA

Website	California Department of Education
Website	California Association of School Business Officials

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1340	Access To District Records
1340	Access To District Records
3000	Concepts And Roles
3230	Federal Grant Funds
3230	Federal Grant Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3300	Expenditures And Purchases
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.2	Lease-Leaseback Contracts
3311.3	Design-Build Contracts
3311.4	Procurement Of Technological Equipment
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management

3512	Equipment
3512-E(1)	Equipment
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3540	Transportation
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3580	District Records
3580	District Records
3600	Consultants
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
6163.1	Library Media Centers
7000	Concepts And Roles
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

Policy 3311.1: Uniform Public Construction Cost Accounting Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2016 **| Last Revised Date:** 03/01/2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

CSBA NOTE: The following optional policy is for use by districts that elect to use an alternative procedure for awarding contracts for public works projects pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which establishes a higher bid limit and a more informal bidding process for certain projects. See BP/AR 3311 - Bids for traditional bidding procedures pursuant to Public Contract Code 20110-20118.4.

Pursuant to Public Contract Code 22032, ~~projects~~as amended by AB 2192 (Ch. 953, Statutes of ~~$60~~2024), projects of $75,000 or less may be performed by the district's own work force, projects of $~~200~~220,000 or less may ~~use~~be contracted using a more informal bidding procedure as specified, and projects over $~~200~~220,000 ~~require~~are required to be let to contract by formal bidding procedures. See the accompanying administrative regulation for related requirements.

In order to participate in ~~the~~ UPCCAA, Public Contract Code 22030 requires the Governing Board to adopt a resolution electing to use ~~the~~ UPCCAA for district contracting and to notify the State Controller of that action. In the event of a conflict with any other provision of law relative to bidding procedures, ~~the~~ UPCCAA ~~shall apply~~applies for any district that has adopted a resolution and so notified the Controller. According to the California Uniform Construction Cost Accounting Commission's, "Frequently Asked Questions," available on its website, once the Board has adopted such a resolution, it can only withdraw from ~~the~~ UPCCAA by adopting a resolution of the election to withdraw and filing that resolution with the State Controller.

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA) pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

CSBA NOTE: The following paragraph may be revised to reflect district practice. In circumstances where the informal bidding procedure is authorized, Public Contract Code 22034 allows the Board to delegate the authority to award contracts to an appropriate district administrator. Additionally, Public Contract Code 22039 authorizes the Board to delegate the authority to adopt plans, specifications, and working details for projects subject to formal bidding procedures.

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

If after the first invitation of bids pursuant to informal or formal bidding procedures under UPCCAA all bids are rejected, the Board may, by passage of a resolution by four-fifths vote, declare the project can be performed more economically by the employees of the district. (Public Contract Code 22038)

CSBA NOTE: In electing to be subject to ~~the~~ UPCCAA, the district ~~thereby~~ agrees to follow the cost accounting procedures set forth in the, "Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission," pursuant to Public Contract Code 22017 and 22019. According to the Commission's, "Frequently Asked Questions," available on ~~the Commission's~~its website, districts may use the statewide Standardized Account Code Structure to comply with tracking requirements.

Projects awarded through ~~the~~ UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

Emergency Actions

CSBA NOTE: Pursuant to Public Contract Code 22035 ~~allows the~~, a district ~~to~~may, in accordance with Public Contract Code 22050, replace or repair a school facility without going through the UPCCAA process in cases of emergency ~~in accordance with Public Contract Code 22050~~. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

When formal bids are required by law, but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

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State	Description

Pub. Cont. Code 1102	Definition of emergency
Pub. Cont. Code 20110-20118.4	Local Agency Public Construction Act; school districts
~~Pub. Cont. Code 22000-22020~~	~~California Uniform Construction Cost Accounting Commission~~
Pub. Cont. Code 22000-22045	Uniform Public Construction Cost Accounting Act
Pub. Cont. Code 22050	Emergency contracting procedures

Management Resources	**Description**
CA Uniform Construction Cost Accounting Comm. Pub.	Cost Accounting Policies and Procedures Manual, 2021
CA Uniform Construction Cost Accounting Comm. Pub.	Frequently Asked Questions, September 2022
Website	CSBA District and County Office of Education Legal Services
Website	California Uniform Construction Cost Accounting Commission
Website	CSBA
Website	California Association of School Business Officials

Cross References

Code	**Description**
3311	Bids
3311	Bids
3312	Contracts
7000	Concepts And Roles
7110	Facilities Master Plan
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

Regulation 3311.1: Uniform Public Construction Cost Accounting Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2016 | **Last Revised Date:** ~~12~~03/01/~~2018~~2025 | **Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

CSBA NOTE: The following administrative regulation is for use when the Governing Board has adopted a resolution to use the alternative procedures of the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045) for awarding public works projects; see the accompanying Board policy.

According to the California Uniform Construction Cost Accounting Commission's, "Frequently Asked Questions," available on its website, a district participating in ~~the~~ UPCCAA is subject to other requirements of the Public Contract Code in areas where ~~the~~ UPCCAA is silent. See BP/AR 3311 - Bids for traditional bidding procedures pursuant to Public Contract Code 20110-20118.4.

~~Public Contract Code 22032 establishes the following requirements based on the amount of the public project. Pursuant to Public Contract Code 22020, the Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The State Controller is required to notify all participating public agencies of any adjustment to these limits prior to the effective date.~~
Pursuant to Public Contract Code 22002, as amended by AB 2192 (Ch. 953, Statutes of 2024), the definition of "public project" was expanded to include "installation," which is reflected in the following definition.

Public project, in regard to the Uniform Public Construction Cost Accounting Act (UPCCAA), means any of the following: (Public Contract Code 22002)

1. Construction, reconstruction, erection, installation, alteration, renovation, improvement, demolition, and repair work involving any district-owned, leased, or operated facility
2. Painting or repainting of any district-owned, leased, or operated facility

CSBA NOTE: Public Contract Code 22032, as amended by AB 2192, establishes the following requirements based on the amount of the public project. Pursuant to Public Contract Code 22020, the Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The following represents the increase to bid limit threshold effective January 1, 2025. The State Controller is required to notify all participating public agencies of any adjustment to these limits prior to the effective date.

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. Public projects of $~~60~~75,000 or less may be performed by district employees by force account, negotiated contract, or purchase order~~.~~ (Public Contract Code 22032)

CSBA NOTE: Public Contract Code 22034, as amended by AB 2192, requires any public agency participating in UPCCAA to adopt an informal bidding ordinance, with specified components, to govern the selection of contractors to perform public projects of $~~200~~220,000 or less, as described in Item #2 below. The Commission's, "Frequently Asked Questions," advise that districts and other agencies that cannot legally adopt ordinances discuss compliance with legal counsel.

The district may revise Item #2a to reflect the method(s) of notification of contractors used by the district.

2. Contracts for public projects of $~~200~~220,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)

   a. The Superintendent or designee shall prepare a notice inviting informal bids, which describes the project in general terms, explains how to obtain further information about the project, and states the time and place for the submission of bids~~.~~

      This notice shall be disseminated by mail, fax, or email to either or both of the following:

      i. All contractors on a list of qualified contractors maintained by the district for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due

      ii. All construction trade journals identified pursuant to Public Contract Code 22036

   b. The district shall review the informal bids that were submitted and award the contract~~, except that:~~ as follows:

      i. The contract shall be awarded to the lowest responsible bidder

         If two or more bids are the same and the lowest, the district may accept the one it chooses.

      ~~i.~~ ii. If all bids received through the informal process are in excess of $~~200~~220,000, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board adopts a resolution with a four-fifths vote to award the contract at $~~212,500~~235,000 or less and the Board determines the district's cost estimate is reasonable~~.~~

      iii. At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided

that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid

Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.

iv. If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract~~.~~

3. Public projects of more than $~~200~~220,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)

CSBA NOTE: Pursuant to Public Contract Code 22037, if there is no newspaper of general circulation published in the jurisdiction of the district, the district ~~must~~is required to post the bid notice in three locations as described below. Public Contract Code 22037 requires that these locations be identified in the agency's ordinance or regulation. Item #3a(1) may be revised to include such locations.

a. ~~Notice~~ The Superintendent or designee shall prepare a notice inviting formal bids ~~shall state~~, which states the time and place for receiving and opening sealed bids and distinctly describe the project~~.~~

~~a.~~ The notice shall be disseminated in both of the following ways:

i. Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices~~.~~

Such notice shall be published at least 14 calendar days before the date that bids will be opened.

ii. By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036~~.~~

Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

~~i.~~ In addition to the notice required above, the district may give such other notice as it deems proper.

b. The district shall review the formal bids that were submitted and award the contract as follows:

i. The contract shall be awarded to the lowest responsible bidder.

If two or more bids are the same and the lowest, the district may accept the one it chooses.

ii. At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid.

Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.

iii. If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.

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State	Description
Pub. Cont. Code 1102	Definition of emergency
Pub. Cont. Code 20110-20118.4	Local Agency Public Construction Act; school districts
~~Pub. Cont. Code 22000-22020~~	~~California Uniform Construction Cost Accounting Commission~~
Pub. Cont. Code 22000-22045	Uniform Public Construction Cost Accounting Act
Pub. Cont. Code 22050	Emergency contracting procedures

Management Resources	Description
CA Uniform Construction Cost Accounting Comm. Pub.	Cost Accounting Policies and Procedures Manual, 2021
CA Uniform Construction Cost Accounting Comm. Pub.	Frequently Asked Questions, September 2022
Website	CSBA District and County Office of Education Legal Services
Website	California Uniform Construction Cost Accounting Commission
Website	CSBA
Website	California Association of School Business Officials

Cross References

Code	Description
3311	Bids
3311	Bids
3312	Contracts
7000	Concepts And Roles
7110	Facilities Master Plan
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

Policy 3312: Contracts

Status: ADOPTED

Original Adopted Date: 11/01/2003 **| Last Revised Date:** ~~09~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

~~CSBA NOTE:~~ CSBA NOTE: The following policy is **mandated** for districts that enter into a contract that (1) grants exclusive or nonexclusive sales or advertising for carbonated beverages, non-nutritious beverages, or non-nutritious foods, pursuant to Education Code 35182.5, or (2) is for digital storage, management, or retrieval of student records, or digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records, pursuant to Education Code 49073.1.

Several statutes authorize the Governing Board to contract for services, equipment, materials, and supplies on behalf of the district. Such statutes include, but are not limited to, Education Code 17596, which allows a broad range of services to be performed under a "continuing contract" and Education Code 45103.5, which authorizes a contract for management consulting services relating to food service.

Some contracts are subject to certain specific legal requirements which, if not complied with, may render the contract void or unenforceable. For instance, when contracting for the purchase of equipment, materials, or supplies in excess of the current bid limit ($~~109,300~~114,800 for ~~2023~~2025), the district ~~must~~is required to seek competitive bids, pursuant to Public Contract Code 20111. ~~See sections below titled~~Additionally, pursuant to Labor Code 1771.8, as added by SB 1303 (Ch. 991, Statutes of 2024), when contracting with a private labor compliance entity on a public works project, the private labor compliance entity is required to disclose a potential conflict of interest. See "Contracts for Non-nutritious Foods or Beverages," "Contracts for Electronic Products and Services," "Contracts for Digital Storage and Maintenance of Student Records," and "Contracts for Personal Services~~"~~," below, for specific requirements and/or restrictions related to ~~those~~such contracts. See AR 3311.3 - Design-Build Contracts for information about design-build contracts for public works projects in excess of $1,000,000 and for alternative design-build projects in excess of $5,000,000. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific ~~kinds of contract.~~contracts.

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's ~~interest is~~interests are protected~~,~~ and that the terms of the contract conform to any applicable legal standards, including ~~the~~, but not limited to, bidding requirements in Public Contract Code 20111.

CSBA NOTE: When entering into a contract, a ~~school~~ district is required to comply with California's conflict of interest laws, including, but not limited to, Government Code 1090 (financial interest in a contract), Government Code 87100-87500 (Political Reform Act), and Government Code 84308~~, as amended by SB 1439 (Ch. 848, Statutes of 2022), related to~~ (conflict of interest from campaign contributions~~.~~). The violation of any of these laws could result in cancelation of the contract and, in certain cases, the Board members and/or district officials implicated could be subject to civil and criminal penalties. For example, pursuant to Government Code 84308, as amended~~,~~ SB 1243 (Ch. 1017, Statutes of 2024), Board members are prohibited from participating in decisions involving parties who have provided campaign contributions of more than $~~250~~500 in the prior 12 months. Additionally, pursuant to Public Contract Code 6102, ~~as added by SB 34 (Ch. 297, Statutes of 2022),~~ a contract ~~executed on or after January 1, 2023, including a contract negotiated prior to January 1, 2023,~~ is voidable if entered into in violation of a state or federal crime relating to bribery of a public official, including, but not limited to, a violation of Penal Code 68 or 86.

Additionally, Government Code 1097.6 clarifies that an independent contractor is not considered to be an "officer" and thereby not subject to the restrictions of Government Code 1090 when the district enters into a contract with an independent contractor to perform one phase of a project and later seeks to enter into a subsequent contract with that same independent contractor for another phase of the same project if the independent contractor's duties and services related to the initial contract did not include engaging in or advising on public contracting on behalf of the district.

For more information related to the policy on conflict of interest, see BB 9270 - Conflict of Interest.

~~In addition,~~ Board members and district employees involved in the making of contracts on behalf of the district shall comply with applicable law and the district's conflict of interest policy, as specified in Board Bylaw 9270 - Conflict of Interest.

~~CSBA NOTE: The following optional paragraph may be revised to specify any desired limits to this delegation of authority.~~CSBA NOTE: The following optional paragraph may be revised to specify any desired limits to the delegation of authority to enter into contracts on behalf of the district. Pursuant to Education Code 35161, the Board may delegate any of its, or the district's, powers or duties authorized by law to an officer or employee of the district. However, the Board retains ultimate responsibility over the performance of such powers and duties. Additionally, pursuant to Education Code 17604 and 17605, the Board may adopt a rule delegating to any officer or employee the authority to purchase supplies, materials, apparatus, equipment, and services. The Board's rule is required to describe the limits of the delegation by prescribing time, money, and subject matter limits. The amount delegated may not be in excess of the amounts specified in Public Contract Code 20111, with any expenditures over those amounts required to be competitively bid. See BP 3300 – Expenditures and Purchases for language delegating the purchasing authority and setting the maximum limit.

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation

against the district, all such contracts must be approved and/or ratified by the Board. (Education Code 17604, 17605, 35161)

~~CSBA NOTE: The following optional paragraph reflects the requirements of Education Code 35182.5 which are applicable to contracts for exclusive or nonexclusive advertising and sale of carbonated beverages or non-nutritious foods or beverages. Though not required for all contracts, such requirements help to minimize public waste and ensure transparency in public contracting and should be adopted by the Board for other contracts. See "Contracts for Non-nutritious Foods or Beverages" below.~~

~~Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure.~~

CSBA NOTE: Pursuant to Government Code 7928.801, any executed contract for the purchase of goods or services by the district, including the price and terms of payment, is a public record subject to disclosure under the California Public Records Act. Because other state and/or federal law may also be applicable when contracting for goods or services outside of California or pursuant to federal law, it is recommended that districts with questions about such contracts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Unless otherwise exempt from disclosure under state or federal law, executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor, are public records to which members of the public shall have access. (Government Code 7928.801)

No contract shall prohibit a district employee from disparaging the goods or services of any contracting party. (Education Code 35182.5)

~~Contracts for Non-nutritious Foods or Beverages~~

CSBA NOTE: Pursuant to Labor Code 1771.8, as added by SB 1303, if the district utilizes a private labor compliance entity, that entity is required to submit a signed declaration under penalty of perjury verifying that it has no conflicts of interest. Pursuant to Labor Code 1771.8, as added by SB 1303, a violation of the conflict of interest provisions by a private labor compliance entity would void a contract between the parties and subject the private labor compliance entity to specified civil fines and fees. Because Labor Code 1771.8 does not apply to the Los Angeles Unified School District (LAUSD), LAUSD should delete the following four paragraphs.

If the district utilizes a private labor compliance entity, the Superintendent or designee shall verify that the entity does not have a conflict of interest. (Labor Code 1771.8)

A *private labor compliance entity* is a third-party company hired by a district to perform labor compliance and enforcement activities on public works projects on the district's behalf. (Labor Code 1771.8)

A *conflict of interest* is a situation in which a private labor compliance entity performs labor compliance work under contract for both the district and a contractor who is bidding a public works project for the district. (Labor Code 1771.8)

If the district's private labor compliance entity seeks to respond to an alleged conflict of interest, the Superintendent or designee shall confer with the entity and/or the contractor regarding the applicable contracts and relevant public works law. (Labor Code 1771.8)

Contracts for Non-Nutritious Foods or Beverages

CSBA NOTE: Foods and beverages that do not meet nutritional standards specified in law may not be sold in schools except under limited circumstances; see BP/AR 3554 - Other Food Sales~~.~~ for more information regarding food sales outside the district's food service program. Schools that do not participate in the National School Lunch or Breakfast program are required to comply with the nutritional standards in Education Code 49431-49431.7 ~~and~~, 5 CCR 15500-15501, and 15575-15578, from one-half hour before the school day to one-half hour after it. Schools that participate in the National School Lunch or Breakfast program ~~must~~are required to comply with the stricter of the nutritional standards in ~~7 CFR 210.11 and 220.12 and~~ Education Code 49431-49431.7, 7 CFR 210.11, and 220.12, between midnight before and one-half hour after the end of the school day.

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in ~~the~~ applicable law.

CSBA NOTE: Pursuant to Education Code 35182.5, the district may not enter into a contract that grants exclusive or nonexclusive sales or advertising for carbonated beverages, non-nutritious beverages, or non-nutritious foods unless the Board holds a public hearing and, as **mandated**, adopts ~~a~~ policy that ensures that internal controls are in place to protect the integrity of public funds, that the funds raised will benefit public education, and that the contracts are entered into on a competitive basis.

Before the district enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

CSBA NOTE: Education Code 35182.5 does not define the term "internal controls." Items #1-2 below are based on suggested "internal controls" as recommended by the ~~California Association of School Business Officials (CASBO~~Fiscal Crisis Management Assistance Team (FCMAT) and should be modified to reflect the specific internal controls developed by the district.

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include, but are not ~~be~~ limited to, the following:

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property.

   Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

2. Procedures to ensure that district personnel do not handle cash or product at the school site.

   The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

CSBA NOTE: Optional Items #1-4 below are not required by law, but present additional factors for the Board to consider to help ensure that the funds raised benefit public education in accordance with Education Code 35182.5. The following list should be modified to reflect district practice.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales.

   The Superintendent or designee shall report these amounts to the Board on a regular basis.

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities.

CSBA NOTE: Education Code 35182.5 **mandates** the Board to adopt policy to ensure that the contract is entered into on a competitive basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. Public Contract Code 20111 requires districts to seek

competitive bids through advertisements for contracts or services exceeding an amount specified in law. For a detailed procedure for the bidding of contracts, see AR 3311 - Bids.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

CSBA NOTE: Pursuant to Education Code 35182.5, the public hearing required before the district may enter into or renew a contract for non-nutritious foods or carbonated or non-nutritious beverages may be met through an annual public hearing to review and discuss existing and potential contracts for the sale of foods and beverages on campuses, as provided in Option 1 below. Option 2 is available for districts that prefer to hold a public hearing for the making or renewal of each contract involving non-nutritious foods or beverages.

OPTION 1: (Annual public hearing to review and discuss existing and potential contracts)

The Board shall hold an annual public hearing to review and discuss all existing and potential contracts for the sale of foods and beverages on campus, including those sold as full meals or through competitive sales, fundraisers, or vending machines. The Board shall hold a public meeting for any contract not discussed at the annual public hearing. (Education Code 35182.5)

OPTION 1 ENDS HERE

OPTION 2: (Public hearing for the making or renewal of each contract)

The Board shall not enter into or renew any contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, on non-nutritious foods until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph is applicable to both Options 1 and 2.

The public hearing shall include, but not be limited to, a discussion of the nutritional value of foods and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the foods and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

The contract shall be a public record and shall be accessible to the public ~~and~~. The district may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public~~.~~ and may not enforce any such clause included by a contracting party. (Education Code 35182.5; Government Code 7928.801)

Contracts for Electronic Products or Services

CSBA NOTE: Education Code 35182.5 prohibits districts or schools from entering into contracts for electronic products or services that require dissemination of advertising to students, unless the following conditions are satisfied. This section should be modified to reflect any additional requirements included by the ~~district~~Board.

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed~~,~~ public hearing of the Board~~.~~

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students~~.~~

3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students~~.~~

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning ~~center.~~centers

5. Offers parents/guardians the opportunity to request in writing that ~~their child~~the student not be exposed to the program that contains the advertising~~.~~

   A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

CSBA NOTE: Pursuant to Education Code 49073.1, the Board is **mandated** to adopt ~~a~~ policy when the district chooses to enter into a contract with a third party to provide services specified in the following section.

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. A statement that student records continue to be the property of and under the control of the district

2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account

3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract

4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information

5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records

6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records

7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content

8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g

9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

Contracts for Personal Services

CSBA NOTE: The following optional paragraph is applicable when the district chooses to contract for personal services that are currently or customarily performed by its classified employees. Pursuant to Education Code 45103.1, such a contract may be entered into or renewed by the district in order to achieve cost savings, but only if the contract (1) is awarded through a publicized, competitive bidding process~~;~~, (2) does not result in displacement of district employees (layoff, demotion, involuntary transfer to a new classification, ~~etc.);~~involuntary transfer to a new location requiring a change of residence, or time base reductions), and (3) meets other specified conditions.

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees~~,~~ if the contract does not displace ~~school~~ district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the ~~numerous~~ conditions specified in Education Code 45103.1.

CSBA NOTE: Education Code 45103.1 ~~also~~ permits personal service contracts that do not meet the conditions specified in the above paragraph ~~above~~ ~~in~~so long as the circumstances ~~as~~ listed below exist.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions ~~exists~~exist: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors

2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district

3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented

4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process

5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply

6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed

7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose

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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 15500	Food sales in elementary schools
5 CCR 15501	Food sales in high schools and junior high schools
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 14505	Provisions required in contracts for audits
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17595-17606	Contracts
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 35161	Governing boards; powers and duties
Ed. Code 35182.5	Contracts for advertising
Ed. Code 45103.1	Personal services contracts
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 49073.1	Contract requirements for digital storage, maintenance and retrieval of student records
Ed. Code 49431-49431.7	Nutritional standards
Gov. Code 1090	Prohibition of financial interest in contracts by specified officers
Gov. Code 1097.6	Independent contractors
Gov. Code 12990	Nondiscrimination and compliance employment programs
Gov. Code 53260	Contract provision re maximum cash settlement
Gov. Code 53262	Employment contracts
Gov. Code 7928.801	Public Records Act; contracts for goods and services
Gov. Code 84308	Campaign ~~Disclosure~~disclosure
Lab. Code 1771.8	Private labor compliance entity; potential conflict of interest
Lab. Code 1775	Penalties for violations
Lab. Code 1810-1813	Working hours
Pub. Cont. Code 20104.50	Timely progress payments

Pub. Cont. Code 20111	Contracts over $50,000; contracts for construction; award to lowest responsible bidder
Pub. Cont. Code 22300	Performance retentions
Pub. Cont. Code 4100-4114	Subletting and subcontracting fair practices
Pub. Cont. Code 6102	Awarding of contracts
Pub. Cont. Code 7104	Contracts for excavations; discovery of hazardous waste
Pub. Cont. Code 7106	Noncollusion affidavit

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 220.1-220.21	National School Breakfast Program

Management Resources	**Description**
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Association of School Business Officials
Website	Financial Crisis & Management Assistance Team

Cross References

Code	**Description**
0100	Philosophy
0200	Goals For The School District
0440	District Technology Plan
0440	District Technology Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1230	School-Connected Organizations
1230	School-Connected Organizations
1321	Solicitation Of Funds From And By Students

1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
2121	Superintendent's Contract
3000	Concepts And Roles
3100	Budget
3100	Budget
3230	Federal Grant Funds
3230	Federal Grant Funds
3290	Gifts, Grants And Bequests
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.2	Lease-Leaseback Contracts
3311.3	Design-Build Contracts
3311.4	Procurement Of Technological Equipment
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management

3540	Transportation
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.4	Health Examinations
4132	Publication Or Creation Of Materials
4200	Classified Personnel
4200	Classified Personnel
4212.4	Health Examinations
4232	Publication Or Creation Of Materials
4312.1	Contracts
4312.4	Health Examinations
4332	Publication Or Creation Of Materials
5030	Student Wellness
5125	Student Records
5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials

7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
9000	Role Of The Board
9124	Attorney
9320	Meetings And Notices
9322	Agenda/Meeting Materials
9323	Meeting Conduct

Policy 3516.5: Emergency Schedules

Status: ADOPTED

Original Adopted Date: 12/01/1992 **| Last Revised Date:** ~~09~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2021~~2025

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, change the regular school day schedule, or take any necessary action when hazardous environmental, health, or weather conditions, or other emergencies, warrant.

CSBA NOTE: Pursuant to Education Code 41422 and 46392, a district may apply to the Superintendent of Public Instruction to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events such as a fire, flood, impassable roads, epidemic, earthquake, imminence of a major safety hazard, strike involving transportation services to students provided by a nonschool entity, ~~or~~ other "extraordinary condition"~~"~~, or, as amended by SB 1429 (Ch. 477, Statutes of 2024), snowstorms, so that it may receive full average daily attendance apportionment.

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction (SPI) the necessary forms and/or affidavits for obtaining approval of apportionment credit for the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

CSBA NOTE: Education Code 46393, as ~~added~~amended by ~~AB 130~~SB 153 (Ch. ~~44~~38, Statutes of ~~2021~~2024) and AB 176 (Ch. 998, Statutes of 2024), requires districts 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 impacted students within 10 instructional days of the first day of a school closure or material decrease in attendance. For events occurring on or after July 1, 2026, Education Code 46393, as amended by SB 153 and AB 176, requires districts to certify that the district's comprehensive safety plan includes an instructional continuity 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.

For school closures or material decreases in attendance due to emergency events ~~occurring after~~that occur between September ~~1~~2, 2021 and June 30, 2026, the Superintendent or designee shall ~~develop~~certify in the affidavit submitted to the SPI that the district has a plan for offering independent study within 10 instructional days of the school closure to any student impacted by the emergency condition. The plan shall ~~also~~ address the establishment, within a reasonable time, of independent study master agreements as specified in ~~BP~~Board Policy 6158 - Independent Study~~.~~

~~The plan shall,~~ and require reopening in person as soon as possible once allowable under the direction from the city or county health officer. ~~The~~ (Education Code 46393)

For school closures or material decreases in attendance due to emergency events occurring on or after July 1, 2026, the Superintendent or designee shall certify ~~that the district has a plan for independent study in~~ in the affidavit submitted to the SPI ~~pursuant to Education Code 46392.~~ that the district's comprehensive safety plan includes an instructional continuity plan, and that the district offered student engagement and instruction consistent with the instructional continuity plan, or that it did not do so due to extenuating circumstances. (Education Code 46393)

CSBA NOTE: Vehicle Code 34501.6 mandates the Governing Board of any district that provides student transportation to adopt procedures that limit the home-to-school operation of school buses when atmospheric conditions reduce visibility to 200 feet or less; see AR 3543 - Transportation Safety and Emergencies for language implementing this mandate. The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee shall establish a system for informing students and parents/guardians ~~when~~ with timely notice in advance of any changes to the school day, a school closure, or if school buses are not operating as scheduled~~, the school day schedule is changed, or the school is closed.~~ . The district's notification system shall include, but is not limited to, notifying local television, streaming services, and/or radio stations~~,~~; posting on district ~~web site~~website(s~~),~~) and/or social media account(s); sending email and text messages~~,~~; and/or making telephone calls.

CSBA NOTE: Pursuant to Public Utilities Code 2874, as amended by AB 2905 (Ch. 316, Statutes of 2024), when a district or school uses an automatic dialing-announcing device, the person making calls and operating the device is required, prior to operating the device, to personally make an unrecorded, natural voice announcement to those being called which (1) states the nature of the call and the name, address, and telephone number of the district or school, (2) inquires whether the person called consents to hear the prerecorded message of the person calling, and (3) informs the person if the prerecorded message uses an artificial voice. Districts and schools are required to disconnect the device from the telephone line upon the termination of the call.]

When the district makes any notification to students and/or parents/guardians utilizing an automatic dialing-announcing device, the device shall be operated by a person who shall follow all procedures required by law prior to operating the device, and disconnect the device from the telephone line upon the termination of the call. (Public Utilities Code 2874)

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in ~~the district's emergency and disaster preparedness plan.~~

Board Policy/Administrative Regulation 3516 – Emergencies and Disaster Preparedness Plan.

The following paragraph is for districts that provide a means for students to make up lost instructional time due to an emergency and may be revised to reflect district practice. Pursuant to Education Code 46211, as added by SB 153, 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 due to emergency events, 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. Attendance recovery programs may be operated before or after school, on weekends, or during intersessional periods. However, Education Code 46210, as added by SB 153, expresses legislative intent that access to instruction as part of a regular instructional program is the preferred method of student learning and that the availability of attendance recovery should not discourage districts that regularly experience school closures from maintaining school calendars of greater than 180 days to maximize instruction in the regular instructional program. For more information regarding attendance recovery programs, see BP/AR 5113.1 – Chronic Absence and Truancy.

The Superintendent or designee may provide a means to make up lost instructional time later during the year. ~~Students and parents/guardians shall receive timely notice in advance of any resulting changes in the school calendar or school day schedule.~~

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Policy Reference Disclaimer:
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State	Description
Ed. Code 41420	Apportionment withholding; schools not maintained for 175 days
Ed. Code 41422	Schools not maintained for 175 days
Ed. Code 46010	Total days of attendance
Ed. Code 46100-46208	Attendance; maximum credit; minimum day
Ed. Code 46210-46211	Attendance Recovery Programs
Ed. Code 46390	Calculation of ADA in emergency
Ed. Code 46391	Lost or destroyed ADA records
Ed. Code 46392	Emergencies
Ed. Code 46393	Certification of plan for independent study; instructional continuity plan
Public Utilities Code 2874	Automatic dialing-announcing devices
Veh. Code 34501.6	School buses; reduced visibility
Management Resources	**Description**

~~CA DOE~~California Department of Education Correspondence	90-01 Average Daily Attendance Credit During Periods of Emergency, February 10, 2005
California Department of Education Publication	Frequently Asked Questions - Form J-13A
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
2210	Administrative Discretion Regarding Board Policy
3511	Energy And Water Management
3511	Energy And Water Management
3514	Environmental Safety
3514	Environmental Safety
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.2	Bomb Threats
3542	School Bus Drivers
3543	Transportation Safety And Emergencies
3580	District Records
3580	District Records
4113.5	Working Remotely
4157	Employee Safety
4157	Employee Safety
4213.5	Working Remotely

4257	Employee Safety
4257	Employee Safety
4313.5	Working Remotely
4357	Employee Safety
4357	Employee Safety
5113.1	Chronic Absence and Truancy
5142	Safety
5142	Safety
~~5148.2~~	~~Before/After School Programs~~
~~5148.2~~	~~Before/After School Programs~~
6111	School Calendar
6112	School Day
6112	School Day
6158	Independent Study
6158	Independent Study

Policy 3580: District Records

Status: ADOPTED

Original Adopted Date: 11/01/2009 **| Last Revised Date:** ~~12~~03/01/~~2024~~2025 **| Last Reviewed Date:** ~~12~~03/01/~~2024~~2025

CSBA NOTE: The following optional policy and accompanying administrative regulation address the classification and retention of district records pursuant to 5 CCR 16020-16027 and may be ~~modified~~revised to reflect district practice. For more information about personnel records, including the contents and retention of such records pursuant to 5 CCR 16023, see AR 4112.6/4212.6/4312.6 - Personnel Files. For additional requirements pertaining to student records, including the contents and retention of such records pursuant to Education Code 49069.7, 5 CCR 430-~~433~~438, and the Family Educational Rights and Privacy Act (20 USC 1232g and 34 CFR 99.1-99.8), see BP/AR 5125 - Student Records. For requirements pertaining to public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.~~170~~215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications.

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

CSBA NOTE: 5 CCR 16020 defines a "record" as any ~~paper or~~ document which the district is required by law to ~~maintain~~prepare or retain or which the district prepares or ~~maintains~~retains as necessary to the discharge of official duty. 5 CCR 16022 requires the Superintendent or designee to annually review and classify these records in order to determine the length of time for which they must be retained. Depending on their content, electronic communications such as email, voicemail, and text messages may also be considered "records" and thus are subject to the same classification and retention schedule as paper documents.

Code of Civil Procedure 1985.8 (the California Electronic Discovery Act) and Code of Civil Procedure 2031.010 ~~make~~describe the procedural rules requiring the disclosure of documents to the opposing party in litigation applicable to electronically stored information. These state ~~rules~~statutes are similar to federal Rules of Civil Procedure that apply to actions in federal courts and which also include provisions related to electronically stored information. In general, the rules require parties in litigation to identify and disclose potentially relevant electronic information and, upon notification by district legal counsel of pending or anticipated litigation, halt the routine destruction of paper or electronic records (e.g., suspend automatic monthly erasure of back-up tapes) that could be potentially relevant (a "litigation hold").

It is important that districts have an efficient and consistent system in place for discarding those documents, including email, that are not considered "records." Such a system may help reduce storage costs and prevent unnecessary disclosure. For example, Government Code 7927.500 exempts from disclosure "preliminary drafts" not retained by the district. The purpose of this exemption is to allow a measure of confidentiality for pending district action. However, if preliminary drafts are not regularly discarded, then they may be considered a "record" that has

been retained by the district and thus subject to disclosure under the ~~Public Records Act~~CPRA.

The following optional paragraph, which may be revised to reflect district practice, directs the Superintendent or designee to create a document management system which includes a process for the storage and destruction of electronic materials. Each district will need to do an analysis of the type of system needed based on the size of the district, number of school sites, number of employees, and the type, practice, and capability of the district's information technology system. It is recommended that districts with questions about records retention requirements consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness and response activities. Government Code 8586.5 requires CSIC to coordinate cyber intelligence and information sharing with specified public and private entities, and, as amended by AB 1023 (Ch. 555, Statutes of 2023), requires such sharing of information, including cyber threat information, with school districts. Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats.

Additionally, in an effort to enhance cybersecurity across K-12 schools, the U.S. Department of Education and the Cybersecurity and Infrastructure Security Agency launched the Government Coordinating Council for the Education Facilities Subsector in 2024. Districts who meet the federal universal service discounts for Internet access (E-rate discounts) eligibility requirements may be eligible for funding to purchase cybersecurity services and equipment through the Federal Communications Commission's Schools and Libraries Cybersecurity Pilot Program. The State Educational Technology Directors Association's 2023 guidance, "Small Districts, Big Hurdles: Cybersecurity Support for Small, Rural, and Under-resourced Districts," provides additional information regarding the use of leadership development, partnership building, vulnerability assessment, and staff training to enhance cybersecurity readiness.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft~~.~~, including damage, loss, or theft which may be caused by cybersecurity breaches.

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold ~~established on the advice of legal counsel.~~or California Public Records Act request established on the advice of legal counsel. Additionally, the Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect district records from breaches to the district's digital infrastructure.

CSBA NOTE: Pursuant to Civil Code 1798.29, districts are required to disclose any breach of security of any records that contain personal information, as defined. The required formatting and

contents of the notification are detailed in Civil Code 1798.29. A district may maintain its own notification procedure as part of an information security policy provided that the notification is consistent with the requirements in Civil Code 1798.29 regarding timing of the notification.

Additionally, pursuant to Education Code 35266, districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

If the district discovers or is notified that a breach ~~of~~in the security of district records ~~containing unencrypted~~ has resulted in the release of personal information ~~has occurred~~, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person~~.~~ , if that information was either unencrypted or encrypted under the circumstances specified in Civil Code 1798.29. "Personal information" includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

~~**Safe at Home Program**~~

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

Safe at Home Program

CSBA NOTE: The ~~Secretary of State's~~ Safe at Home address confidentiality program ~~creates a confidential address~~ has been in existence pursuant to Government Code 6205-6210 and ~~mail-forwarding program for~~ 6215-6216 to protect victims of domestic violence, ~~stalking, or~~ sexual assault~~.~~, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, as well as district employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district. This type of protection has been extended to district employees and Governing Board members who face threats of violence, or violence or harassment from the public because of the employee's work for the district, and, pursuant to Government Code 6205-6210, as amended by AB 243 (Ch. 642, Statutes of 2023), to victims of child abduction and members of their households. Government Code 6207 provides that, when creating a public record, the district ~~must~~may not include actual residences of students, parents/guardians, or employees when a substitute address is designated through the Safe at Home program. ~~Districts are required to accept the program participation card issued by the Secretary of State and to substitute a post office box as the participant's address.~~

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

CSBA NOTE: According to the Secretary of State, a participant's confidential, actual address may only be used to establish student enrollment eligibility and for school emergency purposes. Pursuant to Government Code 6207, a participant's confidential, actual address is not a public record and should not be made available to anyone under any circumstances. ~~See also~~For more information regarding establishing district residency when a student or parent/guardian is participating in the Safe at Home/Confidential Address Program, see AR 5111.1 - District Residency.

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

Records containing a participant's confidential address information shall be kept in a confidential location and not shared with the public.

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State	Description
5 CCR 16020-16022	Records; general provisions
5 CCR 16023-16027	District records; retention and destruction
5 CCR 430-438	~~Individual student records; definition~~Individual student records
~~5 CCR 432~~	~~Student records~~
Civ. Code 1798.29	District records; breach of security
Code of Civil Procedure 1985.8	Electronic Discovery Act
Code of Civil Procedure 2031.010-2031.060	Civil Discovery Act; scope of discovery demand
Code of Civil Procedure 2031.210-2031.320	Civil Discovery Act; response to inspection demand
Ed. Code 35145	Public meetings
Ed. Code 35163	Official actions, minutes and journal
Ed. Code 35252-35255	Records and reports
Ed. Code 35266	Cybersecurity

Ed. Code 44031	Personnel file contents and inspection
Ed. Code 49065	Reasonable charge for transcripts
Ed. Code 49069.7	Absolute right to access
Gov. Code 11549.3	Office of Information Security
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, ~~or~~human trafficking, child abduction, and elder or dependent adult abuse
Gov. Code 6215-6216	Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence
Gov. Code 7920.000-7930.~~170~~215	California Public Records Act
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center
Pen. Code 11170	Retention of child abuse reports

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act

Management Resources	**Description**
California Secretary of State Publication	Records Management Handbook (https://www.sos.ca.gov/archives/records-management-and-appraisal/records-management-handbook)
State Educational Technology Directors Association Publication	Small Districts, Big Hurdles: Cybersecurity Support for Small, Rural, and Under-resourced School Districts, October 2023 (https://drive.google.com/file/d/1xFzytKS6gtFAiKstP_H3ES_Tpm9OF8l8/view?usp=sharing)
Website	CSBA District and County Office of Education Legal Services
Website	California Secretary of State
Website	California Office of Emergency Services (https://www.caloes.ca.gov/)
Website	Cybersecurity and Infrastructure Security Agency, Government Coordinating Councils (https://www.cisa.gov/resources-tools/groups/government-coordinating-councils)
Website	Federal Communications Commission, Schools and Libraries Cybersecurity Pilot Program (https://www.fcc.gov/cybersecurity-pilot-program)
Website	Safe at Home; Schools (https://www.sos.ca.gov/registries/safe-

home/schools#:~:text=Back%20to%20Top-,Verifying%20Enrollment,(916)%20653%2D1769)

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4112.2	Certification
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113	Assignment
4113	Assignment

4113.5	Working Remotely
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4131	Staff Development
4151	Employee Compensation
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
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4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
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4251	Employee Compensation
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6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6171	Title I Programs
6171	Title I Programs
~~6174~~	~~Education For English Learners~~
~~6174~~	~~Education For English Learners~~
7214	General Obligation Bonds
7214	General Obligation Bonds

9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9324	Minutes And Recordings

Regulation 3580: District Records

Status: ADOPTED

Original Adopted Date: 11/01/2009 **| Last Revised Date:** ~~12~~03/01/~~2024~~2025 **| Last Reviewed Date**~~12~~03/01/~~2024~~2025

CSBA NOTE: The following optional administrative regulation reflects classification and retention requirements for district records~~.~~ and may be revised to reflect district practice. For more information about personnel records, including the contents and retention of such records pursuant to 5 CCR 16023, see AR 4112.6/4212.6/4312.6 - Personnel Files. For additional requirements pertaining to student records, including the contents and retention of such records pursuant to Education Code 49069.7, 5 CCR 430-~~433~~438, and the Family Educational Rights and Privacy Act (20 USC 1232g and 34 CFR 99.1-99.8), see BP/AR 5125 - Student Records. For requirements pertaining to public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.~~170~~215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications.

Classification of Records

CSBA NOTE: Pursuant to 5 CCR 16020, only those documents which the district is required to prepare or retain or that are prepared or retained as part of the discharge of official duty are considered as "records" that must be classified and retained. In addition, under the CPRA (Government Code ~~6250-6270~~7920.000 - 7930.215), a "public record" is defined as any writing relating to the conduct of district business that is prepared, owned, used, or retained by the district; see BP/AR 1340 - Access to District Records. ~~Documents~~Pursuant to Government Code 7920.545, emails and other electronic communications related in a substantive manner to district business are considered public records. However, documents and other writings that are not prepared or used by the district in the conduct of district business are generally not considered to be "records" and thus are not subject to the requirements of this regulation.

Records means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

Records of a continuing nature ~~(~~, such as documents that are active and useful for administrative, legal, fiscal, or other purposes over a period of years~~)~~, shall not be classified until such usefulness has ceased. (5 CCR 16022)

~~An~~Any historical inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

A student's cumulative record, if not transferred, is a continuing record until the student ceases to

be enrolled in the district. (5 CCR 16022)

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254; 5 CCR 16022)

Class 1 - Permanent Records

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022: (5 CCR 16023)

1. Annual Reports

    a. Official budget

    b. Financial reports of all funds, including cafeteria and student body funds

    c. Audit of all funds

    d. Average daily attendance, including Period 1 and Period 2 reports

    e. Other major annual reports, including:

        i. Those containing information relating to property, activities, financial condition, or transactions

        ii. Those declared by Governing Board minutes to be permanent

2. Official Actions

    a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions not set forth verbatim in the minutes, but included by reference only

    b. The call for and the result of any elections called, conducted, or canvassed by the Board

    c. Records transmitted by another agency pertaining to its action with respect to district reorganization

3. Personnel Records

    Class 1 (Permanent) records include all detailed records relating to employment; assignment; amounts and dates of service rendered; termination or dismissal of an employee in any position; sick leave record; rate of compensation, salaries, or wages paid; and deductions or withholdings made and the person or agency to whom such amounts were paid.

    In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as a Class 1 (Permanent) record and the detailed records may then be classified as Class 3 (Disposable) records.

Information of a derogatory nature as defined in Education Code 44031 shall be retained as a Class 1 (Permanent) record only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

4. Student Records

   The records of enrollment and scholarship for each student required by 5 CCR 432 and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law shall be classified as Class 1 (Permanent) records.

   These include any related policy of liability insurance, except that these records cease to be Class 1 (Permanent) records one year after the claim has been settled or the statute of limitations has expired.

5. Property Records

   Class 1 (Permanent) records include all detailed records relating to land, buildings, and equipment.

   In lieu of detailed records, a complete property ledger may be classified as a Class 1 (Permanent) record. The detailed records may then be classified as Class 3 (Disposable) records if the property ledger includes all fixed assets; an equipment inventory; and, for each piece of property, the date of acquisition, name of previous owner, a legal description, amount paid, and comparable data if the unit is disposed of.

Class 2 - Optional Records

Any records considered temporarily worth keeping, but which are not Class 1 records, may be classified as Class 2 (Optional) records and shall be retained until reclassified as Class 3 (Disposable) records. If, by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified as Class 2 (Optional) records pending further review and classification within one year. (5 CCR 16024)

Class 3 - Disposable Records

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) records shall be classified as Class 3 (Disposable) records. These include, but are not limited to, detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent) records; and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as a Class 3 (Disposable) record. (5 CCR 16026, 16027)

Electronically Stored Information

CSBA NOTE: In the conduct of official district business, many records and informational materials are generated and maintained in electronic format, making it necessary for districts to design a system for easily saving and retrieving such information when needed. The following optional section contains suggestions for the handling of such electronically stored information and may be revised to reflect district practice.

In *City of San Jose v. Superior Court*, the California Supreme Court held that a public official's or employee's electronic communications regarding public business, even if transmitted on the official's or employee's personal account or device, are public records and are not categorically excluded from disclosure upon request under the CPRA. The court noted that the CPRA requires public agencies to use "reasonable effort" to locate existing records in response to a public records request, ~~but that such~~including those records contained on a public official's or employee's personal device regardless of whether they were transmitted through district servers. Such searches need not be ~~extraordinary~~extraordinarily extensive or intrusive. The following paragraph reflects the court's suggestion for ensuring that district-related communications transmitted through a public employee's or official's personal device or account can be retrieved without violating the employee's or official's privacy rights. For further information, see CSBA's , "Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications~~.~~ ." Also see AR 3580 - District Records, BP 4040 – Employee Use of Technology, and BB 9012 - Board Member Electronic Communications.

All electronically stored information related to the conduct of district business, including information created, saved, sent, or received on a district employee's or Board member's personal account or device, shall be saved as an electronic file to a district-provided account or device and retained in accordance with the section "Classification of Records" above. Such information includes, but is not limited to, email, text messages, ~~instant~~ messages sent via apps, computer files, and other electronic communications related to district business. ~~In addition, when appropriate, the information may~~All records, including electronic documents, should be ~~printed~~organized and ~~physically~~ filed for easy retrieval based on information contained in ~~a way that allows it to be easily retrieved when needed.~~, and the purpose of, the record.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Districts have the authority to monitor the use of district-owned property and equipment, including those provided to employees to enable them to perform their duties efficiently, such as computers, cell phones, and other electronic communication devices. In such situations, an employee's expectation of privacy as it relates to the equipment is limited and the district may monitor it for appropriate use. See BP/E 4040 – Employee Use of Technology.

Employees shall be required to regularly purge their email accounts and district-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to district business. The Superintendent or designee may check for appropriate use of any district-owned equipment at any time.

Any person to whom a district-owned computer, cell phone, or other electronic communication device is provided shall be notified about the district's electronic information management system and, as necessary, provided training on the effective use of the device.

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Policy 4151: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 **| Last Revised Date:** ~~09~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

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

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

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

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

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

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

The salary schedules adopted by the Board shall be printed and made available for review at the district office. (Education Code 45023)

CSBA NOTE: Pursuant to Education Code 42238.016, as added by AB 938 (Ch. 345, Statutes of 2024), districts are required, beginning January 31, 2026, to annually complete the Salary and Benefit Schedule for Bargaining Units (Form J-90), for classified and certificated staff assigned to a district school site and report the Form J-90 to the California Department of Education.

Additionally, by January 31, 2026, and annually thereafter, the Superintendent or designee shall complete the Salary and Benefit Schedule for Bargaining Units (Form J-90) for classified and

certificated staff assigned to a district school site and report the Form J-90 to the California Department of Education. (Education Code 42238.016)

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. ~~The~~Additionally, the Board may ~~also~~ choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year~~.~~ instead of by the school month. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether the employees are actually engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

~~Additionally~~In addition, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments.

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

The following paragraph may be revised to reflect the payroll schedule determined by the Board~~.~~ or as provided for in any applicable collective bargaining agreement.

~~The Board~~ Unless otherwise provided for in any applicable collective bargaining agreement, district employees shall ~~determine the~~be paid (*insert frequency*) and ~~schedule of salary~~ in _____ equal payments~~, including whether payments for employees who work less than 12 months per year will be made~~ over the ~~course of the school year or in equal installments over the calendar year.~~ year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

~~CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.~~

~~In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.~~

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at

all work sites. The poster that must be used by state and local governments is available on the website of the U.S. Department of Labor's Wage and Hour Division.

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

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, districts are required to pay employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, ~~must receive~~ overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions; see BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 ~~requires~~provides that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee ~~must~~is required to be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay~~.~~

~~Overtime pay requirements are also~~; see BP/AR 6115 – Ceremonies and Observances for more information regarding holidays designated in law or by the Board.

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

Labor Code provisions are not applicable to school districts unless specifically provided for in law. For example, in *Johnson v. Arvin-Edison Water Storage District*, the appellate court held in part that Labor Code 510, which provides for overtime compensation including that an employee who works in excess of 12 hours in one day or eight hours on the seventh consecutive day of a workweek is entitled to twice the regular rate of pay, does not apply to public agencies, including school districts.

Due to the complex interactions between federal law and state law, as well as between different state law provisions and classes of employees, it is recommended that districts consult CSBA's

District and County Office of Education Legal Services or district legal counsel regarding employee overtime compensation, as necessary.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week~~, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.~~. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.~~0~~ 204, 541.~~710~~303, 541.600 , 553.27, 553.32)

If the district requires a classified employee in an exempt position to work on a holiday designated in law or by the Board, the employee shall be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay. (Education Code 45130)

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

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months ~~after making the request~~following the month the overtime was worked if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

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

Wage Overpayment

CSBA NOTE: Education Code 44042.5~~, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023),~~ requires districts to follow the process specified below when a wage overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, 2022, such agreements shall be controlling until the expiration or renewal of such

agreements. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the existence or amount of the overpayment, the district ~~shall~~is required to first initiate legal action and obtain a court order or binding arbitration decision validating the overpayment amount. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the district and exclusive representative sets forth procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5, as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district ~~shall, with board approval, initiate a legal action to~~may only recover the overpayment~~.~~ after pursuing appropriate legal action. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district ~~shall, with Board approval,~~may exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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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
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 42238.016	Salary and Benefit Schedule for the Bargaining Units (Form J–90
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries for certificated employees
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549.3	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
Lab. Code 510	Overtime Compensation

Federal	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act

29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources	**Description**
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
~~Office of Management and Budget Publication~~	~~Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020~~
Court Decision	Johnson v. Arvin-Edison Water Storage District (2009) 174 Cal.App.4th 729
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	Internal Revenue Service
Website	School Services of California, Inc.
Website	CSBA
Website	California Department of Education (https://www.cde.ca.gov/)

Cross References

Code	**Description**
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement

4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
6115	Ceremonies and Observances

Policy 4158: Employee Security

Status: ADOPTED

Original Adopted Date: 07/01/2001 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation may be revised to reflect district practice and the terms of the district's collective bargaining agreements.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with ~~AR~~Administrative Regulation 3515.2 - Disruptions.

CSBA NOTE: Code of Civil Procedure 527.8 ~~allows the district~~ authorizes districts to seek a temporary restraining order ~~and injunction~~(TRO) on behalf of ~~an employee against any other individual~~employees who ~~has~~have been subjected ~~the employee~~ to harassment, unlawful violence, or a credible threat of violence in the workplace. ~~In City~~A collective bargaining representative may also seek a TRO on behalf of ~~San Jose v. William Garbett, a California Court of Appeal held~~a district employee if the collective bargaining representative serves that ~~a court's issuance of~~ employee in employment or labor matters at the employee's workplace. Before filing a ~~temporary restraining order and injunction against~~petition for a ~~person~~TRO, the district or collective bargaining representative is required to provide the employee who ~~had verbally threatened~~suffered unlawful violence or a ~~city official was~~credible threat of violence an opportunity to decline to be named in the TRO. If such a denial occurs, the district or collective bargaining representative is not ~~a violation of that person's right to free speech and right of access to~~ prohibited from seeking a ~~public place.~~
TRO on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces in the district.

Pursuant to Penal Code 18150 and 18170, a gun violence restraining order prohibiting a person from owning, having custody or control of, purchasing, possessing, or receiving a firearm or ammunition may be petitioned by that person's employer, a coworker who has had substantial and regular interactions with the person for at least one year and has the employer's approval, or an employee or teacher of a secondary school that the person has attended in the past six months if the employee or teacher has obtained the approval or a school administrator or designee.

Any employee against whom harassment, violence, or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order (TRO)

on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Additionally, a collective bargaining representative may seek a TRO on behalf of a district employee against whom harassment, violence, or credible threat of violence has been directed in the workplace, if the collective bargaining representative serves that employee in employment or labor matters at the employee's workplace. (Code of Civil Procedure 527.8)

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with ~~Labor~~Government Code ~~230-230.1~~12945.8 and the accompanying administrative regulation to protect the employee's safety while at work.

CSBA NOTE: Pursuant to Education Code 48904 and 48905, an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student or the student's parent/guardian. ~~See~~For more information regarding recovery for damages when an employee is injured or whose property is damaged by the willful misconduct of a district student, see BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when considering whether to pursue legal action.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

CSBA NOTE: Pursuant to Education Code 32289.6, as added by AB 1858 (Ch. 530, Statutes of 2024), on or before June 15, 2025, the California Department of Education is required to curate and post on its website best practices pertaining to school shooter or other armed assailant drills, with which districts are encouraged to comply.

Additionally, the 2024, "Executive Order on Combating Emerging Firearms Threats and Improving School-Based Active-Shooter Drills," 89 Fed. Reg. 80345, establishes an interagency Emerging Firearms Threats Task Force and requires the Secretary of Education and the Secretary of Homeland Security to release guidance related to school-based active-shooter drills for schools.

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not

limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Penal Code 22810 authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures. It is recommended that districts allowing employees to carry pepper spray consult CSBA's District and County Office of Education Legal Services or district counsel regarding potential liability related to an employee's possession of pepper spray and revise the corresponding regulation accordingly.

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with Board policy, administrative ~~regulations~~regulation, and Penal Code 22810. Any employee authorized to carry or possess pepper spray on school property who is negligent or careless in the possession or handling of pepper spray is acting outside of the scope of employment and shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

CSBA NOTE: The following ~~optional~~ section ~~specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and~~ is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who initially notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for violation of any district policy or procedure related to the notification of a law enforcement agency. Education Code 49334 requires such an employee to conform with district procedures after exercising the option to notify a law enforcement agency.

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on ~~school grounds~~district property or at a ~~school-~~district related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and ~~shall~~ do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal or supervisor, who shall take appropriate action
3. Immediately call 911 and the principal or supervisor

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

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State	Description
Civ. Code 51.7	Freedom from violence or intimidation
Code of Civil Procedure 527.8	Workplace violence safety
Ed. Code 32210-32212	Willful disturbance; public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by ~~pupil~~student against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher; student who has engaged in acts ~~re:~~ regarding grounds for suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
~~Lab. Code 230-230.2~~	~~Leaves for victims of domestic violence, sexual assault or specified felonies~~
Pen. Code 18150	Gun violence restraining orders

Pen. Code 18170	Gun violence restraining order issued after notice and hearing
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
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W&I Code 828.1	District police or security department; disclosure of juvenile records

Federal	Description
Executive Order 14127	Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 (https://www.federalregister.gov/documents/2024/10/02/2024-22938/combating-emerging-firearms-threats-and-improving-school-based-active-shooter-drills)

Management Resources	Description
Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1313	Civility

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3515.3	District Police/Security Department
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3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
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4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
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5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances

5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
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)

Regulation 4158: Employee Security

Status: ADOPTED

Original Adopted Date: 11/01/2000 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: In order to help ensure the safety of students and staff, Education Code 32282 requires schools to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school. For more information regarding comprehensive safety plans, see BP/AR 0450 – Comprehensive Safety Plan.

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph below, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.

Although the law only requires employees to report attacks, assaults, or physical threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or physical threat made against them by any other individual on school grounds.

The following paragraph relates to the reporting by an employee of an attack, assault, or physical threat, as well as any action taken in response, and should be modified to reflect district practice and to ensure consistency with the district's comprehensive safety plan.

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. ~~Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.~~

~~CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph above, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.~~

~~Although the law only requires employees to report attacks, assaults, or threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.~~

~~In addition~~Additionally, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. Reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

CSBA NOTE: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. ~~School district~~ District officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in ~~AR~~Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process~~.~~ (Education Code 49079)

_____This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee ~~must~~is required to inform the student's teacher(s) of the acts as specified below.

b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion~~.~~ (Education Code 48201)

c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher~~.~~ (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

CSBA NOTE: Welfare and Institutions Code 827 requires a court, within seven days, to provide written notification to the Superintendent when a minor student has been found by the court to have committed a felony or misdemeanor involving specified offenses. Upon receiving such notification, the Superintendent ~~must~~is required to notify certain counselors, teachers, and administrators, as described in ~~item~~Item #2.

~~In addition~~Additionally, Welfare and Institutions Code 828.1 specifies that a ~~school~~ district police or security department may provide written notification to the Superintendent when a minor student has been found by a court to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence. In such cases, the information may be transmitted to a teacher, counselor, or administrator with direct supervisorial or disciplinary responsibility over the student, and such information ~~must~~is required to be received in confidence for the limited purpose for which it was provided. Districts that maintain their own police or security department may expand the following item to authorize the department to notify the Superintendent of such offenses.

a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal~~.~~ or designee (Welfare and Institutions Code 827)

b. The principal or designee shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal or designee thinks may need the information in order to work with the student appropriately, to avoid being needlessly vulnerable, or to protect others from vulnerability~~.~~ (Welfare and Institutions Code 827)

c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff~~.~~ (Welfare and Institutions Code 827)

The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district~~.~~ (Welfare and Institutions Code 827)

If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed~~.~~ (Welfare and Institutions Code 827)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine.

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, ~~or~~ Stalking, or Other Qualifying Acts of Violence

CSBA NOTE: Pursuant to ~~Labor~~Government Code ~~230,~~12945.8, as added by AB 2499 (Ch. 967, Statutes of 2024), the district is required to provide reasonable accommodations ~~at work, upon request,~~ to an employee who is a victim, or whose family member is a victim, of domestic violence, sexual assault, ~~or~~ stalking~~.~~ , and other qualifying acts of violence.

The district is not required to provide reasonable accommodations to an employee who has not disclosed the employee's status, or family member's status, as a victim of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence specified in Government Code 12945.8, nor to undertake an action that constitutes an undue hardship, as defined by Government Code 12926.

~~In addition, Labor~~Government Code ~~230 and 230.1 allow~~12945.8, as added by AB 2499, authorizes, subject to any applicable collective bargaining agreement, employees who are victims of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence, including employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime, to use available leave, including vacation, personal leave, paid sick leave, or compensatory time off, for the purposes of (1) obtaining or attempting to obtain relief (e.g., a temporary restraining order, restraining order, or injunctive relief) to protect the health, safety, or welfare of the employee or the employee's child~~;~~ or family of the employee, (2) seeking, obtaining, or assisting a family member to seek or obtain, medical attention for or to recover from injuries caused by ~~the crime or abuse;~~a qualifying act of violence, (3) seeking, obtaining, or assisting a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency~~;~~ as a result of a qualifying act of violence, (4) seeking, obtaining, or assisting a family member to seek or obtain psychological counseling or mental health services related to an experience of ~~crime or abuse; and/or~~a qualifying act of violence, (5) participating in safety planning ~~and~~or taking other actions to increase safety from future ~~crime or abuse~~qualifying acts of violence, (6) relocating or engaging in the process of securing a new residence due to the qualifying act of violence, including, securing temporary or permanent ~~relocation. As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees~~housing or enrolling children in a new school or child care, (7) providing care to a family

member who ~~are victims of a crime that~~is recovering from injuries caused ~~physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime.~~ ~~See~~by a qualifying act of violence, (8) seeking, obtaining, or assisting a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence, (9) preparing for, participating in, or attending any civil, administrative, or criminal legal proceeding related to the qualifying act of violence, or (10) seeking, obtaining, or providing child care or care to a care-dependent adult if the child care or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

For more information regarding leaves, see BP/AR 4161/4261/4361 – Leaves, AR 4161.1/4361.1 – Personal Illness/Injury Leave, 4261.1 – Personal Illness/Injury Leave, AR 4161.2/4261.2/4361.2 - Personal Leaves, and AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

When requested by an employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including~~:~~ (~~Labor Code 230~~, but not limited to: (Government Code 12945.8)

1. A transfer, reassignment, or modified schedule

2. A changed work telephone or work station, including the permission to carry a telephone at work

3. An installed lock

4. Assistance in documenting domestic violence, sexual assault, stalking, or other ~~crime~~qualifying act of violence that occurs in the workplace

5. Referral to a victim assistance organization

6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other ~~crime~~qualifying act of violence

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee~~.~~ (~~Labor Code 230~~ or their family member. (Government Code 12945.8)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking~~.~~ , or other qualifying act of violence. Such certification may include: (~~Labor~~Government Code ~~230~~12945.8)

1. A police report indicating that the employee, or a family member of the employee, was a victim

2. A court order protecting or separating the employee, or family member of the employee, from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee, or family member of the employee, was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee, or a family member of the employee, as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (~~Labor~~Government Code ~~230~~12945.8)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking, other specified offense, or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. ~~(Labor Code 230)~~

~~The district shall not~~If a new accommodation is needed, the Superintendent or designee shall follow the procedures described above when making the initial determination regarding effective reasonable accommodations. (Government Code 12945.8)

The district shall not discharge or retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (~~Labor~~Government Code ~~230~~12945.8)

Use of Pepper Spray

CSBA NOTE: The following optional section may be revised to reflect district practice. See the accompanying Board policy for further information and the Board's determination to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. It is recommended that districts allowing employees to carry pepper spray consult CSBA's District and County Office of Education Legal Services or district counsel regarding potential liability related to an employee's possession of pepper spray.

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need ~~for the~~ to carry or possess

pepper spray and for how long the need is anticipated to last. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810~~.~~

2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment~~.~~

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals~~.~~ ~~Negligent storage of the pepper spray may subject the employee to disciplinary action.~~

   Negligent storage or use of the pepper spray may subject the employee to disciplinary action.

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**
Civ. Code 51.7	Freedom from violence or intimidation
Code of Civil Procedure 527.8	Workplace violence safety
Ed. Code 32210-32212	Willful disturbance; public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by ~~pupil~~student against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion

Ed. Code 49079	Notification to teacher; student who has engaged in acts ~~re:~~ regarding grounds for suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
~~Lab. Code 230-230.2~~	~~Leaves for victims of domestic violence, sexual assault or specified felonies~~
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5141	Health Care And Emergencies
5141	Health Care And Emergencies
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)

Policy 4251: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 **| Last Revised Date:** ~~09~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

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

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

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

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

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

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

The salary schedules adopted by the Board shall be printed and made available for review at the district office. (Education Code 45023)

CSBA NOTE: Pursuant to Education Code 42238.016, as added by AB 938 (Ch. 345, Statutes of 2024), districts are required, beginning January 31, 2026, to annually complete the Salary and Benefit Schedule for Bargaining Units (Form J-90), for classified and certificated staff assigned to a district school site and report the Form J-90 to the California Department of Education.

Additionally, by January 31, 2026, and annually thereafter, the Superintendent or designee shall complete the Salary and Benefit Schedule for Bargaining Units (Form J-90) for classified and

certificated staff assigned to a district school site and report the Form J-90 to the California Department of Education. (Education Code 42238.016)

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. ~~The~~Additionally, the Board may ~~also~~ choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year~~.~~ instead of by the school month. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether the employees are actually engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

~~Additionally~~In addition, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments.

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

The following paragraph may be revised to reflect the payroll schedule determined by the Board~~.~~ or as provided for in any applicable collective bargaining agreement.

~~The Board~~ Unless otherwise provided for in any applicable collective bargaining agreement, district employees shall ~~determine the~~be paid (*insert frequency*) and ~~schedule of salary~~ in _____ equal payments~~, including whether payments for employees who work less than 12 months per year will be made~~ over the ~~course of the school year or in equal installments over the calendar year.~~ year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

~~CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.~~

~~In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.~~

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at

all work sites. The poster that must be used by state and local governments is available on the website of the U.S. Department of Labor's Wage and Hour Division.

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

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, districts are required to pay employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, ~~must receive~~ overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions; see BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 ~~requires~~provides that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee ~~must~~is required to be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay~~.~~

~~Overtime pay requirements are also~~; see BP/AR 6115 – Ceremonies and Observances for more information regarding holidays designated in law or by the Board.

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

Labor Code provisions are not applicable to school districts unless specifically provided for in law. For example, in *Johnson v. Arvin-Edison Water Storage District*, the appellate court held in part that Labor Code 510, which provides for overtime compensation including that an employee who works in excess of 12 hours in one day or eight hours on the seventh consecutive day of a workweek is entitled to twice the regular rate of pay, does not apply to public agencies, including school districts.

Due to the complex interactions between federal law and state law, as well as between different state law provisions and classes of employees, it is recommended that districts consult CSBA's

District and County Office of Education Legal Services or district legal counsel regarding employee overtime compensation, as necessary.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week~~, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.~~. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.~~0~~204, 541.~~710~~303, 541.600 , 553.27, 553.32)

If the district requires a classified employee in an exempt position to work on a holiday designated in law or by the Board, the employee shall be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay. (Education Code 45130)

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

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months ~~after making the request~~following the month the overtime was worked if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

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

Wage Overpayment

CSBA NOTE: Education Code 44042.5~~, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023),~~ requires districts to follow the process specified below when a wage overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, 2022, such agreements shall be controlling until the expiration or renewal of such

agreements. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the existence or amount of the overpayment, the district ~~shall~~is required to first initiate legal action and obtain a court order or binding arbitration decision validating the overpayment amount. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the district and exclusive representative sets forth procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5, as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district ~~shall, with board approval, initiate a legal action to~~may only recover the overpayment~~.~~ after pursuing appropriate legal action. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district ~~shall, with Board approval,~~may exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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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
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 42238.016	Salary and Benefit Schedule for the Bargaining Units (Form J–90
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries for certificated employees
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549.3	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
Lab. Code 510	Overtime Compensation

Federal	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act

29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources	**Description**
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
~~Office of Management and Budget Publication~~	~~Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020~~
Court Decision	Johnson v. Arvin-Edison Water Storage District (2009) 174 Cal.App.4th 729
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	Internal Revenue Service
Website	School Services of California, Inc.
Website	CSBA
Website	California Department of Education (https://www.cde.ca.gov/)

Cross References

Code	**Description**
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement

4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
6115	Ceremonies and Observances

Policy 4258: Employee Security

Status: ADOPTED

Original Adopted Date: 07/01/2001 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation may be revised to reflect district practice and the terms of the district's collective bargaining agreements.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with ~~AR~~Administrative Regulation 3515.2 - Disruptions.

CSBA NOTE: Code of Civil Procedure 527.8 ~~allows the district~~ authorizes districts to seek a temporary restraining order ~~and injunction~~(TRO) on behalf of ~~an employee against any other individual~~employees who ~~has~~have been subjected ~~the employee~~ to harassment, unlawful violence, or a credible threat of violence in the workplace. ~~In City~~A collective bargaining representative may also seek a TRO on behalf of ~~San Jose v. William Garbett, a California Court of Appeal held~~a district employee if the collective bargaining representative serves that ~~a court's issuance of~~ employee in employment or labor matters at the employee's workplace. Before filing a ~~temporary restraining order and injunction against~~petition for a ~~person~~TRO, the district or collective bargaining representative is required to provide the employee who ~~had verbally threatened~~suffered unlawful violence or a ~~city official was~~credible threat of violence an opportunity to decline to be named in the TRO. If such a denial occurs, the district or collective bargaining representative is not ~~a violation of that person's right to free speech and right of access to~~ prohibited from seeking a ~~public place.~~
TRO on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces in the district.

Pursuant to Penal Code 18150 and 18170, a gun violence restraining order prohibiting a person from owning, having custody or control of, purchasing, possessing, or receiving a firearm or ammunition may be petitioned by that person's employer, a coworker who has had substantial and regular interactions with the person for at least one year and has the employer's approval, or an employee or teacher of a secondary school that the person has attended in the past six months if the employee or teacher has obtained the approval or a school administrator or designee.

Any employee against whom harassment, violence, or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order (TRO)

on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Additionally, a collective bargaining representative may seek a TRO on behalf of a district employee against whom harassment, violence, or credible threat of violence has been directed in the workplace, if the collective bargaining representative serves that employee in employment or labor matters at the employee's workplace. (Code of Civil Procedure 527.8)

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with ~~Labor~~Government Code ~~230-230.1~~12945.8 and the accompanying administrative regulation to protect the employee's safety while at work.

CSBA NOTE: Pursuant to Education Code 48904 and 48905, an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student or the student's parent/guardian. ~~See~~For more information regarding recovery for damages when an employee is injured or whose property is damaged by the willful misconduct of a district student, see BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when considering whether to pursue legal action.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

CSBA NOTE: Pursuant to Education Code 32289.6, as added by AB 1858 (Ch. 530, Statutes of 2024), on or before June 15, 2025, the California Department of Education is required to curate and post on its website best practices pertaining to school shooter or other armed assailant drills, with which districts are encouraged to comply.

Additionally, the 2024, "Executive Order on Combating Emerging Firearms Threats and Improving School-Based Active-Shooter Drills," 89 Fed. Reg. 80345, establishes an interagency Emerging Firearms Threats Task Force and requires the Secretary of Education and the Secretary of Homeland Security to release guidance related to school-based active-shooter drills for schools.

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not

limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Penal Code 22810 authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures. It is recommended that districts allowing employees to carry pepper spray consult CSBA's District and County Office of Education Legal Services or district counsel regarding potential liability related to an employee's possession of pepper spray and revise the corresponding regulation accordingly.

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with Board policy, administrative ~~regulations~~regulation, and Penal Code 22810. Any employee authorized to carry or possess pepper spray on school property who is negligent or careless in the possession or handling of pepper spray is acting outside of the scope of employment and shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

CSBA NOTE: The following ~~optional~~ section ~~specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and~~ is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who initially notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for violation of any district policy or procedure related to the notification of a law enforcement agency. Education Code 49334 requires such an employee to conform with district procedures after exercising the option to notify a law enforcement agency.

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on ~~school grounds~~district property or at a ~~school-~~district related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and ~~shall~~ do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal or supervisor, who shall take appropriate action
3. Immediately call 911 and the principal or supervisor

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

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State	Description
Civ. Code 51.7	Freedom from violence or intimidation
Code of Civil Procedure 527.8	Workplace violence safety
Ed. Code 32210-32212	Willful disturbance; public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by ~~pupil~~student against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher; student who has engaged in acts ~~re:~~ regarding grounds for suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
~~Lab. Code 230-230.2~~	~~Leaves for victims of domestic violence, sexual assault or specified felonies~~
Pen. Code 18150	Gun violence restraining orders

Pen. Code 18170	Gun violence restraining order issued after notice and hearing
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Limited exception to juvenile court record
W&I Code 828.1	District police or security department; disclosure of juvenile records

Federal	Description
Executive Order 14127	Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 (https://www.federalregister.gov/documents/2024/10/02/2024-22938/combating-emerging-firearms-threats-and-improving-school-based-active-shooter-drills)

Management Resources	Description
Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1313	Civility

3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
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
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development
4140	Bargaining Units
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.8	Family Care and Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4240	Bargaining Units
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.8	Family Care and Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4340	Bargaining Units
4356.3	Employee Property Reimbursement
4357	Employee Safety
4357	Employee Safety
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.8	Family Care and Medical Leave
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances

5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
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)

Regulation 4258: Employee Security

Status: ADOPTED

Original Adopted Date: 11/01/2000 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: In order to help ensure the safety of students and staff, Education Code 32282 requires schools to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school. For more information regarding comprehensive safety plans, see BP/AR 0450 – Comprehensive Safety Plan.

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph below, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.

Although the law only requires employees to report attacks, assaults, or physical threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or physical threat made against them by any other individual on school grounds.

The following paragraph relates to the reporting by an employee of an attack, assault, or physical threat, as well as any action taken in response, and should be modified to reflect district practice and to ensure consistency with the district's comprehensive safety plan.

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. ~~Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.~~

~~CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph above, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.~~

~~Although the law only requires employees to report attacks, assaults, or threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.~~

~~In addition~~Additionally, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. Reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

CSBA NOTE: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. ~~School district~~ District officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in ~~AR~~Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process~~.~~ (Education Code 49079)

_____This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee ~~must~~is required to inform the student's teacher(s) of the acts as specified below.

b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion~~.~~ (Education Code 48201)

c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher~~.~~ (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

CSBA NOTE: Welfare and Institutions Code 827 requires a court, within seven days, to provide written notification to the Superintendent when a minor student has been found by the court to have committed a felony or misdemeanor involving specified offenses. Upon receiving such notification, the Superintendent ~~must~~is required to notify certain counselors, teachers, and administrators, as described in ~~item~~Item #2.

~~In addition~~Additionally, Welfare and Institutions Code 828.1 specifies that a ~~school~~ district police or security department may provide written notification to the Superintendent when a minor student has been found by a court to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence. In such cases, the information may be transmitted to a teacher, counselor, or administrator with direct supervisorial or disciplinary responsibility over the student, and such information ~~must~~is required to be received in confidence for the limited purpose for which it was provided. Districts that maintain their own police or security department may expand the following item to authorize the department to notify the Superintendent of such offenses.

a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal~~.~~ or designee (Welfare and Institutions Code 827)

b. The principal or designee shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal or designee thinks may need the information in order to work with the student appropriately, to avoid being needlessly vulnerable, or to protect others from vulnerability~~.~~ (Welfare and Institutions Code 827)

c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff~~.~~ (Welfare and Institutions Code 827)

The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district~~.~~ (Welfare and Institutions Code 827)

If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed~~.~~ (Welfare and Institutions Code 827)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine.

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, ~~or~~ Stalking, or Other Qualifying Acts of Violence

CSBA NOTE: Pursuant to ~~Labor~~Government Code ~~230,~~12945.8, as added by AB 2499 (Ch. 967, Statutes of 2024), the district is required to provide reasonable accommodations ~~at work, upon request,~~ to an employee who is a victim, or whose family member is a victim, of domestic violence, sexual assault, ~~or~~ stalking~~.~~ , and other qualifying acts of violence.

The district is not required to provide reasonable accommodations to an employee who has not disclosed the employee's status, or family member's status, as a victim of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence specified in Government Code 12945.8, nor to undertake an action that constitutes an undue hardship, as defined by Government Code 12926.

~~In addition, Labor~~Government Code ~~230 and 230.1 allow~~12945.8, as added by AB 2499, authorizes, subject to any applicable collective bargaining agreement, employees who are victims of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence, including employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime, to use available leave, including vacation, personal leave, paid sick leave, or compensatory time off, for the purposes of (1) obtaining or attempting to obtain relief (e.g., a temporary restraining order, restraining order, or injunctive relief) to protect the health, safety, or welfare of the employee or the employee's child~~;~~ or family of the employee, (2) seeking, obtaining, or assisting a family member to seek or obtain, medical attention for or to recover from injuries caused by ~~the crime or abuse;~~a qualifying act of violence, (3) seeking, obtaining, or assisting a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency~~;~~ as a result of a qualifying act of violence, (4) seeking, obtaining, or assisting a family member to seek or obtain psychological counseling or mental health services related to an experience of ~~crime or abuse; and/or~~a qualifying act of violence, (5) participating in safety planning ~~and~~or taking other actions to increase safety from future ~~crime or abuse~~qualifying acts of violence, (6) relocating or engaging in the process of securing a new residence due to the qualifying act of violence, including, securing temporary or permanent ~~relocation. As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees~~housing or enrolling children in a new school or child care, (7) providing care to a family

member who ~~are victims of a crime that~~is recovering from injuries caused ~~physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime.~~ ~~See~~by a qualifying act of violence, (8) seeking, obtaining, or assisting a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence, (9) preparing for, participating in, or attending any civil, administrative, or criminal legal proceeding related to the qualifying act of violence, or (10) seeking, obtaining, or providing child care or care to a care-dependent adult if the child care or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

For more information regarding leaves, see BP/AR 4161/4261/4361 – Leaves, AR 4161.1/4361.1 – Personal Illness/Injury Leave, 4261.1 – Personal Illness/Injury Leave, AR 4161.2/4261.2/4361.2 - Personal Leaves, and AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

When requested by an employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including~~:~~ (~~Labor Code 230~~, but not limited to: (Government Code 12945.8)

1. A transfer, reassignment, or modified schedule

2. A changed work telephone or work station, including the permission to carry a telephone at work

3. An installed lock

4. Assistance in documenting domestic violence, sexual assault, stalking, or other ~~crime~~qualifying act of violence that occurs in the workplace

5. Referral to a victim assistance organization

6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other ~~crime~~qualifying act of violence

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee~~.~~ (~~Labor Code 230~~ or their family member. (Government Code 12945.8)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking~~.~~ , or other qualifying act of violence. Such certification may include: (~~Labor~~Government Code ~~230~~12945.8)

1. A police report indicating that the employee, or a family member of the employee, was a victim

2. A court order protecting or separating the employee, or family member of the employee, from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee, or family member of the employee, was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee, or a family member of the employee, as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (~~Labor~~Government Code ~~230~~12945.8)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking, other specified offense, or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. ~~(Labor Code 230)~~

~~The district shall not~~If a new accommodation is needed, the Superintendent or designee shall follow the procedures described above when making the initial determination regarding effective reasonable accommodations. (Government Code 12945.8)

The district shall not discharge or retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (~~Labor~~Government Code ~~230~~12945.8)

Use of Pepper Spray

CSBA NOTE: The following optional section may be revised to reflect district practice. See the accompanying Board policy for further information and the Board's determination to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. It is recommended that districts allowing employees to carry pepper spray consult CSBA's District and County Office of Education Legal Services or district counsel regarding potential liability related to an employee's possession of pepper spray.

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need ~~for the~~ to carry or possess

pepper spray and for how long the need is anticipated to last. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810~~.~~

2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment~~.~~

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals~~.~~ ~~Negligent storage of the pepper spray may subject the employee to disciplinary action.~~

   Negligent storage or use of the pepper spray may subject the employee to disciplinary action.

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
Civ. Code 51.7	Freedom from violence or intimidation
Code of Civil Procedure 527.8	Workplace violence safety
Ed. Code 32210-32212	Willful disturbance; public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by ~~pupil~~student against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion

Ed. Code 49079	Notification to teacher; student who has engaged in acts ~~re:~~ regarding grounds for suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
~~Lab. Code 230-230.2~~	~~Leaves for victims of domestic violence, sexual assault or specified felonies~~
Pen. Code 18150	Gun violence restraining orders
Pen. Code 18170	Gun violence restraining order issued after notice and hearing
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Limited exception to juvenile court record
W&I Code 828.1	District police or security department; disclosure of juvenile records

Federal	**Description**
Executive Order 14127	Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 (https://www.federalregister.gov/documents/2024/10/02/2024-22938/combating-emerging-firearms-threats-and-improving-school-based-active-shooter-drills)

Management Resources	**Description**

Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1313	Civility
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
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
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development

4140	Bargaining Units
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.8	Family Care and Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4240	Bargaining Units
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.8	Family Care and Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4340	Bargaining Units
4356.3	Employee Property Reimbursement
4357	Employee Safety

4357	Employee Safety
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.8	Family Care and Medical Leave
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
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)

Policy 4351: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 **| Last Revised Date:** ~~09~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~09~~03/01/~~2023~~2025

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

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

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

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

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

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

The salary schedules adopted by the Board shall be printed and made available for review at the district office. (Education Code 45023)

CSBA NOTE: Pursuant to Education Code 42238.016, as added by AB 938 (Ch. 345, Statutes of 2024), districts are required, beginning January 31, 2026, to annually complete the Salary and Benefit Schedule for Bargaining Units (Form J-90), for classified and certificated staff assigned to a district school site and report the Form J-90 to the California Department of Education.

Additionally, by January 31, 2026, and annually thereafter, the Superintendent or designee shall complete the Salary and Benefit Schedule for Bargaining Units (Form J-90) for classified and

certificated staff assigned to a district school site and report the Form J-90 to the California Department of Education. (Education Code 42238.016)

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. ~~The~~Additionally, the Board may ~~also~~ choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year~~.~~ instead of by the school month. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether the employees are actually engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

~~Additionally~~In addition, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments.

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

The following paragraph may be revised to reflect the payroll schedule determined by the Board~~.~~ or as provided for in any applicable collective bargaining agreement.

~~The Board~~ Unless otherwise provided for in any applicable collective bargaining agreement, district employees shall ~~determine the~~be paid (*insert frequency*) and ~~schedule of salary~~ in _____ equal payments~~, including whether payments for employees who work less than 12 months per year will be made~~ over the ~~course of the school year or in equal installments over the calendar year.~~ year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

~~CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.~~

~~In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.~~

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at

all work sites. The poster that must be used by state and local governments is available on the website of the U.S. Department of Labor's Wage and Hour Division.

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

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, districts are required to pay employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, ~~must receive~~ overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions; see BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 ~~requires~~provides that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee ~~must~~is required to be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay~~.~~

~~Overtime pay requirements are also~~; see BP/AR 6115 – Ceremonies and Observances for more information regarding holidays designated in law or by the Board.

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

Labor Code provisions are not applicable to school districts unless specifically provided for in law. For example, in *Johnson v. Arvin-Edison Water Storage District*, the appellate court held in part that Labor Code 510, which provides for overtime compensation including that an employee who works in excess of 12 hours in one day or eight hours on the seventh consecutive day of a workweek is entitled to twice the regular rate of pay, does not apply to public agencies, including school districts.

Due to the complex interactions between federal law and state law, as well as between different state law provisions and classes of employees, it is recommended that districts consult CSBA's

District and County Office of Education Legal Services or district legal counsel regarding employee overtime compensation, as necessary.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week~~, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.~~. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.~~0~~204, 541.~~710~~303, 541.600 , 553.27, 553.32)

If the district requires a classified employee in an exempt position to work on a holiday designated in law or by the Board, the employee shall be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay. (Education Code 45130)

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

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months ~~after making the request~~following the month the overtime was worked if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

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

Wage Overpayment

CSBA NOTE: Education Code 44042.5~~, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023),~~ requires districts to follow the process specified below when a wage overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, 2022, such agreements shall be controlling until the expiration or renewal of such

agreements. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the existence or amount of the overpayment, the district ~~shall~~is required to first initiate legal action and obtain a court order or binding arbitration decision validating the overpayment amount. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the district and exclusive representative sets forth procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5, as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district ~~shall, with board approval, initiate a legal action to~~may only recover the overpayment~~.~~ after pursuing appropriate legal action. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district ~~shall, with Board approval,~~may exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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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
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 42238.016	Salary and Benefit Schedule for the Bargaining Units (Form J–90
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries for certificated employees
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549.3	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
Lab. Code 510	Overtime Compensation

Federal	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act

29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources	**Description**
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
~~Office of Management and Budget Publication~~	~~Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020~~
Court Decision	Johnson v. Arvin-Edison Water Storage District (2009) 174 Cal.App.4th 729
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	Internal Revenue Service
Website	School Services of California, Inc.
Website	CSBA
Website	California Department of Education (https://www.cde.ca.gov/)

Cross References

Code	**Description**
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement

4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
6115	Ceremonies and Observances

Policy 4358: Employee Security

Status: ADOPTED

Original Adopted Date: 07/01/2001 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation may be revised to reflect district practice and the terms of the district's collective bargaining agreements.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with ~~AR~~Administrative Regulation 3515.2 - Disruptions.

CSBA NOTE: Code of Civil Procedure 527.8 ~~allows the district~~ authorizes districts to seek a temporary restraining order ~~and injunction~~(TRO) on behalf of ~~an employee against any other individual~~employees who ~~has~~have been subjected ~~the employee~~ to harassment, unlawful violence, or a credible threat of violence in the workplace. ~~In City~~A collective bargaining representative may also seek a TRO on behalf of ~~San Jose v. William Garbett, a California Court of Appeal held~~a district employee if the collective bargaining representative serves that ~~a court's issuance of~~ employee in employment or labor matters at the employee's workplace. Before filing a ~~temporary restraining order and injunction against~~petition for a ~~person~~TRO, the district or collective bargaining representative is required to provide the employee who ~~had verbally threatened~~suffered unlawful violence or a ~~city official was~~credible threat of violence an opportunity to decline to be named in the TRO. If such a denial occurs, the district or collective bargaining representative is not ~~a violation of that person's right to free speech and right of access to~~ prohibited from seeking a ~~public place.~~
TRO on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces in the district.

Pursuant to Penal Code 18150 and 18170, a gun violence restraining order prohibiting a person from owning, having custody or control of, purchasing, possessing, or receiving a firearm or ammunition may be petitioned by that person's employer, a coworker who has had substantial and regular interactions with the person for at least one year and has the employer's approval, or an employee or teacher of a secondary school that the person has attended in the past six months if the employee or teacher has obtained the approval or a school administrator or designee.

Any employee against whom harassment, violence, or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order (TRO)

on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Additionally, a collective bargaining representative may seek a TRO on behalf of a district employee against whom harassment, violence, or credible threat of violence has been directed in the workplace, if the collective bargaining representative serves that employee in employment or labor matters at the employee's workplace. (Code of Civil Procedure 527.8)

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with ~~Labor~~Government Code ~~230-230.1~~12945.8 and the accompanying administrative regulation to protect the employee's safety while at work.

CSBA NOTE: Pursuant to Education Code 48904 and 48905, an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student or the student's parent/guardian. ~~See~~For more information regarding recovery for damages when an employee is injured or whose property is damaged by the willful misconduct of a district student, see BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. ~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel when considering whether to pursue legal action.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

CSBA NOTE: Pursuant to Education Code 32289.6, as added by AB 1858 (Ch. 530, Statutes of 2024), on or before June 15, 2025, the California Department of Education is required to curate and post on its website best practices pertaining to school shooter or other armed assailant drills, with which districts are encouraged to comply.

Additionally, the 2024, "Executive Order on Combating Emerging Firearms Threats and Improving School-Based Active-Shooter Drills," 89 Fed. Reg. 80345, establishes an interagency Emerging Firearms Threats Task Force and requires the Secretary of Education and the Secretary of Homeland Security to release guidance related to school-based active-shooter drills for schools.

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not

limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Penal Code 22810 authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures. It is recommended that districts allowing employees to carry pepper spray consult CSBA's District and County Office of Education Legal Services or district counsel regarding potential liability related to an employee's possession of pepper spray and revise the corresponding regulation accordingly.

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with Board policy, administrative ~~regulations~~regulation, and Penal Code 22810. Any employee authorized to carry or possess pepper spray on school property who is negligent or careless in the possession or handling of pepper spray is acting outside of the scope of employment and shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

CSBA NOTE: The following ~~optional~~ section ~~specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and~~ is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who initially notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for violation of any district policy or procedure related to the notification of a law enforcement agency. Education Code 49334 requires such an employee to conform with district procedures after exercising the option to notify a law enforcement agency.

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on ~~school grounds~~district property or at a ~~school-~~district related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and ~~shall~~ do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal or supervisor, who shall take appropriate action
3. Immediately call 911 and the principal or supervisor

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

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State	Description
Civ. Code 51.7	Freedom from violence or intimidation
Code of Civil Procedure 527.8	Workplace violence safety
Ed. Code 32210-32212	Willful disturbance; public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by ~~pupil~~student against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher; student who has engaged in acts ~~re:~~ regarding grounds for suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
~~Lab. Code 230-230.2~~	~~Leaves for victims of domestic violence, sexual assault or specified felonies~~
Pen. Code 18150	Gun violence restraining orders

Pen. Code 18170	Gun violence restraining order issued after notice and hearing
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Limited exception to juvenile court record
W&I Code 828.1	District police or security department; disclosure of juvenile records

Federal	Description
Executive Order 14127	Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 (https://www.federalregister.gov/documents/2024/10/02/2024-22938/combating-emerging-firearms-threats-and-improving-school-based-active-shooter-drills)

Management Resources	Description
Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1313	Civility

3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
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
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development
4140	Bargaining Units
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.8	Family Care and Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4240	Bargaining Units
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.8	Family Care and Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4340	Bargaining Units
4356.3	Employee Property Reimbursement
4357	Employee Safety
4357	Employee Safety
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.8	Family Care and Medical Leave
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances

5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
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)

Regulation 4358: Employee Security

Status: ADOPTED

Original Adopted Date: 11/01/2000 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: In order to help ensure the safety of students and staff, Education Code 32282 requires schools to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school. For more information regarding comprehensive safety plans, see BP/AR 0450 – Comprehensive Safety Plan.

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph below, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.

Although the law only requires employees to report attacks, assaults, or physical threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or physical threat made against them by any other individual on school grounds.

The following paragraph relates to the reporting by an employee of an attack, assault, or physical threat, as well as any action taken in response, and should be modified to reflect district practice and to ensure consistency with the district's comprehensive safety plan.

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. ~~Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.~~

~~CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph above, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.~~

~~Although the law only requires employees to report attacks, assaults, or threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.~~

~~In addition~~Additionally, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. Reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

CSBA NOTE: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. ~~School district~~ District officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in ~~AR~~Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process~~.~~ (Education Code 49079)

_____This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee ~~must~~is required to inform the student's teacher(s) of the acts as specified below.

b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion~~.~~ (Education Code 48201)

c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher~~.~~ (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

CSBA NOTE: Welfare and Institutions Code 827 requires a court, within seven days, to provide written notification to the Superintendent when a minor student has been found by the court to have committed a felony or misdemeanor involving specified offenses. Upon receiving such notification, the Superintendent ~~must~~is required to notify certain counselors, teachers, and administrators, as described in ~~item~~Item #2.

~~In addition~~Additionally, Welfare and Institutions Code 828.1 specifies that a ~~school~~ district police or security department may provide written notification to the Superintendent when a minor student has been found by a court to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence. In such cases, the information may be transmitted to a teacher, counselor, or administrator with direct supervisorial or disciplinary responsibility over the student, and such information ~~must~~is required to be received in confidence for the limited purpose for which it was provided. Districts that maintain their own police or security department may expand the following item to authorize the department to notify the Superintendent of such offenses.

a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal~~.~~ or designee (Welfare and Institutions Code 827)

b. The principal or designee shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal or designee thinks may need the information in order to work with the student appropriately, to avoid being needlessly vulnerable, or to protect others from vulnerability~~.~~ (Welfare and Institutions Code 827)

c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff~~.~~ (Welfare and Institutions Code 827)

The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district~~.~~ (Welfare and Institutions Code 827)

If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed~~.~~ (Welfare and Institutions Code 827)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine.

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, ~~or~~ Stalking, or Other Qualifying Acts of Violence

CSBA NOTE: Pursuant to ~~Labor~~Government Code ~~230,~~12945.8, as added by AB 2499 (Ch. 967, Statutes of 2024), the district is required to provide reasonable accommodations ~~at work, upon request,~~ to an employee who is a victim, or whose family member is a victim, of domestic violence, sexual assault, ~~or~~ stalking~~.~~ , and other qualifying acts of violence.

The district is not required to provide reasonable accommodations to an employee who has not disclosed the employee's status, or family member's status, as a victim of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence specified in Government Code 12945.8, nor to undertake an action that constitutes an undue hardship, as defined by Government Code 12926.

~~In addition, Labor~~Government Code ~~230 and 230.1 allow~~12945.8, as added by AB 2499, authorizes, subject to any applicable collective bargaining agreement, employees who are victims of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence, including employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime, to use available leave, including vacation, personal leave, paid sick leave, or compensatory time off, for the purposes of (1) obtaining or attempting to obtain relief (e.g., a temporary restraining order, restraining order, or injunctive relief) to protect the health, safety, or welfare of the employee or the employee's child~~;~~ or family of the employee, (2) seeking, obtaining, or assisting a family member to seek or obtain, medical attention for or to recover from injuries caused by ~~the crime or abuse;~~a qualifying act of violence, (3) seeking, obtaining, or assisting a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency~~;~~ as a result of a qualifying act of violence, (4) seeking, obtaining, or assisting a family member to seek or obtain psychological counseling or mental health services related to an experience of ~~crime or abuse; and/or~~a qualifying act of violence, (5) participating in safety planning ~~and~~or taking other actions to increase safety from future ~~crime or abuse~~qualifying acts of violence, (6) relocating or engaging in the process of securing a new residence due to the qualifying act of violence, including, securing temporary or permanent ~~relocation. As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees~~housing or enrolling children in a new school or child care, (7) providing care to a family

member who ~~are victims of a crime that~~is recovering from injuries caused ~~physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime.~~ ~~See~~by a qualifying act of violence, (8) seeking, obtaining, or assisting a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence, (9) preparing for, participating in, or attending any civil, administrative, or criminal legal proceeding related to the qualifying act of violence, or (10) seeking, obtaining, or providing child care or care to a care-dependent adult if the child care or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

For more information regarding leaves, see BP/AR 4161/4261/4361 – Leaves, AR 4161.1/4361.1 – Personal Illness/Injury Leave, 4261.1 – Personal Illness/Injury Leave, AR 4161.2/4261.2/4361.2 - Personal Leaves, and AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

When requested by an employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, or other qualifying acts of violence, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including~~:~~ (~~Labor Code 230~~, but not limited to: (Government Code 12945.8)

1. A transfer, reassignment, or modified schedule

2. A changed work telephone or work station, including the permission to carry a telephone at work

3. An installed lock

4. Assistance in documenting domestic violence, sexual assault, stalking, or other ~~crime~~qualifying act of violence that occurs in the workplace

5. Referral to a victim assistance organization

6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other ~~crime~~qualifying act of violence

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee~~.~~ (~~Labor Code 230~~ or their family member. (Government Code 12945.8)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking~~.~~ , or other qualifying act of violence. Such certification may include: (~~Labor~~Government Code ~~230~~12945.8)

1. A police report indicating that the employee, or a family member of the employee, was a victim

2. A court order protecting or separating the employee, or family member of the employee, from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee, or family member of the employee, was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee, or a family member of the employee, as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (~~Labor~~Government Code ~~230~~12945.8)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking, other specified offense, or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. ~~(Labor Code 230)~~

~~The district shall not~~If a new accommodation is needed, the Superintendent or designee shall follow the procedures described above when making the initial determination regarding effective reasonable accommodations. (Government Code 12945.8)

The district shall not discharge or retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (~~Labor~~Government Code ~~230~~12945.8)

Use of Pepper Spray

CSBA NOTE: The following optional section may be revised to reflect district practice. See the accompanying Board policy for further information and the Board's determination to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. It is recommended that districts allowing employees to carry pepper spray consult CSBA's District and County Office of Education Legal Services or district counsel regarding potential liability related to an employee's possession of pepper spray.

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need ~~for the~~ to carry or possess

pepper spray and for how long the need is anticipated to last. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810~~.~~

2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment~~.~~

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals~~.~~ ~~Negligent storage of the pepper spray may subject the employee to disciplinary action.~~

   Negligent storage or use of the pepper spray may subject the employee to disciplinary action.

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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
Civ. Code 51.7	Freedom from violence or intimidation
Code of Civil Procedure 527.8	Workplace violence safety
Ed. Code 32210-32212	Willful disturbance; public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by ~~pupil~~student against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion

Ed. Code 49079	Notification to teacher; student who has engaged in acts ~~re:~~ regarding grounds for suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
~~Lab. Code 230-230.2~~	~~Leaves for victims of domestic violence, sexual assault or specified felonies~~
Pen. Code 18150	Gun violence restraining orders
Pen. Code 18170	Gun violence restraining order issued after notice and hearing
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Limited exception to juvenile court record
W&I Code 828.1	District police or security department; disclosure of juvenile records

Federal	**Description**
Executive Order 14127	Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 (https://www.federalregister.gov/documents/2024/10/02/2024-22938/combating-emerging-firearms-threats-and-improving-school-based-active-shooter-drills)

Management Resources	**Description**

Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1313	Civility
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
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
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development

4140	Bargaining Units
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.8	Family Care and Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4240	Bargaining Units
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.8	Family Care and Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4340	Bargaining Units
4356.3	Employee Property Reimbursement
4357	Employee Safety

4357	Employee Safety
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.8	Family Care and Medical Leave
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
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)

Policy 5125: Student Records

Status: ADOPTED

Original Adopted Date: 03/01/2009 **| Last Revised Date:** ~~05~~03/01/~~2018~~2025 **| Last Reviewed Date:** ~~05~~03/01/~~2018~~2025

~~CSBA NOTE: Student records are governed by both federal and state law (Family Educational Rights and Privacy Act (FERPA) pursuant to Education Code 49069, 5 CCR 430-433, 20 USC 1232g, and 34 CFR 99.1-99.8).~~CSBA NOTE: The following **mandated** policy and accompanying administrative regulation address student records, which are governed by both federal and state law, including the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g, 34 CFR 99.1-99.8), the Protection of Pupil Rights Amendment (PPRA) (20 USC 1232h), the Children's Online Privacy Protection Act (COPPA) (15 USC 6501-6506, 16 CFR 312), Education Code 49069.7 and 49073.1, K-12 Pupil Online Personal Information Protection Act (Business and Professions Code 22584), Early Learning Personal Information Protection Act (Business and Professions Code 22586), and 5 CCR 430-438. For information regarding public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications. For information regarding retention of records, see BP/AR 3580 - District Records and AR 4112.6/4212.6/4312.6 - Personnel Files.

Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 **mandates** procedures related to parental review of student records. See the accompanying administrative regulation for additional language implementing these mandates.

~~The privacy of online information of students in prekindergarten through grade 12 is addressed in Business and Professions Code 22580-22587, which prohibit an operator of a web site, online service or application, or mobile application from knowingly using, disclosing, or compiling the personal information of a minor for the purpose of marketing or advertising specified types of products or services; allowing a third party to use, disclose, or compile such information; or selling or disclosing specified student information or knowingly using such student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a preK-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee (e.g., name, contact information, educational record, discipline records, test results, health records, socioeconomic information). Pursuant to Business and Professions Code 22584 and 22586, an operator must delete data under the control of the school or district upon the request of the school or district.~~ Pursuant to Education Code 234.7, districts were **mandated** to adopt policies with language that is

equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by June 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website and includes model policy language regarding student records.

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, disclosure, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records ~~consistent~~in accordance with state and federal law.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

~~CSBA NOTE: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are mandated to adopt policy consistent with a model policy developed by the California Attorney General, which includes the following statement. See the Office of the Attorney General publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.~~

CSBA NOTE: The privacy of online information of students in prekindergarten (preK) through grade 12 is addressed in Privacy Rights for California Minors in the Digital World (Business and Professions Code 22580-22582), the K-12 Pupil Online Personal Information and Protection Act (Business and Professions Code 22584-22585), and the Early Learning Personal Information Protection Act (Business and Professions Code 22586-22587), which prohibit an operator of a website, online service or application, or mobile application from knowingly using, disclosing, or compiling the personal information of a minor for the purpose of marketing or advertising specified types of products or services; allowing a third party to use, disclose, or compile such information; or selling or disclosing specified student information or knowingly using such student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a preK-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee (e.g., name, contact information, educational record, discipline records, test results, health records, and socioeconomic information). Pursuant to Business and Professions Code 22584 and 22586, an operator is required to delete data under the control of the school or district upon the request of the school or district. However, Business and Professions Code 22584, as amended by AB 801 (Ch.

935, Statutes of 2024), does not require the deletion of student records held by a national assessment provider when the records only include standardized test results.

Additionally, pursuant to Business and Professions Code 22584 and 22586, as amended by AB 801, an operator is required to delete a student's covered information that is not subject to the California Consumer Privacy Act which is under the operator's control, as specified below. Business and Professions Code 22584 and 22586, as amended by AB 801, do not require the deletion of mandatory permanent student records or any official records or files directly related to a student and maintained by the operator, school, or district.]

If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled in the district for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

CSBA NOTE: Pursuant to Education Code 49076.7, a district is prohibited from soliciting or collecting social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. One such exception is the collection of the last four digits of the social security number for the purpose of establishing eligibility for a federal benefit program.

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

CSBA NOTE: Education Code 234.7~~, as added by AB 699 (Ch. 493, Statutes of 2017),~~ prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members, as provided below. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information ~~to U.S. Immigration and Customs Enforcement~~, as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order.

~~Pursuant to Education Code 234.7, districts are mandated to adopt the~~ The following two paragraphs ~~consistent with the~~ are equivalent to model policy ~~developed by the California Attorney General~~language from the 2024 Guidance.

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. ~~The~~In accordance with Board Policy 5145.13 – Response to Immigrant Enforcement, the Superintendent or designee shall not disclose

student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena/warrant. If a district employee receives such a request, ~~he/she~~the employee shall ~~immediately report the request~~respond in accordance with Board Policy 5145.13 – Response to ~~the Superintendent~~Immigrant Enforcement. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

~~CSBA NOTE: The following paragraph reflects a requirement of Government Code 8310.3, as added by SB 31 (Ch. 826, Statutes of 2017).~~

~~The Superintendent or designee~~The district or any district employee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, ~~nor shall he/she~~or disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. ~~Such~~This prohibition does not apply to information ~~may only be compiled or exchanged with other local, state, or federal agencies if the information~~that is aggregated and is not personally identifiable. (Government Code 8310.3)

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or employment of a minor child of the parties, which may include prohibiting access to a parent/guardian who would otherwise be entitled to the records. The protocols must, at a minimum, (1) designate an appropriate employee(s) who is responsible for receiving protective order(s), (2) establish a means of ensuring that the restrained party is not able to access the prohibited records or information, and (3) implement a procedure for submitting a copy of the restraining order including confirmation of when and to whom it was submitted. It is recommended that districts with questions about complying with these procedures consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

Student Records from Social Media

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Pursuant to Education Code 49073.6, any district considering a program to gather information from students' social media activity, as defined, must first notify students and parents/guardians and provide an opportunity for public comment. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980. If such a program is then adopted, the district must comply with program requirements reflected in the section "Student Records from Social Media" in the accompanying administrative regulation.

~~The~~It is recommended that the district ~~should~~ consult CSBA's District and County Office of

Education Legal Services or district legal counsel before gathering any other online information that does not meet the definition of social media in Education Code 49073.6.

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

~~Contract for Digital Storage,~~ ~~Management~~Retention, Disclosure, and ~~Retrieval~~Security of Student Records

CSBA NOTE: The use of artificial intelligence (AI) may pose risks to keeping student records private and secure. CSBA's, "Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know," cautions districts to consider whether information about students shared with or stored in an AI-enabled system is subject to federal or state privacy laws and whether interactions between students and AI systems may create records that are required to be protected by law, such as when a chatbot or automated tutor generates written guidance to a student.

The Superintendent or designee shall ensure the confidentiality of student records as required by law and shall establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft, which may be caused by the use of technology, including artificial intelligence and breaches to the district's digital infrastructure, in the retention or disclosure of student records. Additionally, in accordance with Board Policy 5145.13 – Response to Immigration Enforcement, all district staff shall avoid the disclosure of information that may indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by law.

The Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure.

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

CSBA NOTE: Education Code 49073.1 authorizes districts to enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or for software designed for this purpose. A district that chooses to enter into such a contract is **mandated** to adopt policy allowing such contracts and must ensure that the contract includes all the provisions specified in Education Code 49073.1. Also see BP 3312 - Contracts.

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

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State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	~~Student~~K-12 Pupil Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents

Ed. Code 56055	Foster parents
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 69475	Conditional repeal of Cal Grant program
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	Ex parte orders
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal	**Description**
15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	~~Privacy rights~~Protection of Pupil Rights Amendment
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents of student with disability
34 CFR 99.1-99.~~67~~8	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
~~CSBA Publication~~	~~Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017~~
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023 (https://www.csba.org/-

	/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/Technology/AI-Brief-REPD_09-2023.ashx)
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
~~National School Boards Association Publication~~	~~Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014~~
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021 (https://studentprivacy.ed.gov/resources/parent-guide-family-educational-rights-and-privacy-act-ferpa)
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023 (https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa)
U.S. Department of Education Publication	~~Joint~~ Family Educational Rights and Privacy Act, Guidance for School Officials on ~~the Application of FERPA and HIPAA to~~ Student Health Records, ~~November 2008~~April 2023 (https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-guidance-school-officials-student-health)
~~U.S. Department of Education Publication~~	~~IDEA and FERPA Confidentiality Provisions, 2014~~
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019 (https://studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa)
U.S. Department of Education Publication	~~Balancing Student Privacy and School Safety: A Guide to~~Joint Guidance on the Application of the Family Educational Rights and Privacy Act ~~for Elementary~~(FERPA) and the Health Insurance Portability and ~~Secondary Schools, Oct 2007~~Accountability Act of 1996 (HIPAA) to Student Health Records, rev. 2019 (https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records)
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022

	(https://studentprivacy.ed.gov/sites/default/files/resource_document/file/IDEA-FERPA%20Crosswalk_08242022.pdf)
Website	CSBA District and County Office of Education Legal Services
~~Website~~	~~National School Boards Association~~
Website	U.S. Department of Education, Protecting Student Privacy (https://studentprivacy.ed.gov/)
~~Website~~	~~U.S. Department of Education, Office of the Chief Privacy Officer~~
Website	California Department of Education
Website	California IT in Education, Student Data Privacy (https://www.cite.org/stuprivacy)
Website	California Office of the Attorney General (https://oag.ca.gov/)
Website	CSBA

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records

1400	Relations Between Other Governmental Agencies And The Schools
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3290	Gifts, Grants And Bequests
3312	Contracts
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4040	Employee Use Of Technology
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Regulation 5125: Student Records

Status: ADOPTED

Original Adopted Date: 12/01/2014 **| Last Revised Date:** ~~12~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~12~~03/01/~~2021~~2025

CSBA NOTE: The following **mandated** administrative regulation and accompanying Board policy address student records, which are governed by both federal and state law, including the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g, 34 CFR 99.1-99.8), the Protection of Pupil Rights Amendment (PPRA) (20 USC 1232h), the Children's Online Privacy Protection Act (COPPA) (15 USC 6501-6506, 16 CFR 312), Education Code 49069.7 and 49073.1, K-12 Pupil Online Personal Information Protection Act (Business and Professions Code 22584), Early Learning Personal Information Protection Act (Business and Professions Code 22586), and 5 CCR 430-438. For information regarding public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications. For information regarding retention of records, see BP/AR 3580 - District Records and AR 4112.6/4212.6/4312.6 - Personnel Files.

Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 **mandates** procedures related to parental review of student records. The following administrative regulation includes language implementing these mandates.

Pursuant to Education Code 234.7, districts were **mandated** to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by June 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website and includes model policy language regarding student records.

Definitions

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

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

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

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

~~CSBA NOTE: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA).~~

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

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

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

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

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

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

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

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

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

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

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

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

3. The address of the student or student's family

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

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

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

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

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

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

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

CSBA NOTE: USDOE and the U.S. Department of Health and Human Services', "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records," clarifies that a student's immunization and health record maintained by the district is a "student record" subject to FERPA.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the district. Any information maintained for

the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

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

1. Directory information

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

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

CSBA NOTE: USDOE guidance, "School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)," clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

~~3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8 (5 CCR 430)~~
3. Records of the law enforcement unit of the district, as specified in 34 CFR 99.8

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

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

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

Persons Granted Absolute Access

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

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or

employment of a minor child of the parties, which may include a parent/guardian who would otherwise be entitled to the records. For additional information see the accompanying Board policy.

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025)

   However, the district shall not disclose student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a student pursuant to a restraining order. (Family Code 6323.5)

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

CSBA NOTE: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with ~~disabilities~~exceptional needs, including the right to access student records, are transferred to the student at 18 years of age, except when the student has been declared incompetent under state law.

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

Access for Limited Purpose/Legitimate Educational Interest

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

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

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined in 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)

3. School officials and employees, consistent with the definition provided in ~~the section~~ "Definitions"," above (Education Code 49076; 34 CFR 99.31)

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

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for

purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

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

~~6.~~ Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

CSBA NOTE: Item #6 ~~below~~ is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. Education Code 69432.9 requires that the report be submitted on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 69432.9 requires that parents/guardians be notified that their child's GPA will be forwarded, unless they opt out within the time period specified in the notice. This notification ~~could~~may be included in the annual parental notification issued pursuant to Education Code 48980.

Pursuant to Education Code 69475, portions of the existing Cal Grant Program will be conditionally repealed upon the Legislature's implementation of the Cal Grant Reform Act. AB 107 (Ch. 22, Statutes of 2024) announced the Legislature's intent to "phase in" the Cal Grant Reform Act beginning in 2025-26. As such, the existing Cal Grant Program remains in effect, but it is recommended that districts with questions about the Cal Grant Reform Act's effect on the existing Cal Grant Program consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~7.~~6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program.

However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

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

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

CSBA NOTE: Item #7 is for use by districts that serve students in grades 9-12. Pursuant to Education Code 60900, as amended by SB 153 (Ch. 38, Statutes of 2024), districts are required to, on or before January 1, 2026, enter into a data sharing agreement with the California College Guidance Initiative (CCGI), and by June 30, 2026, submit data for students in grades 9-12, as specified. Pursuant to Education Code 60900 and 60900.5, as amended by SB 153, the California Department of Education (CDE) also shares specified data with CCGI. The district is required to include in the annual notification to parents/guardians the sharing of data with CCGI; see "Notification of Parents/Guardians," below.

7. The California College Guidance Initiative (CCGI) in accordance with a data sharing agreement pursuant to Education Code 60900, to provide data for use when planning for and applying to California public colleges and universities (Education Code 60900, 60900.5)

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

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

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

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

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

11. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

12. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

13. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

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

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

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

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

    Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district. (Education Code 49069.3)

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

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

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

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

    When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in ~~item #12~~Item #13 above. (Education Code 49076)

20. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

    In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

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

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act~~.~~ (FERPA). (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

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

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

Discretionary Access

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

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

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

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

~~2.~~ Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

~~3.~~ 2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

~~4.~~ 3. ~~Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations~~Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.

~~5.~~ 4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

~~6.~~ 5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

CSBA NOTE: Education Code 49076 includes "contractors" and "consultants," as defined in ~~the section~~ "Definitions" above, with a legitimate educational interest who have a formal written agreement or contract with the district, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.31, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

Pursuant to Education Code 49073.1, a district may enter into a contract with a third party to provide (1) services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or (2) digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records as provided. When entering into a contract with a third party, it is recommended that districts utilize data sharing agreements to ensure contractors, consultants, and vendors comply with student data privacy laws. California IT in Education (CITE) has student data privacy resources, including a sample student data privacy agreement, available on its website. For more information on contracts for digital storage and maintenance of student records, see BP 3312 – Contracts.

~~7.~~ 6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)

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

~~8.~~ 7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

~~9.~~ 8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

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

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or ~~the federal Family Educational Rights and Privacy Act.~~FERPA. (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

De-identification of Records

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

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

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

CSBA NOTE: Education Code 49069.7 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069.7; 5 CCR 433)

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

CSBA NOTE: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records~~.~~, including (1) guaranteeing access to authorized persons within five business days following the date of request, (2) assuring security of the records, and (3) enumerating and describing the student records collected and maintained by the district. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district. The types of student records collected and maintained by the district are enumerated and described in "Retention and Destruction of Student Records," below.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district ~~which~~that does not use physical or technological access controls ~~(e.g.,~~, such as a locked file cabinet or computer security limiting access~~)~~, must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

~~The Analysis to Comments and Changes~~In commentary accompanying the Final Rule (73 Fed. Reg. 237, page 74817~~)~~), USDOE suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

In addition, as a condition of participation in an interagency data information system ~~(e.g.,~~, such as the California Longitudinal Pupil Achievement Data System (CALPADS), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. ~~(~~(Education Code 49076; 5 CCR 431; 34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate

the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

~~CSBA NOTE: 34 CFR 99.30 specifies information that must be included in the parent/guardian consent form, as provided below. The provisions in the following two paragraphs are required pursuant to the California Attorney General's model policy developed pursuant to Education Code 234.7. See the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.~~CSBA NOTE: Education Code 49069.7 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069.7; 5 CCR 431)

CSBA NOTE: 34 CFR 99.30 specifies information that is required be included in the parent/guardian consent form, as provided below.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

CSBA NOTE: Education Code 49069 ~~and 5 CCR 431 mandate that the district adopt~~.7 **mandates** procedures for ~~granting parent/guardian requests~~the availability of qualified certificated personnel to ~~inspect, review, and obtain copies of~~ interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

~~CSBA NOTE: Education Code 49069 mandates procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.~~

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069.7)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

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

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

CSBA NOTE: Although Education Code 49064 does not require the district to record access by individuals specified in ~~items~~Items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see ~~section above entitled~~ "Process for Providing Access to Records~~:~~"," above.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

CSBA NOTE: Pursuant to Education Code 234.7, any request for student information by a law enforcement agency for the purpose of enforcing immigration laws must be reported to the Superintendent and the Governing Board; see the accompanying Board policy. Therefore, it is recommended that the custodian of records make an entry in the log regarding any such requests, as provided in ~~item~~Item #6 below.

6. Law enforcement personnel seeking ~~to enforce~~ immigration ~~laws~~-related information

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

CSBA NOTE: Education Code 49069.7 **mandates** that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

CSBA NOTE: In CALPADS', "Update FLASH #158, Guidance for Changing a Student's Legal Name in CALPADS", ~~the California Department of Education~~," CDE states that a request to change a student's legal name must be supported by legal documentation such as a court record, birth certificate, or passport.

Pursuant to Education Code 220.3, as added by AB 1955 (Ch. 95, Statutes of 2024), a district is prohibited from requiring an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression, including changing student records, to any other person without the student's consent unless otherwise required by state or federal law.

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with Education Code 49070 and the process specified in ~~AR~~Administrative Regulation 5125.3 - Challenging Student Records. ~~(Education Code 49070)~~

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
    a. Address of minor student if different from the above
    b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation

7. Verification of or exemption from required immunizations

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

2. A log identifying persons or organizations who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

5. Language training records

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or prohibition of student participation in specific programs

10. Results of standardized tests administered within the past three years

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine ~~disciplinary~~discipline data

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

CSBA NOTE: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this is not applicable in circumstances where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

Additionally, when a student in foster care is enrolling in a district school, the district's liaison for foster youth shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records. (Education Code 48853.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or

loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with ~~disabilities.~~exceptional needs. (Education Code 48985, 49063; 5 CCR 431; 34 CFR 99.7)

The notice shall include: (Education Code 49063, 60900.5; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

CSBA NOTE: Item #12 is for districts that serve students in grades 9-12. Pursuant to Education Code 60900, as amended by SB 153, districts are required to annually notify parents/guardians that specified district data and data collected by CDE is shared with CCGI.

12. The sharing with CCGI of specified district data and data collected by the California Department of Education for the purposes of college admissions, academic placement, and eligibility for student financial aid (Education Code 60900)

~~12.~~ 13. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

CSBA NOTE: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in optional ~~item #13~~Item #14 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution ~~(~~; see ~~item~~Item #5 in the list of persons/agencies with legitimate educational interests in ~~the section entitled~~ "Access for Limited Purpose/Legitimate Educational Interest"~~,~~" above~~).~~.

~~13.~~ 14. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

CSBA NOTE: The following paragraph reflects ~~the Attorney General's~~ model policy language from the 2024 Guidance developed pursuant to Education Code 234.7.

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

CSBA NOTE: The following optional section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, must comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety

2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information

3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first

4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in ~~item~~Item #3 above~~.~~

   The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to

Education Code 48980.

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:

    a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or the student's parent/guardian

    b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

Updating Name and/or Gender of Former Students

CSBA NOTE: Education Code 49062.5 requires a district to update a former student's records to reflect a change to the former student's name and/or gender, as specified below.

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request

2. The date the requested records were reissued to the former student

3. A list of the records that were requested by and reissued to the former student

4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender

5. The name of the employee who completed the request

6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and ~~AR~~Administrative Regulation 5125.3 - Challenging Student Records. (Education Code 49062.5)

Policy Reference UPDATE Service
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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 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	~~Student~~K-12 Pupil Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 69475	Conditional repeal of Cal Grant program

Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	Ex parte orders
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal	**Description**
15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	~~Privacy rights~~Protection of Pupil Rights Amendment
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents of student with disability
34 CFR 99.1-99.~~67~~8	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
~~CSBA Publication~~	~~Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017~~
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/Technology/AI-Brief-REPD_09-2023.ashx)
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

~~National School Boards Association Publication~~	~~Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014~~
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021 (https://studentprivacy.ed.gov/resources/parent-guide-family-educational-rights-and-privacy-act-ferpa)
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023 (https://studentprivacy.ed.gov/resources/eligible-student-guide-family-educational-rights-and-privacy-act-ferpa)
U.S. Department of Education Publication	~~Joint~~ Family Educational Rights and Privacy Act, Guidance for School Officials on ~~the Application of FERPA and HIPAA to~~ Student Health Records, ~~November 2008~~April 2023 (https://studentprivacy.ed.gov/resources/family-educational-rights-and-privacy-act-guidance-school-officials-student-health)
~~U.S. Department of Education Publication~~	~~IDEA and FERPA Confidentiality Provisions, 2014~~
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019 (https://studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa)
U.S. Department of Education Publication	~~Balancing Student Privacy and School Safety: A Guide to~~Joint Guidance on the Application of the Family Educational Rights and Privacy Act ~~for Elementary~~(FERPA) and the Health Insurance Portability and ~~Secondary Schools, Oct 2007~~Accountability Act of 1996 (HIPAA) to Student Health Records, rev. 2019 (https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records)
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022 (https://studentprivacy.ed.gov/sites/default/files/resource_document/file/IDEA-FERPA%20Crosswalk_08242022.pdf)
Website	CSBA District and County Office of Education Legal Services
~~Website~~	~~National School Boards Association~~
Website	U.S. Department of Education, Protecting Student Privacy (https://studentprivacy.ed.gov/)

~~Website~~	~~U.S. Department of Education, Office of the Chief Privacy Officer~~
Website	California Department of Education
Website	California IT in Education, Student Data Privacy (https://www.cite.org/stuprivacy)
Website	California Office of the Attorney General (https://oag.ca.gov/)
Website	CSBA

Cross References

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0440	District Technology Plan
0440	District Technology Plan
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1113	District And School Websites
1113-E(1)	District And School Websites
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1114	District-Sponsored Social Media
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1340	Access To District Records
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3250	Transportation Fees
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3260	Fees And Charges
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3515	Campus Security
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9012	Board Member Electronic Communications
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9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 5131: Conduct

Status: ADOPTED

Original Adopted Date: 03/01/2010 **| Last Revised Date:** ~~10~~03/01/~~2019~~2025 **| Last Reviewed Date:** ~~10~~03/01/~~2019~~2025

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

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

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

CSBA NOTE: The district may modify, delete, or add to the items below to reflect district practice. Also see AR 5144.1 - Suspension and Expulsion/Due Process for conduct that constitutes grounds for suspension or expulsion.

Prohibited student conduct includes, but is not limited to:

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

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

3. Conduct that disrupts the orderly classroom or school environment

4. Willful defiance of staff's authority

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

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

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

CSBA NOTE: Penal Code 417.27 prohibits students from possessing laser pointers on school premises, unless the pointer is used for a valid instructional or other school-related purpose, as provided in ~~item~~Item #8 below. Penal Code 417.25 states that aiming or pointing a laser scope (i.e., a portable device capable of projecting a laser light on objects at a distance) at another person in a threatening manner, regardless of whether ~~or not~~ the laser scope is attached to a firearm, may be a misdemeanor if intended to cause a person fear of bodily harm.

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

CSBA NOTE: Pursuant to Education Code 48901.5, the district may regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves~~.~~, such as paging and signaling equipment. However, student use of such devices may not be prohibited if essential for a student's health.

Additionally, pursuant to Education Code 48901.7, as ~~added~~amended by AB ~~272~~3216 (Ch. ~~42~~500, Statutes of ~~2019),~~ ~~authorizes~~2024), the Governing Board is required, by July 1, 2026, to develop in conjunction with students, parents/guardians, and district employees, adopt, and update every five years, a policy to limit or prohibit student use of smartphones while at a school site or ~~while~~ under the supervision and control of ~~an~~district employee(s). For more information regarding the limitation or prohibition of ~~the district, except under specified circumstances.~~ ~~See~~student use of smartphones and other mobile communication devices, see BP 5131.8 - Mobile Communication Devices.

9. Use of a ~~cell phone, smart watch, pager,~~smartphone or other mobile communication device ~~during instructional time or~~ in an unauthorized manner ~~in violation of district policy~~

10. Plagiarism or dishonesty on school work or tests

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

12. Tardiness or unexcused absence from school

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

14. Other conduct prohibited by Education Code 48900-48915-48915

Employees are expected to enforce standards of conduct and~~,~~ when they observe or receive a report of a violation of these standards, to appropriately intervene, or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

CSBA NOTE: When school officials want to search a student or a student's belongings ~~(e.g.,~~ such as a backpack, purse, ~~cell phone or other mobile communication device,~~ or computer~~)~~, as part of an investigation of suspected student misconduct, the legality of the search will depend on whether the search is "reasonable~~"~~ ~~(New Jersey v. T.L.O);~~." For more information regarding the search of a student or a student's belongings, see BP/AR 5145.12 - Search and Seizure. The "reasonableness" of a search depends on (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules, and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction. Additionally, Penal Code 1546.1 prohibits warrantless searches of students' personal electronic devices such as mobile phones, except in narrowly defined circumstances. It is recommended that the district consult ~~with~~CSBA's District and County Office of Education Legal Services or district legal counsel ~~as appropriate.~~for questions related to the search of a student or the student's belongings.

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

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, 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.

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

CSBA NOTE: The following optional paragraph addresses students' off-campus conduct during nonschool hours. In general, ~~the~~ courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities. In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges); see BP 5131.2 - Bullying.

In adopting policy related to off-campus conduct, it is recommended that districts ~~should~~ consult ~~with~~CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. ~~Also~~For more information regarding freedom of speech or expression, see BP 5145.2 - Freedom of Speech/Expression.

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

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 300-307	Duties of students
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 51512	Prohibition against electronic listening or recording device in classroom without permission
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 417.25-417.27	Laser scope or laser pointer
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving
Federal	**Description**

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

Management Resources	**Description**
California Department of Education Publication	Bullying at School, 2003
Court Decision	Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
Court Decision	Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675
Court Decision	Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	LaVine v. Blaine School District (2000, 9th Cir.) 257 F.3d 981
Court Decision	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	**Description**
0440	District Technology Plan
0440	District Technology Plan

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1313	Civility
1330.1	Joint Use Agreements
3513.4	Drug And Alcohol Free Schools
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4131	Staff Development
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5127	Graduation Ceremonies And Activities
5131.1	Bus Conduct

5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety

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)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
6116	Classroom Interruptions
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips

6159.4	Behavioral Interventions For Special Education Students
6162.54	Test Integrity/Test Preparation
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education

Policy 5131.6: Alcohol And Other Drugs

Status: ADOPTED

Original Adopted Date: 02/01/1996 **| Last Revised Date:** ~~10~~03/01/~~2017~~2025 **| Last Reviewed Date:** ~~10~~03/01/~~2017~~2025

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

CSBA NOTE: The ~~Every Student Succeeds Act (P.L. 114-95) amended 20 USC 7101-7122 to establish the~~ Student Support and Academic Enrichment Grants program~~, which~~ (20 USC 7101-7122) may be used for several specified purposes, including activities to improve school conditions for student learning. For participating districts, 20 USC 7118 requires parent/guardian involvement in program activities and encourages partnerships with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity. 20 USC 7116 ~~specifies stakeholder~~requires specified groups ~~that must~~to be consulted in the development of the grant application, including parents/guardians, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (e.g., law enforcement, juvenile court, child welfare agency, public housing agency), Indian tribes or tribal organizations, charter school leaders and staff, and others with relevant and demonstrated expertise in alcohol and drug prevention and intervention.

~~In addition~~Additionally, Education Code 51268 encourages districts to collaborate with county offices of education in the provision of education programs for alcohol and drug prevention and to coordinate program planning and implementation with health, social services, criminal justice, and other entities.

Pursuant to Education Code 49428.16, county offices of education are encouraged to establish a County Working Group on Fentanyl Education in Schools for the purposes of outreach, building awareness, and collaborating with local health agencies regarding fentanyl overdoses. Additionally, the California Department of Education is required to curate, and maintain on its website, informational materials containing awareness and safety advice, for staff, students, and parents/guardians, on how to prevent an opioid overdose, including any relevant information developed by a county working group and resource information on the provision of emergency naloxone hydrocholoride or other opioid antagonist.

The following paragraph may be revised to reflect district practice.

The district's alcohol and drug prevention and intervention programs shall be coordinated with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of

education, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

CSBA NOTE: Items #1-4 below reflect some of the types of programs that may be funded through the Student Support and Academic Enrichment Grants ~~program pursuant to 20 USC 7118, as amended by P.L. 114-95,~~ and may be revised to reflect district practice.

Prevention and intervention programs and activities may include, but are not limited to: (20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, and electronic cigarettes

2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral

3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals

4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

Instruction and Notification

The district shall provide science-based preventative instruction, consistent with law, the accompanying administrative regulation, and Board Policy 5141.52 – Suicide Prevention, which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

CSBA NOTE: Education Code 48985.5 requires districts, at the beginning of the first semester or quarter of the regular school year, to annually inform parents/guardians about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, and, as amended by AB 2690 (Ch. 241, Statutes of 2024), about the risk of social media being used as a way to market and sell synthetic drugs. This notification may be provided as part of the parent/guardian notification pursuant to Education Code 48980. Additionally, pursuant to Education Code 48985.5, each district and school that maintains a website is required to post such information on its website.

The district shall annually inform parents/guardians at the beginning of the first semester or quarter of the regular school year about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, the possibility that dangerous drugs can be found in counterfeit pills, and the risks of social media being used as a way to market and sell synthetic drugs. Additionally, the district, and each school that maintains its own website, shall post such information on its website. (Education Code 48985.5)

Intervention, Referral, and Student Assistance Programs

CSBA NOTE: Pursuant to 20 USC 7118, ~~as amended by P.L. 114-95,~~ programs which may be funded under the Student Support and Academic Enrichment Grants ~~program~~ include programs of counseling, mentoring, referral services, and other student assistance programs. The following section may be revised to reflect district practice.

~~In addition~~Additionally, Education Code 215 **mandates** that any district serving students in grades 7-12 adopt a suicide prevention policy which contains measures and strategies for addressing the needs of high-risk groups, including, but not limited to, ~~youth~~students with substance use disorders. See BP/AR 5141.52 - Suicide Prevention.

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs, which may indicate alcohol and other drug use, and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

CSBA NOTE: Pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with ~~his/her~~the student's parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use~~.~~, including that, in accordance with Education Code 48900, students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended.

Opioid Antagonists

CSBA NOTE: The following paragraph is for districts that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the district. Pursuant to Education Code 49414.6, as added by SB 997 (Ch. 872, Statutes of 2024), a district may not prohibit a student in middle school, junior high school, or high school, while on a school site or participating in school activities, from carrying fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Students in middle school, junior high school, high school, or adult school, may carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering,

or reasonably believed to be suffering, from an opioid overdose, while on a school site or participating in a school activity. (Education Code 49414.6)

CSBA NOTE: The following paragraph is for districts that serve students 12 years of age or older and may be deleted by districts that do not serve such students. Pursuant to Education Code 49414.35, as added by AB 2998 (Ch. 974, Statutes of 2024), districts may not prohibit students 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication. Students who administer such an opioid antagonist may not be held liable in a civil action or be subject to criminal prosecution due their acts or omissions, and the district and employees of the district may not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a student's acts in administering an opioid antagonist, unless an act or omission of the students, employee, or district constitutes gross negligence or willful or wanton misconduct.

Additionally, students 12 years of age or older, while on a school site or participating in school activities, may carry and administer a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication that is federally approved for over-the counter nonprescription use for the purpose of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.35)

Enforcement~~/~~ and Discipline

~~Students~~Unless otherwise authorized by law, students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

The Superintendent or designee shall clearly communicate to all students, staff, and parents/guardians the district's policies, regulations, and school rules related to the use of alcohol and other drugs.

CSBA NOTE: Pursuant to Education Code 48900, a student's unlawful possession, use, sale, or furnishing of alcohol or a controlled substance is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process. Education Code 48915 requires immediate suspension and mandates expulsion for any student who sells ~~drugs~~a controlled substance at school or while under school jurisdiction. In addition, Education Code 48902 requires districts to notify law enforcement of any acts which may involve the possession or sale of narcotics or a controlled substance. However, when suspension and expulsion are not mandated, districts should consider whether it is appropriate to use an alternative discipline that maintains safety and order on campus and corrects student misbehavior without unnecessarily excluding students from school or discouraging them from seeking assistance for substance abuse.

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be ~~expelled~~recommended for expulsion in accordance with ~~BP/AR~~Board Policy/Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and may be subject

to discipline on a case-by-case basis.

CSBA NOTE: Pursuant to Education Code 49414.4, the district may, as part of a restorative justice framework and utilizing the Multi-Tiered System of Supports, use alternatives to a referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid.

The district may use alternatives to the referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid, to the extent any alternative utilized is not in conflict with any law requiring that referral. (Education Code 49414.4)

Program Evaluation

CSBA NOTE: Pursuant to 20 USC 7116, ~~as amended by P.L. 114-95,~~ an application for Student Support and Academic Enrichment Grants ~~must~~is required to include a description of how the district will periodically evaluate program effectiveness based on identified program objectives and outcomes. The following paragraph may be revised to reflect district practice.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of district programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of district activities in achieving identified objectives and outcomes. (20 USC 7116)

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State	Description
Bus. Code 25608	Alcohol on school property; use in connection with instruction
Ed. Code 32282	School safety plans
Ed. Code 44049	Known or suspected alcohol or drug abuse by student
Ed. Code 44645	In-service training anabolic steroids
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.5	Suspension, limitation on imposition; exception
Ed. Code 48901	Smoking or use of tobacco prohibited
Ed. Code 48901.5	Prohibition of electronic signaling devices

Ed. Code 48902	Notification of law enforcement authorities; civil or criminal immunity
Ed. Code 48909	Narcotics or other hallucinogenic drugs
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985.5	Fentanyl and synthetic drugs danger notification
Ed. Code 49414.35	Opioid antagonist use by students
Ed. Code 49414.4	Alternatives to law enforcement referrals for opioid misuse
Ed. Code 49414.6	Opioid antagonist possession
Ed. Code 49428.16	County Working Group on Fentanyl Education in Schools
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and restricted dangerous drugs
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Areas of study; grades 7 to 12
Ed. Code 51225.38	Health education; fentanyl instruction
Ed. Code 51260-51269	Drug education
Ed. Code 60041	Instructional materials
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
H&S Code 11032	Narcotics, restricted dangerous drugs, and marijuana
H&S Code 11053-11059	Controlled substances; standards and schedules
H&S Code 11353.6	Juvenile Drug Trafficking and Schoolyard Act
H&S Code 11357	Unauthorized possession of marijuana; possession in school or on school grounds
H&S Code 11361.5	Destruction of arrest or conviction records
H&S Code 11372.7	Drug program fund; uses
H&S Code 11802	Joint school-community alcohol abuse primary education and prevention program
H&S Code 11999-11999.3	Alcohol and drug program funding; no unlawful use
H&S Code 124175-124200	Adolescent family life program

Pen. Code 13860-13864	Suppression of drug abuse in schools
Veh. Code 13202.5	Drug and alcohol related offenses by ~~person~~persons under age of 21, but aged 13 or over
W&I Code 828	Disclosure of information ~~re~~regarding minors
W&I Code 828.1	Disclosure of criminal records; protection of vulnerable staff ~~&~~and students

Federal	**Description**
20 USC 5812	National education goals
20 USC 7101-7122	Student Support and Academic Enrichment Grants

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Alcohol, Tobacco and Other Drug Prevention
~~Website~~	~~U.S. Department of Education, Office of Safe and Healthy Students~~
Website	U.S. Department of Education, Student Support and Academic Enrichment Program (https://www.ed.gov/grants-and-programs/formula-grants/school-improvement/student-support-and-academic-enrichment-program)
Website	California Healthy Kids Resource Center

Cross References

Code	**Description**
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1325	Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools
3290	Gifts, Grants And Bequests
3513.4	Drug And Alcohol Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department

3515.31	School Resource Officers
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5131	Conduct
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5137	Positive School Climate
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.52	Suicide Prevention
5141.52	Suicide Prevention
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
5145.11	Questioning And Apprehension By Law Enforcement
5145.12	Search And Seizure
5145.12	Search And Seizure
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention

5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education

Regulation 5131.6: Alcohol And Other Drugs

Status: ADOPTED

Original Adopted Date: 10/01/1994 **| Last Revised Date:** ~~07~~03/01/~~2004~~2025 **| Last Reviewed Date:** ~~07~~03/01/~~2004~~2025

Instruction

CSBA NOTE: Education Code 51203 **mandates** the Governing Board to adopt regulations specifying the grade(s) and course(s) in which drug education is given. The following paragraphs may be revised to specify Board-designated grades and courses.

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

CSBA NOTE: Pursuant to Education 51203, as amended by AB 2865 (Ch. 314, Statutes of 2024), instruction on the nature and effects of alcohol is required to include information about excessive alcohol use and the short- and long-term health risks of excessive alcohol use, which may include instruction about depression and anxiety.

Instruction on the nature and effects of alcohol shall include information about excessive alcohol use and the short- and long-term health risks of excessive alcohol use, including information about excessive drinking, the immediate effects of alcohol that increase the risks of harmful health conditions, and how excessive alcohol use can lead to the development of chronic diseases and other serious problems, including alcohol-related deaths and mental health problems. (Education Code 51203)

CSBA NOTE: Education Code 51260 provides that instruction on drug education "should" be conducted in conjunction with courses given on health to students in grades 1-6 and "shall" be conducted in conjunction with courses given on health to students in grades 7-12. Given this distinction, it is recommended that districts consult CSBA's District and County Office of Education or district counsel regarding drug education in grades 1-6.

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs

upon prenatal development. (Education Code 51203)

CSBA NOTE: The following paragraph is for districts that require students to complete a course in health education for graduation from high school. Pursuant to Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), beginning with the 2026–27 school year, if a district has elected to require students to complete a course in health education for graduation from high school, such course is required to include instruction in the dangers associated with fentanyl use.

Additionally, beginning with the 2026–27 school year, courses in health education required for graduation from high school shall include instruction in the dangers associated with fentanyl use in accordance with Education Code 51225.38.

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way

2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus

3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

Intervention

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

CSBA NOTE: Education Code 44049 authorizes the principal or designee to report a known or suspected instance of student alcohol- or drug-use to the student's parent/guardian, except when such a report would involve a disclosure of confidential information acquired during counseling in violation of Education Code 49602 and as specified below. The principal or designee incurs no criminal or civil liability as a result of this report, unless a false report was made knowingly or with reckless disregard for truth or falsity.

If the principal or designee, ~~in his/her professional capacity or in the course of his/her employment, knows,~~ observes or suspects that a student may be under the influence of alcohol or drugs, ~~he/she~~the principal or designee may notify the student's parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when ~~he/she~~the counselor believes that disclosure is necessary to avert a

clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if ~~he/she~~the counselor believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

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Pen. Code 13860-13864	Suppression of drug abuse in schools
Veh. Code 13202.5	Drug and alcohol related offenses by ~~person~~persons under age of 21, but aged 13 or over
W&I Code 828	Disclosure of information ~~re~~regarding minors
W&I Code 828.1	Disclosure of criminal records; protection of vulnerable staff ~~&~~and students

Federal	**Description**
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20 USC 7101-7122	Student Support and Academic Enrichment Grants

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Alcohol, Tobacco and Other Drug Prevention

~~Website~~	~~U.S. Department of Education, Office of Safe and Healthy Students~~
Website	U.S. Department of Education, Student Support and Academic Enrichment Program (https://www.ed.gov/grants-and-programs/formula-grants/school-improvement/student-support-and-academic-enrichment-program)
Website	California Healthy Kids Resource Center

Cross References

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6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: 10/01/2019 **| Last Revised Date:** 03/01/2025 **| Last Reviewed Date:** ~~10~~03/01/~~2019~~2025

CSBA NOTE: The following ~~optional~~ policy will be **mandated** beginning July 1, 2026, and may be revised to reflect district practice. Pursuant to Education Code 48901.7, as ~~added~~amended by AB ~~272~~3216 (Ch. ~~42~~500, Statutes of ~~2019),~~ ~~authorizes~~2024), the Governing Board ~~to limit~~is required, by July 1, 2026, to adopt policy that limits or ~~prohibit~~prohibits student use of smartphones while at a school site or ~~while~~ under the supervision and control of ~~a~~ district employee~~, except for specified purposes. In addition~~(s), and subsequently, to update the policy every five years.

Additionally, Education Code 48901.5 authorizes the district to regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves, unless essential for a student's health.

~~Districts that choose to regulate mobile communication~~

The U.S. Department of Education's 2024 guidance, "Planning Together: A Playbook for Student Personal Device Policies," provides districts guidance for adopting policies around the use of cellphones and personal devices ~~differently based~~ on ~~grade level may revise this policy accordingly.~~campus.

The Governing Board recognizes that ~~the~~student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, ~~but~~and could be harmful and disruptive of the instructional program in some circumstances. ~~The Board permits limited use~~When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices ~~on campus in accordance with law and the~~ only as permitted under this policy.

CSBA NOTE: The following ~~policy.~~two options offer different approaches to regulating the use of smartphones and other mobile communication devices. Districts should revise this policy consistent with their approach. Education Code 48901.7, as amended by AB 3216, requires significant stakeholder participation in the development of the policy, in order to ensure that the policy is responsive to the unique needs and desires of students, parents/guardians, and educators in each community.

Option 1, below, limits the use of smartphones and other mobile communication devices to noninstructional time. Option 2, below, prohibits the use of smartphones and other mobile communication devices while at a school site or under the supervision and control of a district employee.

Option 1: (Limited use of smartphones and other mobile communication devices)

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

Mobile communication devices shall be turned off during instructional time.

End Option 1

Option 2: (Prohibited use of smartphones and other mobile communication devices)

Students shall not use smartphones or other mobile communication devices while at a school site or under the supervision and control of a district employee.

End Option 2

CSBA NOTE: The following applies to all districts, irrespective of which option the district chooses. Education Code 48901.7 specifies circumstances in which the district is not permitted to prohibit student use of smartphones and other mobile communication devices.

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

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216, the district's policy may include enforcement mechanisms that limit student access to smartphones. However, the district is not permitted to monitor, collect, or otherwise access any information related to a student's online activities.

The Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus. (Education Code 48901.7)

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

CSBA NOTE: ~~A~~Penal Code 1546.1 prohibits warrantless searches of students' personal electronic devices such as mobile phones, except in the circumstances specified in the following paragraph. Additionally, a search of a student's personally owned mobile communication device may be subject to the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable search and seizure. ~~When school officials want to search a student's mobile communication device as part of an investigation of suspected student misconduct, the legality of the search will depend on whether the search is "reasonable" (New Jersey v. T.L.O.). The "reasonableness" of a search depends on (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction.~~See BP/AR 5145.12 - Search and Seizure. It is recommended that the district consult ~~with~~ CSBA's District and County Office of Education Legal Services or district legal counsel ~~as appropriate. See BP/AR 5145.12 - Search and Seizure.~~, with questions related to the search of a student's mobile communication device.

~~When a school official reasonably suspects that a search of a~~A student's ~~mobile communication~~personal electronic device ~~will turn up evidence of the student's violation of the law or school rules, such a search~~ shall not be ~~conducted~~searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in ~~accordance with BP/AR 5145.12 - Search and Seizure.~~good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Code 1546.1.

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined and ~~a~~the district employee may temporarily 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.

CSBA NOTE: The following optional paragraph addresses students' off-campus conduct during nonschool hours. In general, ~~the~~ courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 ~~(i.e.,~~, which are a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges~~);~~. For more information

regarding bullying, including cyberbullying, see BP 5131.2 - Bullying.

In adopting policy related to off-campus conduct, it is recommended that districts ~~should~~ consult ~~with~~CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. ~~Also~~For more information regarding freedom of speech or expression, see BP 5145.2 - Freedom of Speech/Expression.

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

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

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216, the district's policy limiting or prohibiting student use of smartphones while at a school site or under the supervision and control of district employee(s) is required to be updated every five years.

The Board shall review and, as necessary, update this policy at least once every five years. Any such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of the school community.

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State	Description
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44807	Teachers' duty concerning conduct of students

Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48901.5	Prohibition of electronic signaling devices
Ed. Code 48901.7	Limitation or prohibition of student use of ~~cell phones~~smartphones
Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	Prohibited use of electronic listening or recording device
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety
Pen. Code 1546.1	Electronic Communications Privacy Act
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving
Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
Management Resources	**Description**
California Department of Education Publication	Bullying at School, 2003
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Safford Unified School District V. Redding (2009) 557 US 364
Court Decision	Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. Department of Education Publication	Planning Together: A Playbook for Student Personal Device Policies, December 2024 (https://tech.ed.gov/device-policy-playbook/)

Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.9	Academic Honesty
5137	Positive School Climate
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6159	Individualized Education Program
6159	Individualized Education Program
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Policy 5141.5: Mental Health

Status: ADOPTED

Original Adopted Date: 05/01/2020 **| Last Revised Date:** ~~06~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2023~~2025

CSBA NOTE: Education Code 49428.2, as added by SB 153 (Ch. 38, Statutes of 2024), **mandates** the Governing Board of any district serving students in grades 7-12, before January 31, 2026, to adopt a policy on referral protocols for addressing student behavioral health concerns. This mandate is reflected below; see "Mental Health Counseling and Referrals."

Education Code 215 requires the Board to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components; see BP/AR 5141.52 - Suicide Prevention. ~~CSBA NOTE:~~ The following policy is intended to address broader mental health issues facing students and may be revised to reflect district practice.

Pursuant to Education Code 232.7, the California Department of Education (CDE) is required, by June 30, 2025, to develop and post on its website a model policy and resources about body shaming that districts may use to educate staff and students. Districts are encouraged to share these resources with staff, students, and parents/guardians by providing information in student and employee handbooks and making the information available on each school's website.

The U.S. Department of Education's (USDOE), "Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs," provides that a student's unmet mental health treatment needs may result in social, emotional, or behavioral challenges that, in the absence of effective support, may cause a student to experience reactive and exclusionary discipline, such as suspensions and/or expulsions, that further exacerbate mental health concerns, interrupt access to and participation in learning, limit opportunities, and negatively affect outcomes. The guidance explains that school mental health services play an important role by broadening the reach of mental health services and providing an access point for early and effective intervention in everyday environments. Additionally, the guidance articulates several recommendations for how districts can increase the capacity to provide students with social, emotional, and behavioral health support, which includes (1) prioritizing wellness for individuals, (2) enhancing mental health literacy and reducing stigma and other barriers to access, (3) implementing a continuum of evidence-based prevention practices, (4) establishing an integrated framework of educational, social, emotional, and behavioral health support, and (5) using data for decision making to promote equitable implementation and outcomes.

The U.S. Surgeon General's, "Social Connection Advisory," emphasizes the critical role that social connection plays in individual and societal health and well-being, and provides recommendations for how to address the consequences when there is a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, which include (1) developing a strategic plan for school connectedness and social skills with benchmark tracking, (2) building social connection into the health curriculum, (3) implementing socially based educational techniques, and (4) creating a supportive school environment.

In its advisory, "Social Media and Youth Mental Health," the U.S. Surgeon General describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.

~~Education Code 215 requires all governing boards~~ Additionally, SchoolSafety.gov is an interagency website created by the U.S. Department of Homeland Security, USDOE, U.S. Department of Justice (DOJ), and U.S. Department of Health and Human Services to provide districts with actionable recommendations to create safe and supportive learning environments for students, including information about mental health. In addition, the Children and Youth Behavioral Health Initiative provides resources for school administrators, school health staff, teachers, students and their families. The California Department of Health Care Services (DHCS) also provides free mental health and wellness resources to schools through its CalHOPE Schools Initiative.
~~The following optional policy is intended to address broader mental health issues facing students and may be revised to reflect district practice.~~

The Governing Board recognizes that students' emotional well-being and mental health are critical to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to reduce the stigma associated with mental illness, facilitate access to mental health services, and help students build resiliency skills, including digital resilience, increase social connections, and cope with life challenges.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

CSBA NOTE: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

Education Code 51925~~, as added by SB 224 (Ch. 675, Statutes of 2021),~~ requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. Pursuant to Education Code 51929, ~~as added by SB 244, the California Department of Education (CDE) is required to, by January 1, 2024, develop a plan to expand mental health instruction.~~CDE developed the, "Mental Health Instruction Expansion Education Plan," to assist districts in (1) understanding that mental health education is a universal support and part of California health education, (2) identifying resources to analyze, expand, and enhance current mental health education efforts, and (3) making a plan to enhance and expand mental health education.

Additionally, pursuant to Education Code 33546.4, as added by AB 3010 (Ch. 176, Statutes of 2024), when the Health Education Framework for California Public Schools is next revised, the Instructional Quality Commission is required to consider including information on evidence-based schoolwide programs to support students in developing skills in mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.

Pursuant to Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), if a district requires a course in health education for graduation from high school, the course is required, beginning with the 2026-27 school year, to include instruction in the dangers associated with fentanyl use.

For more information on the required contents of courses, see BP/AR 6143 – Courses of Study.

~~The district shall provide instruction~~Instruction provided to students ~~that promotes their healthy~~shall promote student health and mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework, as specified in Administrative Regulation 6143 – Courses of Study, and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors including substance abuse, developing coping skills, and identifying resources that may provide assistance.

Information and Training

CSBA NOTE: Pursuant to Education Code 49428.15, ~~as added by SB 14 (Ch. 672, Statutes of 2021),~~ CDE ~~is required to, subject to budget appropriations, recommend best practices~~ has identified and ~~identify~~posted on its website, "Youth Mental Health First Aid," an evidence-based and evidence-informed training ~~programs~~program for use by schools to address student behavioral health~~, including staff~~.

Additionally, the California Surgeon General has developed, "Safe Spaces: Trauma Informed Training," an online training designed to help recognize and respond to signs of student ~~training on recognizing the signs~~ trauma and ~~symptoms of behavioral health disorders, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, and has identified such a training program, "Youth Mental Health First Aid," which is available on its website.~~stress.

The Superintendent or designee shall provide school staff and students with information and training to recognize the early signs and symptoms of an emerging mental health condition or behavioral health disorder, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, safely deescalate crisis situations involving students with a behavioral health disorder, and link students with effective services, referrals, and supports. ~~Such~~Additionally, such training shall ~~also~~ provide instruction on how to maintain student privacy and confidentiality~~. Behavioral health information,~~ and ~~training~~ may ~~also~~ be provided to parents/guardians~~, students,~~ and families. (Education Code 49428.15)

CSBA NOTE: Pursuant to Education Code 49428.2, as added by SB 153, the district is required to, by July 1, 2029, certify to CDE that 100 percent of its certificated employees and 40 percent of its

classified employes who have direct contact with students in grades 7-12 have received youth behavioral training at least one time, as specified.

The Superintendent or designee shall ensure that all certificated employees and 40 percent of classified employes who have direct contact with students in grades 7-12 receive youth behavioral training at least one time, in accordance with Education Code 49428.2.

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

~~CSBA NOTE: Each district school is required to notify students and parents/guardians at least twice per school year with information regarding how to access student mental health services on campus and/or in the community, in accordance with Education Code 49428.~~CSBA NOTE: Pursuant to Education Code 218.3, CDE has developed and posted on its website, "Providing Relevant Inclusive Support that Matters for LGBTQ+ Students (PRISM)," a training curriculum for certificated staff to support lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) cultural competency. Beginning with the 2025–26 school year, through the 2029–30 school year, districts are required to provide at least one hour of training annually to all certificated employees serving students in grades 7-12, in accordance with Education Code 218.3.

Additionally, pursuant to Education Code 219, the State Superintendent of Public Instruction has established the LGBTQ+ Statewide Advisory Task Force to identify the needs of LGBTQ+ students and make recommendations to assist in implementing supportive measures including (1) mental health and feelings of safety and support, (2) inclusive and safe access to school facilities, (3) inclusive instructional material and school curriculum, (4) prevention of, response to, and oversight of, bullying and harassment to determine the effectiveness of policies and programs, and (5) inclusive participation in school activities.

Annually, the Superintendent or designee shall provide, and require all certificated employees serving students in grades 7 to 12 to participate in, at least one hour of cultural competency training to support lesbian, gay, bisexual, transgender, queer, and questioning individuals. The district shall maintain records documenting the date that each employee completed the training and the name of the entity that provided the training. (Education Code 218.3)

CSBA NOTE: Each district school is required to notify students and parents/guardians no less than twice per school year with information regarding how to access student mental health services on campus and/or in the community, in accordance with Education Code 49428.

At least twice per school year, the Superintendent or designee shall ensure that each school provides notice regarding how to initiate access to student mental health services on campus and/or in the community. The notification to parents/guardians and to students shall be in at least two of the following methods: (Education Code 49428)

1. Distributing the information, electronically or in hardcopy, in a letter to parents/guardians, and in a school publication or other document to students

2. Including the information, at the beginning of the school year, in the parent/guardian handbook ~~for parents/guardians~~ and in student orientation materials or a student handbook

3. Posting the information on the school's website or social media

~~Parents/guardians and students shall each receive two notices on how to initiate access to student mental health services, which may be delivered by different methods. (Education Code 494280)~~

CSBA NOTE: Pursuant to Education Code 49428.5, ~~as added by AB 748 (Ch. 431, Statutes of 2022),~~ each school site serving students in any of grades 6-12 is required to create a poster, as specified below, that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. Pursuant to Education Code 49428.5, ~~as added by AB 748,~~ CDE ~~is required to develop a~~has developed model mental health ~~poster~~posters, available on its website.

Each school site that serves students in any of grades 6-12 shall create an age appropriate and culturally relevant poster that identifies approaches and shares resources about student mental health, and that includes the following information: (Education Code 49428.5)

1. Identification of common behaviors of those struggling with mental health or who are in a mental health crisis, including, but not limited to, anxiety, depression, eating disorders, emotional dysregulation, bipolar, and schizophrenic episodes

2. A list of, and contact information for, school site-specific resources, including, but not limited to, counselors, wellness centers, and peer counselors

3. A list of, and contact information for, community resources, including, but not limited to, suicide prevention, substance abuse, child crisis, nonpolice mental health hotlines, public behavioral health services, and community mental health centers

4. A list of positive coping strategies to use when dealing with mental health, including, but not limited to, meditation, mindfulness, yoga, breathing exercises, grounding skills, journaling, acceptance, and seeking therapy

5. A list of negative coping strategies to avoid, including, but not limited to, substance abuse or self-medication, violence and abuse, self-harm, compulsivity, dissociation, catastrophizing, and isolating

The poster shall be displayed in English and any primary language spoken by 15 percent or more of the students at the school site and be no smaller than 8.5 by 11 inches and at least 12-point font. The poster shall be prominently and conspicuously displayed in public areas that are accessible to, and commonly frequented by, students at each school site such as bathrooms, locker rooms, classrooms, classroom hallways, gymnasiums, auditoriums, cafeterias, wellness centers, and offices. Additionally, at the beginning of each school year the poster shall be distributed online to students through social media, websites, portals, and learning platforms. (Education Code 49428.5)

Mental Health Counseling and Referrals

CSBA NOTE: Education Code 49428.2, as added by SB 153, **mandates** the Board of a district serving students in grades 7-12 to adopt a policy at a regularly scheduled meeting before January 31, 2026, on referral protocols for addressing student behavioral health concerns. A policy addressing referral protocols adopted before June 29, 2024, may be considered to meet the requirements if the contents of the policy fulfill the requirements specified in Education Code 49428.1 and 49428.2.

Pursuant to Education Code 49428.1, as ~~added by AB 309 (Ch. 662, Statutes of 2021),~~amended by SB 153, CDE is required to develop model referral protocols for addressing student ~~mental~~behavioral health concerns and to post the model referral protocols on its website by June 1, 2025.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and ~~their~~ parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

The district's referral protocols shall: (Education Code 49428.1)

1. Address the appropriate and timely referral by school staff of students with behavioral health concerns

2. Reflect a multitiered system of support process and positive behavioral interventions and supports, to be used as an alternative to disciplinary action as appropriate

   The protocols shall be accessible to students who may be the subject of disciplinary action.

3. Be adaptable to varied local service arrangements for behavioral health services

4. Reflect evidence-based and culturally appropriate approaches to student behavioral health referral without disciplinary actions

   "Evidence-based" means peer-reviewed, scientific research evidence, including studies based on research methodologies that control threats to both the internal and the external validity of the research findings.

5. Address the inclusion of parents/guardians in the referral process

6. Be written to ensure clarity and ease of use by certificated and classified school employees

7. Reflect differentiated referral processes for students with exceptional needs and other populations for whom the referral process may be distinct

8. Be written to ensure that school employees act only within the authorization or scope of their credential or license

   School employees are not authorized or encouraged to diagnose or treat youth behavioral health disorders unless they are specifically licensed and employed to do so.

9. Be consistent with state activities conducted by the California Department of Education in the administration of federally funded behavioral health programs

CSBA NOTE: Pursuant to Family Code 6924, a student 12 years of age or older is legally authorized to consent to mental health treatment or counseling if the student, in the opinion of the mental health professional, is mature enough to participate intelligently in the services. However, such mental health treatment or counseling authorized by Family Code 6924 requires involvement of the minor's parent/guardian unless the mental health professional determines, after consulting with the minor, that the involvement of the parent/guardian would be inappropriate.

A student 12 years of age or older may consent to mental health treatment or counseling if the student, in the opinion of the attending mental health professional, is mature enough to participate intelligently in the services. Additionally, the student's parent/guardian shall consent to student's treatment, unless the mental health professional determines, after consulting with the student, that the involvement of the parent/guardian would be inappropriate. (Family Code 6924)

CSBA NOTE: Pursuant to Education Code 49429, ~~as amended by AB 167 (Ch. 252, Statutes of 2021), CDE, in consultation with the State Department of Health Care Services and appropriate stakeholders, is required~~CDE has developed, "Telehealth Guidance for School Districts," to ~~develop, subject to budget appropriations,~~provide guidelines for the use of telehealth technology in schools, including mental health and behavioral health services to students on school campuses, ~~by December 31, 2022. See also 5141.6 - School Health Services.~~and guidelines for securing telehealth systems. Telehealth services may include live counseling, mental health, or therapeutic sessions between a student or group of students and a licensed clinician delivered through a virtual platform. The following four paragraphs reflect CDE's 2024 guidance.

For more information regarding school health services, including telehealth services, see BP/AR 5141.6 - School Health Services. It is recommended that districts with questions regarding the provision of telehealth services, consult district risk management and/or insurance, and CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.

~~Mental~~In delivering mental health and behavioral health services ~~for~~to students, the district may use telehealth or other information and communication technologies that facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a student's health while the student is on campus ~~may be provided by way of telehealth technology.~~and the health care provider is at a distant location. (Education Code 49429)

Prior to utilizing telehealth technology to manage a student's mental health or behavior, the mental health professional shall consult with the student, parent/guardian, and/or the student's individualized education program team, as required by law, unless the mental health professional determines that the involvement would be inappropriate pursuant to Family Code 6924.

CSBA NOTE: CDE, in its 2024, "Telehealth Guidance for School Districts," provides numerous recommendations related to using telehealth services, including the creation of a district "emergency response plan" for telebehavioral health, as described below. Since an "emergency response plan" for telebehavioral health is not defined in law, it is recommended that districts with questions about developing such a plan consult CSBA's District and County Office of Education Legal Services or district counsel.

In using telehealth technology to provide mental health services to students, the Superintendent or designee shall ensure that mental health professionals comply with applicable professional codes of ethics and legal authority. Additionally, space that affords privacy and confidentiality of telehealth

sessions shall be provided for students and an emergency response plan shall be put in place that lays out all legally-mandated steps to take when a student suddenly begins to exhibit suicidal ideation or other potentially dangerous behavior during a telehealth session.

CSBA NOTE: Pursuant to 28 CFR 35.108, a student should be evaluated in accordance with Section 504 of the Rehabilitation Act (29 USC 794) if the student has a disability, including a mental impairment, that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. See BP/AR 6164.6 - Identification and Education Under Section 504. Districts also have an affirmative, ongoing duty to actively and systematically seek out, identify, locate, and evaluate all children with ~~disabilities~~exceptional needs who may be in need of special education and related services (Education Code 56171, 56300-56385; 20 USC 1412; 34 CFR 300.111). See BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

USDOE and DOJ's joint publication, "Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19," provides that a student with anxiety, depression, or a substance use disorder may be considered a mental health disability that entitles the student to special education or related services in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act. While this is written in response to the pandemic, the guidance may be interpreted as having a more general applicability.

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

Funding Resources

CSBA NOTE: In addition to using district funds for mental health programs or services, districts may apply for grant funds administered by the county mental health agency or other sources.

The Behavioral Health Services Act, formerly the Mental Health Services Act, established by Proposition 63 in 2004 and revised by Proposition 1 in 2024, provides funding, personnel, and other resources to support county mental health programs, including, but not limited to, prevention and early intervention programs~~.~~ and treatment for substance abuse disorders. Funding may be allocated for outreach to families and others to recognize the early signs of potentially severe and disabling mental illnesses, access and linkage to medically necessary care for children with severe mental illness, reduction in stigma and discrimination against people with mental illness, and strategies to reduce negative outcomes that may result from untreated mental illness. Half of early intervention funding is required to be directed to individuals 25 years of age and younger, and include early childhood (0-5) mental health consultation, school-based services, and expanding early psychosis and mood disorder detection and intervention.

Welfare and Institutions Code 5886 established the Mental Health Student Services Act, a competitive grant program to award funds to county mental health or behavioral health departments for the purpose of creating mental health partnerships with school districts, charter schools, and county offices of education.

DHCS launched the Children and Youth Behavioral Health Initiative Fee Schedule program to create a reimbursement pathway for districts to receive funding for services provided at schools or school-linked sites by setting the reimbursement rate for a certain set of outpatient, school-linked services rendered to children and youth who are (1) under 26 years old, (2) enrolled in public Transitional Kindergarten-12 schools, and (3) covered by Medi-Cal managed care plans, Medi-Cal Fee-for-Service, health care service plans, and disability insurers. For more information about the Children and Youth Behavioral Health Initiative, see DHCS's website.

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

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 215-216	Student suicide prevention
Ed. Code 218.3	Lesbian, Gay, Transgender, Queer, and Questioning Student Resources; online training delivery platform
Ed. Code 219	Lesbian, Gay, Transgender, Queer, and Questioning Student Resources; advisory task force
Ed. Code 232.7	Body shaming; model policy and resources
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33546.4	Instructional Quality Commission; consideration of skills related to mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation when Health Education Framework next revised
Ed. Code 49060-49079	Student records
Ed. Code 49428	Telehealth technology in schools
Ed. Code 49428.1	Student mental health referral protocols
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.2	Requirement for policy on referral protocols
Ed. Code 49428.5	Student mental health poster

Ed. Code 49600	Responsibilities of school counselors
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Ed. Code 51225.38	Instruction regarding the dangers associated with fentanyl use
Ed. Code 56171	Duty to identify and assess children in private schools who need special education services
Ed. Code 56300-56385	Identification and referral; assessment, instructional planning
Family Code 6924	Consent by minor
W&I Code 5698	~~Emotionally disturbed youth; legislative intent~~System of care for children and youth with serious emotional disturbance
W&I Code 5840-5840.8	Prevention and early intervention programs
W&I Code 5850-5883	Mental Health Services Act

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	**Description**
California Department of Education Publication	Youth Behavioral Health Training Programs
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/index.asp)
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Telehealth Guidance for School Districts, July 2024 (https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx)
~~California Department of Education Publication~~	~~Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008~~
California Department of Education Publication	Mental Health Instruction Expansion Education Plan, rev. March 2024 (https://www.cde.ca.gov/ls/mh/)
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009 (https://stacks.cdc.gov/view/cdc/5767)

CDC Publication	Promoting Mental Health and Well-Being in Schools, December 2023 (https://www.cdc.gov/mental-health-action-guide/about/index.html)
CSBA Publication	Safe Schools Toolkit: Bullying and Cyberbullying, July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-5.ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e)
Nat. Child Traumatic Stress Network Publication	Child Trauma Toolkit for Educators, 2008 (https://www.nctsn.org/resources/child-trauma-toolkit-educators)
US Department of Education Publication	Bipartisan Safer Communities Act Stronger Connections Grant Program, Frequently Asked Questions, April 2023
US Department of Education, Office of Special Education and Rehabilitative Services Publication	Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs, 2021 (https://www.ed.gov/sites/ed/files/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf)
U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication	Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students_self-harm_fact_sheet.pdf)
US Department of Health and Human Services Publication	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
US Dept of Health and Human Services Publication	Creating an emergency plan for telebehavioral health, September 2024 (https://telehealth.hhs.gov/providers/best-practice-guides/telehealth-for-behavioral-health/preparing-patients-for-telebehavioral-health/creating-a-telehealth-emergency-plan)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Health and Human Services (https://www.hhs.gov/)
Website	Children and Youth Behavioral Health Initiative (https://cybhi.chhs.ca.gov/)
Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)
Website	National Child Traumatic Stress Network

Website	National Council for Behavioral Health, Mental Health First Aid
Website	SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	Substance Abuse and Mental Health Services Administration
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention (https://afsp.org/get-help/)
Website	American Psychological Association
Website	California Department of Health Care Services~~, Mental Health Services~~ (http://www.dhcs.ca.gov)
Website	CalHOPE Schools Initiative (https://www.calhopeschools.org/)
Website	Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) (https://www.metricscenter.org/)
Website	Centers for Disease Control and Prevention, Mental Health (https://www.cdc.gov/mental-health/index.html)
Website	National Association of School Psychologists
Website	National Institute for Mental Health
Website	California Department of Education~~, Mental Health~~
Website	American School Counselor Association
Website	Office of the Surgeon General

Cross References

Code	Description
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
4131	Staff Development

5131.2	Bullying
5131.2	Bullying
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses of Study
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6173.4	Education For American Indian Students

Policy 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 07/01/2009 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: Education Code 215 **mandates** ~~that~~ the Governing Board of any district serving students in grades K-12 to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. The required components are addressed in ~~the following~~this policy and the accompanying administrative regulation.

~~The following policy is consistent with~~ Pursuant to Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), the California Department of ~~Education's~~Education (CDE) is required, by July 1, 2026, to update its, "Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," to address crisis intervention protocols in the event of a student suicide crisis. On or after July 1, 2026, the Board is required to, during its next regularly scheduled review of its student suicide prevention policy, update its policy to include the best practices identified in CDE's updated Model Policy.

The following policy is consistent with CDE's Model Policy, which also includes an extensive list of resources to assist in the prevention, intervention, and postvention of student suicide. Districts are encouraged to work closely with their county behavioral health department to identify and access resources at the local level.

The Mental Health Services Oversight and Accountability Commission developed a suicide prevention plan for the state which is published in , "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025~~,~~," available on its ~~web site~~website. The plan presents strategic aims, with related goals, objectives, and an implementation schedule. Districts may find the strategic plan useful in learning more about the stigma associated with behavioral health needs, myths and misconceptions about suicidal behavior and its hinderance to prevention efforts, suicidal behavior, risk and protective factors, and best practices in suicide prevention. Additionally, the Commission published, "Accelerating Transformational Change: Strategic Plan for 2024-2027," which includes the goals of supporting school-based mental health.

The California Department of Public Health, Office of Suicide Prevention (OSP) is the designated state entity responsible for coordinating and aligning statewide suicide prevention efforts and resources. OSP's youth suicide prevention projects, including the Youth Suicide Prevention Media and Outreach Campaign, are available on OSP's website. The California Department of Health Care Services provides free mental health and wellness resources to schools through its CalHOPE Schools Initiative.

Additionally, SchoolSafety.gov is an interagency website created by the U.S. Department of Homeland Security, U.S. Department of Education (USDOE), U.S. Department of Justice (DOJ), and U.S. Department of Health and Human Services to provide districts with actionable recommendations to create safe and supportive learning environments for students, including

information about suicide management.

The following policy and accompanying administrative regulation should be revised to reflect district practice and the grade levels offered by the district.

The Governing Board recognizes that suicide is a leading cause of death among youth, that prevention is a collective effort that requires stakeholder engagement, and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior, its impact on students and families, and other ~~trauma~~ associated ~~with suicide~~trauma, the Superintendent or designee shall develop measures, strategies, practices, and supports for suicide prevention, intervention, and postvention.

In developing and updating district policy and procedures for suicide prevention, intervention, and postvention, the Superintendent or designee shall consult with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts~~, and, in developing~~ . If the policy ~~for grades~~will affect K-6 students, the county mental health plan shall also be consulted. (Education Code 215)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 215 does not define "school and community stakeholders" or "school-employed mental health professionals" who must be consulted in the development of policy. The following paragraph details examples that are consistent with CSBA and CDE recommendations.

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include district and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the district's risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align district policy with any existing community suicide prevention plans.

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318, if the district does not have a school mental health professional or contract with a mental health professional, the Board is encouraged to consider, when reviewing its policy on suicide prevention, whether funding should be identified for purposes of hiring a school mental health professional.

When developing or reviewing district policy on suicide prevention, the Superintendent or designee may make a recommendation regarding the need to hire a mental health professional for the district, or for any school that is not currently served by a mental health professional, and the possible funding source(s) for such hiring.

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

CSBA NOTE: Education Code 215 **mandates** that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grade levels served

by the district. See the accompanying administrative regulation for additional language fulfilling this mandate. ~~In addition~~Additionally, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor. Item #1 should be revised to specify the categories of employees who will receive the training.

1. Staff development on suicide awareness and prevention for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers

CSBA NOTE: Items #2-9 below reflect optional strategies for suicide prevention, intervention, and postvention and may be revised to reflect district practice.

2. Instruction to students in problem-solving, coping, and resiliency skills to promote students' mental, emotional, and social health and well-being~~, as well as~~; help-seeking strategies and resources; and instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious ~~interrelationships~~relationships among students

4. The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide

5. The provision of information to parents/guardians and caregivers regarding risk and protective factors, warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, the district's suicide prevention policy and procedures, basic steps for helping suicidal youth, the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training, and/or school and community resources that can help youth in crisis

6. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions

~~7. Crisis intervention procedures~~

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318, CDE is required to update its Model Policy, by July 1, 2026, to address crisis intervention protocols in the event of a student suicide crisis. The Board is required to update its suicide prevention policy to include the best practices identified in CDE's updated Model Policy when it next reviews this policy after July 1, 2026.

7. Crisis intervention protocols for addressing suicide threats or attempts

8. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

CSBA NOTE: The National Association of School Psychologists recommends that the district and/or school sites create a suicide prevention crisis team to assist in effectively identifying and intervening with students who are at risk of suicidal behavior, including adoption and implementation of policies and procedures. It is recommended that such teams include, at a minimum, administration, mental health staff, and school security personnel. CDE also recommends that students are included on the team, to represent the student voice. The same crisis intervention team may be established to address broader mental health concerns as described in BP 5141.5 - Mental Health.

9. Establishment of district and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other district practices related to the emotional and behavioral wellness of students, including, but not limited to, the oversight of mental health and suicide prevention training, ensuring the suicide prevention policy, protocols, and resources are posted on the district and school websites, collaboration with community mental health organizations, identification of resources and organizations that provide evidence-based treatment, collaboration to build community response, and compliance with Education Code 215

CSBA NOTE: Education Code 215 mandates that the district's policy specifically address the needs of high-risk groups, including, but not limited to, those listed in the following paragraph. See the accompanying administrative regulation for additional language fulfilling this mandate.

CDE's Model Policy encourages districts to use the California School Climate, Health, and Learning Surveys or other survey data to determine the prevalence of suicidal ideation and behaviors, including patterns or trends, among all students, particularly among identified high-risk populations.

Pursuant to Education Code 218.3, CDE has developed and posted on its website, "Providing Relevant Inclusive Support that Matters for LGBTQ+ Students (PRISM)," a training curriculum for certificated staff to support lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) cultural competency. Beginning with the 2025–26 school year, through the 2029–30 school year, districts are required to provide at least one hour of training annually to all certificated employees serving students in grades 7-12, in accordance with Education Code 218.3.

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with ~~disabilities~~exceptional needs, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

CSBA NOTE: USDOE and DOJ's joint publication, "Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19," provides that anxiety, depression, or substance use disorder may be considered a mental health disability that entitles a student to special education or related services in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act. While this is written in response to the pandemic, the guidance may be interpreted as having a more general applicability. The following optional paragraph reflects this guidance.

In order to address mental health disabilities, the district may, as appropriate and in accordance with law, develop trauma-informed crisis management procedures that include an individualized assessment of the student's circumstances; provide and facilitate access to mental health evaluations and services; reasonably modify policies, such as attendance policies, for individual students; and train staff to recognize and respond appropriately to signs of distress and suicidal ideation in students.

CSBA NOTE: The following two optional paragraphs may be revised to reflect district practice. The paragraphs are consistent with CDE's Model Policy that recommends protocols for maintaining staff connection with students during school closures, in order to support student mental wellbeing and provide guidance on suicide prevention.

The Superintendent or designee shall establish a process for school staff to maintain daily or regular contact with all students, including during distance learning and school closures, and for such staff to communicate any concerns about a student's emotional wellbeing and/or safety to the appropriate authorities.

Additionally, the Superintendent or designee shall ensure that school-based mental health professionals maintain regular contact with high-risk students, students who are on their caseloads, and those who are identified by staff as demonstrating need.

CSBA NOTE: The following two paragraphs are for use by districts that serve students in grades K-6.

The Board shall ensure that suicide prevention measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

When the district determines that a student is in need of mental or behavioral health services, the services shall be provided in accordance with protocols specified in Board Policy 5141.5 - Mental Health.

CSBA NOTE: Education Code 215 requires that the district's student suicide prevention policy be updated ~~at least every five years.~~ to incorporate best practices identified in CDE's Model Policy. Education Code 215 also requires that the district's suicide prevention policy be updated at least every five years. Given the severity of the issue and importance of maintaining an up-to-date suicide prevention policy, CSBA and CDE recommend reviewing and updating this policy annually. The following paragraph may be revised to reflect district practice.

The Board shall review, and update as necessary, this policy at least every five years. The Board may, at its discretion, review the policy more frequently. (Education Code 215)

The Superintendent or designee shall periodically review district data pertaining to school climate and reports of suicidal ideation, attempts, or death to identify patterns or trends and make recommendations regarding program development.

The Superintendent or designee shall post this policy on the district's ~~web~~ ~~site~~website, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

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 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 216	Suicide prevention online training programs
Ed. Code 218.3	Training curriculum to support lesbian, gay, bisexual, queer, and questioning students
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.2	Referral protocols for addressing student behavioral health concerns in grades 7-12; certification of youth behavioral health training for employees
Ed. Code 49428.5	Student mental health poster
Ed. Code 49429	Telehealth technology in schools
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5850-5886	Children's Mental Health Services Act

Federal	**Description**
42 USC 290bb-33	Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021

Management Resources	**Description**
California Department of Education Publication	Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students, February 2023 (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/index.asp)
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
~~CALSCHLS~~California Department of Education Publication	~~California School Staff Survey (CSSS)~~Telehealth Guidance for School Districts, July 2024 (https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx)
~~CALSCHLS~~CDC Publication	~~California School Parent Survey (CSPS)~~Promoting Mental Health and Well-Being in Schools, December 2023 (https://www.cdc.gov/mental-health-action-guide/about/index.html)
~~CALSCHLS~~CSBA Publication	~~California Healthy Kids Survey (CHKS)~~Safe Schools Toolkit: Bullying and Cyberbullying, July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-5.ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e)
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009 (https://stacks.cdc.gov/view/cdc/5767)
Court Decision	Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554
Each Mind Matters Publication	Making Headlines: Guide to Engaging the Media in Suicide Prevention in California, 2012 (https://resource-center.yourvoicecounts.org/resources/making-headlines-guide-engaging-media-suicide-prevention-california)
Heard Alliance Publication	K-12 Toolkit for Mental Health Promotion and Suicide Prevention, ~~2017~~2021 (https://www.heardalliance.org/help-toolkit/)

Mental Health Svcs Oversight & Accountability Pub	Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025 (https://sprc.org/wp-content/uploads/2022/11/CA-Suicide-Prevention-Plan_2020_2025.pdf)
Mental Health Svcs Oversight & Accountability Pub	Accelerating Transformational Change: Strategic Plan for 2024-2027 (https://bhsoac.ca.gov/wp-content/uploads/MHSOAC-Strategic-Plan-2024-2027.pdf)
Nat's Assoc. of School Psychologists Publication	Comprehensive School Suicide Prevention in a Time of Distance Learning, 2020 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/comprehensive-school-suicide-prevention-in-a-time-of-distance-learning)
Nat's Assoc. of School Psychologists Publication	Conducting a Virtual Suicide Assessment Checklist (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/conducting-virtual-suicide-assessment-checklist)
Nat'l Assoc. of School Psychologists Publication	Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis/mental-health-resources/preventing-youth-suicide/preventing-suicide-guidelines-for-administrators-and-crisis-teams)
Suicide Prevention Resource Center Publication	After a Suicide: A Toolkit for Schools, 2nd Edition, 2018 (https://sprc.org/online-library/after-suicide-toolkit-schools)
U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication	Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students_self-harm_fact_sheet.pdf)
U.S. Dept. of Health & Human Services Publication	Preventing Suicide: A Toolkit for High Schools, 2012 (https://store.samhsa.gov/product/preventing-suicide-toolkit-high-schools/sma12-4669)
U.S. Dept. of Health & Human Services Publication	National Strategy for Suicide Prevention~~: Goals~~ , 2024 (https://www.hhs.gov/programs/prevention-and ~~Objectives for Action, rev. 2012~~-wellness/mental-health-substance-ause/national-strategy-suicide-prevention/index.html)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Public Health, Office of Suicide Prevention (https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/Office-of-Suicide-Prevention-(OSP).aspx)

Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)
Website	Suicide Prevention Messaging
Website	National Action Alliance for Suicide Prevention
Website	Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) (https://www.metricscenter.org/)
Website	Mental Health Services Oversight and Accountability Commission
Website	HEARD Alliance
Website	Each Mind Matters: California's Mental Health Movement
Website	Crisis Text Line
Website	California School Climate, Health, and Learning Surveys (CalSCHLS)
Website	California Mental Health Services Authority
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	National Child Traumatic Stress Network
Website	SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)
Website	Substance Abuse and Mental Health Services Administration
Website	Trevor Project
Website	American Academy of Pediatrics
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention
Website	American Psychological Association
Website	California Department of Education, Mental Health
Website	California Department of Health Care Services, Mental Health Services
Website	CalHOPE Schools Initiative (https://www.calhopeschools.org/)
Website	Centers for Disease Control and Prevention, Mental Health
Website	National Association of School Psychologists
Website	National Institute for Mental Health

Website	American School Counselor Association

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1112	Media Relations
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1400	Relations Between Other Governmental Agencies And The Schools
3515	Campus Security
3515	Campus Security
4112.21	Interns
4112.21	Interns
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4131	Staff Development
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4231	Staff Development
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
4331	Staff Development
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying

5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.8	Mobile Communication Devices
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5141.6	School Health Services
5141.6	School Health Services
5142	Safety
5142	Safety
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education

6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams

Regulation 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 07/01/2009 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: Education Code 215 **mandates** the Governing Board of any district serving students in grades K-12 to adopt a policy on student suicide prevention, intervention, and postvention ~~for grades K-12~~. See the accompanying Board policy. The following administrative regulation provides additional strategies that fulfill the mandate and may be revised to reflect district practice. Pursuant to Education Code 215, the following regulation should be developed in consultation with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, in developing strategies for grades K-6, the county mental health plan.

Examples of suicide prevention strategies are also available in the California Department of Education's (CDE~~)~~), "Model Youth Suicide Prevention Policy~~,~~ for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," Mental Health Services Oversight and Accountability Commission's (MHSOAC~~)~~), "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025~~,~~," the U.S. Department of Health and Human Services publication , "Preventing Suicide: A Toolkit for High Schools~~,~~," and resources issued by other state and federal agencies and organizations. For further information about strategies to protect students from bullying, cyberbullying, and other harassment, see BP 5131 - Conduct, BP 5131.2 - Bullying, BP 5145.3 - Nondiscrimination/Harassment, BP/AR 5145.7 - Sexual Harassment, and BP 5145.9 - Hate-Motivated Behavior. For additional information and resources related to student mental and behavioral health, see BP 5141.5 – Mental Health.

Definitions

CSBA NOTE: Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), defines "mental health professional," "student suicide crisis," and "school mental health professional," as reflected below.

Mental health professional means an individual licensed or registered, or an intern or associate working towards licensure, by the Board of Behavioral Sciences or the Board of Psychology in the Department of Consumer Affairs. (Education Code 215)

Student suicide crisis means any of the following: (Education Code 215)

1. A student who is exhibiting suicidal thoughts or behaviors
2. A student who has completed a suicide risk assessment and is determined to be at risk of suicide
3. A student who is attempting to physically harm themselves or others

School mental health professional means a school employee with a clear or preliminary pupil personnel services credential with a specialization in school counseling, school social work, or

school psychology, a credentialed school nurse, or a licensed, registered, or associate marriage and family therapist, professional clinical counselor, clinical social worker, educational psychologist, or psychologist under the supervision of a school employee with a pupil personnel services or administrative services credential. (Education Code 215)

Staff Development

CSBA NOTE: Education Code 215 **mandates** that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grade levels served by the district. Additionally, Education Code 215 requires a district's training materials to include best practices identified in CDE's Model Policy. In addition, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor.

CDE recommends that employees receive training on the core components of suicide prevention at the beginning of employment, and also receive training each year on risk factors, protective factors, warning signs of suicide, suicide prevention, intervention, referral, and postvention, with a minimum of one hour of general suicide prevention training. The following section should be revised to reflect district practice.

Education Code 216 requires CDE to identify evidence-based online training program(s), aligned with the requirements of Education Code 215, that districts may use to train students and staff.

Education Code 216 also requires CDE, dependent upon funds being appropriated in the annual Budget Act, to provide grants, upon application, to county offices of education for the acquisition of such training programs to disseminate to districts at no cost.

Pursuant to Education Code 49428.15, CDE has identified and posted on its website, "Youth Mental Health First Aid," an evidence-based and evidence-informed training program for use by schools to address student behavioral health.

Additionally, the California Surgeon General has developed, "Safe Spaces: Trauma Informed Training," an online training designed to help recognize and respond to signs of student trauma and stress.

Additional training and funding is available through the federal Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021 (STANDUP ACT) (42 USC 290bb-33), which provides best practices for suicide awareness and prevention training policies.

Suicide prevention training shall be provided to teachers, interns, counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers. The training shall be offered under the direction of a district counselor, psychologist, and/or social worker who has received advanced training specific to suicide and who may collaborate with one or more county or community mental health agencies.

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and ~~their~~ families to those

services. ~~Materials~~Training materials may also ~~may~~ include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Additionally, staff development shall include research and information related to the following topics:

CSBA NOTE: Education Code 215 **mandates** that the district's policy specifically address the needs of high-risk groups; see the accompanying Board policy. One strategy to specifically address their needs is to increase staff awareness of the higher rates of suicide among these groups, as provided in ~~item~~Item #1 below.

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with ~~disabilities~~exceptional needs, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning

CSBA NOTE: Staff development may include training about individual risk factors associated with suicide, as provided in ~~item~~Item #2 below. Information about risk factors is available from MHSOAC's "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025~~;~~," the Centers for Disease Control and Prevention, American Association of Suicidology, American Foundation for Suicide Prevention, Trevor Project, and other publications, agencies, and organizations.

2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors

3. Identification of students who may be at risk of suicide, including, but not limited to, warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent

4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community

5. Instructional strategies for teaching the suicide prevention curriculum, promoting mental and emotional health, reducing the stigma associated with mental illness, and using safe and effective messaging about suicide

6. The importance of early prevention and intervention in reducing the risk of suicide

7. School and community resources and services, including resources and services that meet the specific needs of high-risk groups

8. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for constant monitoring and supervision of the student, during the time the student is in the school's physical custody, while the immediate referral of the student to medical or mental health services is being processed

9. District procedures for responding after a suicide has occurred

10. Common misconceptions about suicide

The district may provide additional professional development in suicide risk assessment and crisis intervention to district mental health professionals, including, but not limited to, school counselors, psychologists, social workers, and nurses.

Instruction

CSBA NOTE: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

CDE recommends that the instruction be under the supervision of district-employed mental health professionals following consultation with county and community health agencies, and that it be incorporated into areas of the curriculum in addition to health classes.

The district's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum in an age and developmentally appropriate manner and shall be designed to help students:

1. Identify and analyze warning signs and risk factors associated with suicide, including, but not limited to, understanding how mental health challenges and emotional distress, such as feelings of depression, loss, isolation, inadequacy, and anxiety, can lead to thoughts of suicide

2. Develop coping and resiliency skills for dealing with stress and trauma, and building self-esteem

3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent

4. Identify trusted adults; school resources, including the district's suicide prevention, intervention, and referral procedures; and/or community crisis intervention resources where youth can get help

5. Develop help-seeking strategies and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

6. Recognize that early prevention and intervention can drastically reduce the risk of suicide

The Superintendent or designee may develop and implement school activities that raise awareness about mental health wellness and suicide prevention.

Student Identification Cards

CSBA NOTE: The following section is for use by districts that serve students in grades 7-12. Education Code 215.5, as amended by SB 1063 (Ch. 642, Statutes of 2024), requires districts that

issue or reissue student identification cards to have printed on either side of the card the telephone number ~~of~~for the 988 Suicide and Crisis Lifeline and the National Suicide Prevention Lifeline (1-800-273-8255~~), and allows to~~). Pursuant to Education Code 215.5, as amended by SB 1063, a district may have printed on the card the Crisis Text Line (texting HOME to 741741~~) and/or~~); the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number; a local suicide prevention hotline telephone number; and/or a quick response (QR) code that links to the county's mental health resources website. For additional requirements related to student identification cards, see BP 5142 – Safety.

Student identification cards for students in grades 7-12 shall include the 988 Suicide and Crisis Lifeline and National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line ~~and/or~~, campus police or security, a local suicide prevention hotline telephone number, and/or a quick response (QR) code for the county's mental health resources website. (Education Code 215.5)

Intervention

CSBA NOTE: Education Code 215 **mandates** that the district's policy and procedures address suicide intervention. The following section should be revised to reflect district practice. In addition, the district may choose to incorporate crisis intervention strategies in its comprehensive school safety plan adopted pursuant to Education Code 32280-32289.5; see BP/AR 0450 - Comprehensive Safety Plan.

The following paragraph is for use by districts that have formed and trained district and/or school site crisis intervention team(s) to assist with suicide intervention; see the accompanying Board policy. The National Association of School Psychologists (NASP) recommends that crisis intervention teams assign one or more individuals as a "designated reporter" to receive and act upon all reports from teachers, other staff, and students who may be suicidal.

The Superintendent or designee shall provide the name, title, and contact information of the members of the district and/or school crisis intervention team(s) to students, staff, parents/guardians, and caregivers and post on school and district ~~web sites.~~ websites. Such notifications shall identify the mental health professional who serves as the crisis intervention team's designated reporter to receive and act upon reports of a student's suicidal intention.

Students shall be encouraged to notify a teacher, principal, counselor, designated reporter, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal, school counselor, or designated reporter, who shall implement district intervention protocols as appropriate.

CSBA NOTE: Education Code 49602 generally protects the confidentiality of information of a personal nature disclosed to a school counselor by a student age 12 years or older or by a parent/guardian. However, in certain circumstances, the counselor may disclose such information

to avert a clear and present danger to the health, safety, or welfare of the student or others within in the school community. Also see BP 6164.2 - Guidance/Counseling Services.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, discussed, or referred to with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, or to report child abuse and neglect as required by Penal Code 11164-11174.3. (Education Code 49602)

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

When the district determines that a student is in need of mental or behavioral health services, the services shall be provided in accordance with protocols specified in Board Policy 5141.5 - Mental Health.

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision and providing comfort to the student until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

CSBA NOTE: The following paragraph is optional. If a student's parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide, the Superintendent or designee shall consider whether a referral to child protective services for child neglect is needed. Pursuant to Penal Code 11164-11174.3, the Child Abuse and Neglect Reporting Act, school employees who are mandated reporters are required to report child abuse or neglect, as defined in law, when they have knowledge of or reasonably suspect that a child is a victim of child abuse or neglect. See BP/AR 5141.4 - Child Abuse Prevention and Reporting.

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate steps to ensure the student's readiness for return to school and determine the need for ongoing support.

Postvention

CSBA NOTE: Education Code 215 **mandates** that the district's policy and procedures address suicide postvention. The following section should be revised to reflect district practice.

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

CSBA NOTE: Research has identified an increased risk of suicide among youth who are grieving the suicide of another (so-called "suicide contagion"). The NASP, in its publication, "Preventing Suicide: Guidelines for Administrators and Crisis Teams," recommends that memorials should be implemented with care so as not to sensationalize or glamorize suicide and thereby increase the suicide risk to other students. If a memorial is conducted for a student who dies by suicide, the association suggests a living memorial, such as making donations to a local crisis center, participating in an event that raises awareness about suicide prevention, or providing other opportunities for service activities in the school that emphasize the importance of students taking care of each other.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how to best discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the district-designated spokesperson who shall not divulge confidential information. The district's response shall not sensationalize suicide and shall focus on the district's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

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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 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 216	Suicide prevention online training programs
Ed. Code 218.3	Training curriculum to support lesbian, gay, bisexual, queer, and questioning students
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.2	Referral protocols for addressing student behavioral health concerns in grades 7-12; certification of youth behavioral health training for employees
Ed. Code 49428.5	Student mental health poster
Ed. Code 49429	Telehealth technology in schools
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5850-5886	Children's Mental Health Services Act

Federal	Description
42 USC 290bb-33	Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021

Management Resources	Description
California Department of Education Publication	Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students, February 2023 (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/index.asp)
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

~~CALSCHLS~~California Department of Education Publication	~~California School Staff Survey (CSSS)~~Telehealth Guidance for School Districts, July 2024 (https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx)
~~CALSCHLS~~CDC Publication	~~California School Parent Survey (CSPS)~~Promoting Mental Health and Well-Being in Schools, December 2023 (https://www.cdc.gov/mental-health-action-guide/about/index.html)
~~CALSCHLS~~CSBA Publication	~~California Healthy Kids Survey (CHKS)~~Safe Schools Toolkit: Bullying and Cyberbullying, July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-5.ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e)
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009 (https://stacks.cdc.gov/view/cdc/5767)
Court Decision	Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554
Each Mind Matters Publication	Making Headlines: Guide to Engaging the Media in Suicide Prevention in California, 2012 (https://resource-center.yourvoicecounts.org/resources/making-headlines-guide-engaging-media-suicide-prevention-california)
Heard Alliance Publication	K-12 Toolkit for Mental Health Promotion and Suicide Prevention, ~~2017~~2021 (https://www.heardalliance.org/help-toolkit/)
Mental Health Svcs Oversight & Accountability Pub	Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025 (https://sprc.org/wp-content/uploads/2022/11/CA-Suicide-Prevention-Plan_2020_2025.pdf)
Mental Health Svcs Oversight & Accountability Pub	Accelerating Transformational Change: Strategic Plan for 2024-2027 (https://bhsoac.ca.gov/wp-content/uploads/MHSOAC-Strategic-Plan-2024-2027.pdf)
Nat's Assoc. of School Psychologists Publication	Comprehensive School Suicide Prevention in a Time of Distance Learning, 2020 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/comprehensive-school-suicide-prevention-in-a-time-of-distance-learning)
Nat's Assoc. of School Psychologists Publication	Conducting a Virtual Suicide Assessment Checklist (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-

	center/crisis-and-mental-health-resources/conducting-virtual-suicide-assessment-checklist)
Nat'l Assoc. of School Psychologists Publication	Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis/mental-health-resources/preventing-youth-suicide/preventing-suicide-guidelines-for-administrators-and-crisis-teams)
Suicide Prevention Resource Center Publication	After a Suicide: A Toolkit for Schools, 2nd Edition, 2018 (https://sprc.org/online-library/after-suicide-toolkit-schools)
U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication	Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students_self-harm_fact_sheet.pdf)
U.S. Dept. of Health & Human Services Publication	Preventing Suicide: A Toolkit for High Schools, 2012 (https://store.samhsa.gov/product/preventing-suicide-toolkit-high-schools/sma12-4669)
U.S. Dept. of Health & Human Services Publication	National Strategy for Suicide Prevention~~: Goals~~ , 2024 (https://www.hhs.gov/programs/prevention-and ~~Objectives for Action, rev. 2012~~-wellness/mental-health-substance-abuse/national-strategy-suicide-prevention/index.html)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Public Health, Office of Suicide Prevention (https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/Office-of-Suicide-Prevention-(OSP).aspx)
Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)
Website	Suicide Prevention Messaging
Website	National Action Alliance for Suicide Prevention
Website	Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) (https://www.metricscenter.org/)
Website	Mental Health Services Oversight and Accountability Commission
Website	HEARD Alliance
Website	Each Mind Matters: California's Mental Health Movement
Website	Crisis Text Line
Website	California School Climate, Health, and Learning Surveys (CalSCHLS)

Website	California Mental Health Services Authority
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	National Child Traumatic Stress Network
Website	SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)
Website	Substance Abuse and Mental Health Services Administration
Website	Trevor Project
Website	American Academy of Pediatrics
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention
Website	American Psychological Association
Website	California Department of Education, Mental Health
Website	California Department of Health Care Services, Mental Health Services
Website	CalHOPE Schools Initiative (https://www.calhopeschools.org/)
Website	Centers for Disease Control and Prevention, Mental Health
Website	National Association of School Psychologists
Website	National Institute for Mental Health
Website	American School Counselor Association

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1112	Media Relations
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1240	Volunteer Assistance
1240	Volunteer Assistance
1400	Relations Between Other Governmental Agencies And The Schools

3515	Campus Security
3515	Campus Security
4112.21	Interns
4112.21	Interns
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4131	Staff Development
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4231	Staff Development
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
4331	Staff Development
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.8	Mobile Communication Devices
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting

5141.5	Mental Health
5141.6	School Health Services
5141.6	School Health Services
5142	Safety
5142	Safety
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.8	Assemblies And Special Events
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams

Policy 5145.13: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 05/01/2018 **| Last Revised Date:** 03/01/2025 **| Last Reviewed Date:** 0503/01/20182025

CSBA NOTE: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts arewere **mandated** to adopt policy consistentpolicies, by July 1, 2018, with a language that is equivalent to the model policy language developed by the California Attorney General which limits assistance with immigration enforcement at public schools. See in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, available on the web site of the Office of the Attorney General. Except as otherwise noted below, the following policy reflects the mandated policy statements. ," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a district's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that districts consult with CSBA's District and County Office of Education Legal Service or district legal counsel when adopting this policy.

See the accompanying administrative regulation, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying for additional language fulfilling this mandate.that is equivalent to the model policy language in the 2018 Guidance and 2024 Guidance.

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of studentsa student or theirthe student's family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

CSBA NOTE: Education Code 234.1 **mandates** that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code 422.55 and Education Code 220. As amended by AB 699 (Ch. 493, Statutes of 2017), and Penal Code 422.55. Education Code 234.1 expressly includes immigration status among the protected categories. See BP 0410 - Nondiscrimination in District

Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

~~No~~In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of ~~his/her immigration status.~~the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

CSBA NOTE: ~~Pursuant to Education~~Government Code ~~234.7, as added by AB 699 (Ch. 493, Statutes of 2017), the district must notify parents/guardians of their children's right to a free public education regardless of~~8310.3 prohibits districts from disclosing information about immigration status~~, including "Know Your Educational Rights" information as contained~~ or religion for use in the ~~Office of the Attorney General publication Promoting~~compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a ~~Safe and Secure Learning Environment for All:~~registry. The 2024 Guidance ~~and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues. Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means.~~contains a similar prohibition. Also see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, a district is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The 2024 Guidance provides additional detail on this topic, which includes one appendix titled "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means. See 5145.6 – Parent/Guardian Notifications and BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

~~Consistent with requirements of the California Office of the Attorney General, the~~The Superintendent or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to district records, school sites, or students ~~for the purpose of immigration enforcement~~.

CSBA NOTE: The following optional paragraph reflects a recommendation ~~off~~from the ~~Attorney General's model policy~~2024 Guidance and may be revised to reflect district practice.

~~Teachers, school administrators, and other school staff shall receive~~The Superintendent or designee may provide training to staff regarding immigration issues, including information on responding to a

request from ~~an immigration~~a law enforcement officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by ~~an officer or employee of~~ a law enforcement ~~agency~~officer for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

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Policy Reference Disclaimer:
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State	**Description**
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
Court Decision	Plyler v. Doe~~,~~ (1982) 457 U.S. 202 ~~(1982)~~
~~CSBA Publication~~	~~Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017~~

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
~~Website~~	~~California Attorney General's Office~~
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1250	Visitors/Outsiders
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141	Health Care And Emergencies

5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Regulation 5145.13: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 05/01/2018 **| Last Revised Date:** 03/01/2025 **| Last Reviewed Date:** 0503/01/20182025

CSBA NOTE: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts arewere **mandated** to adopt policypolicies, by June 1, 2018, with language that is consistent with equivalent to the model policy language developed by the California Attorney General's model policy limiting assistance with immigration enforcement at public schools. The required model policy statements are contained in the Office of the Attorney General publication in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, and, except as otherwise noted, are reflected in the following regulation. ," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a district's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that districts consult with CSBA's District and County Office of Education Legal Service or district legal counsel when adopting this policy.

See the accompanying Board policy, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying for additional language fulfilling this mandate.

The Attorney General's model policyGeneral recommends that, if feasible, districts designate an immigrant affairs liaison to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with other educational agencies and local and state government stakeholders. The following administrative regulation may be revised to reflect any such position established by the district.

Responding to Requests for Immigration-Related Information or Documents

CSBA NOTE: Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members., except as required by state or federal law, or as required to administer a state or federally supported education program. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement (ICE), as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order. An ICE "administrative warrant" is not a court order that would allow a district to disclose student records without parent/guardian consent. See the Office of the

~~Attorney General publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues for further information and examples of such administrative warrants and judicial orders.~~except in limited circumstances, such as when parent/guardian consent, a court order, or a judicial subpoena/warrant is provided.

~~Unless authorized by~~ Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, district staff shall:

1. Record or otherwise document the ~~Family Educational Rights~~request and ~~Privacy Act pursuant to 20 USC 1232g,~~notify the Superintendent or designee about the request

2. Provide the student's parent/guardian or, if the student ~~information~~ is at least 18 years old, the student, with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to ~~immigration~~a law enforcement ~~authorities~~officer without ~~parental~~ consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena~~.~~ /warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old

2. A description of the records to be disclosed

3. The reason for the release of information

4. The parties or class of parties receiving the information

5. A copy of the records to be released, if requested by the parent/guardian or student

In accordance with law and Board Policy 5125 – Student Records, the Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena~~.~~/warrant.

Responding to Requests for Access to Students or School Grounds

District staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

CSBA NOTE: Items #1-4 below reflect requirements of the Attorney General's model policy.CSBA NOTE: The Attorney General's model policy includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. See BP/AR 1250 - Visitors/Outsiders for procedures applicable to all visitors.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, district staff shall:

1. Notify the Superintendent or designee about the information request

2. Provide students and families with appropriate notice and a description of the immigration officer's request

3. Document any request for information by immigration authorities

4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency

CSBA NOTE: Government Code 8310.3, as added by SB 31 (Ch. 826, Statutes of 2017), prohibits districts from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. In addition, the Attorney General's model policy developed pursuant to Education Code 234.7 prohibits the use of school data or resources for creating a registry based on specific characteristics. Also see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

Responding to Requests for Access to Students or School Grounds

CSBA NOTE: Except as otherwise noted, the following mandated section reflects the Attorney General's model policy developed pursuant to Education Code 234.7. The Office of the Attorney General publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues contains a Quick Reference Guide for School Officials that summarizes the steps to be taken in the event that an immigration enforcement officer comes to a school or requests personal information about a student or his/her family member.

District staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

CSBA NOTE: The Attorney General's model policy includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the

~~district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. See BP/AR 1250 - Visitors/Outsiders for procedures applicable to all "outsiders," as defined in Penal Code 627.1.~~

~~All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)~~

A law enforcement officer who requests to enter district property which is not open to all visitors shall register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

As early as possible, district staff shall notify the Superintendent or designee of any immigration enforcement-related request by a law enforcement officer for access to a student or to district property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

Responding to Law Enforcement Officers on District Property

CSBA NOTE: The following paragraph may be modified by districts that do not maintain a district police or security department.

District staff shall report the presence of any law enforcement officer on district property for immigration enforcement ~~officers~~purposes to on-site district police and other appropriate administrators.

~~As early as possible, district staff shall notify the Superintendent or designee of any request by an immigration~~Unless a law enforcement officer ~~for~~declares that exigent circumstances exist and demands immediate access to the ~~school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents. In addition~~campus, district staff shall take the following actions ~~in response to~~when such an officer is actually or imminently present on ~~the school campus specifically~~district property for immigration enforcement purposes:

~~1.~~ 1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent, principal, or designee, except under exigent circumstances that necessitate immediate action

~~2.~~ 2. Request to see and record or otherwise document the officer's credentials, including ~~his/her~~the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information

~~3.~~ 3. Ask the officer for ~~his/her~~, and then record or otherwise document, the officer's reason for being on ~~school grounds and document the response~~ district property

4. Request that the officer produce any documentation that authorizes ~~his/her~~the officer's school access ~~Make a copy~~, make copies of all ~~documents produced by the officer~~such

documentation, and retain at least one copy for ~~school~~district records

5. Contact and consult with the district's legal counsel or Superintendent or designee

6. Follow the direction from the district's legal counsel or Superintendent or designee

~~6.~~ If the officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall comply with the officer's orders and immediately contact the Superintendent or designee and then the district's legal counsel.

~~7.~~ Regardless of whether the officer ~~does not declare~~declares that exigent circumstances exist, ~~respond according to the requirements of the officer's documentation, as follows:~~

~~a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant,~~ district staff shall ~~inform the agent that they cannot consent to any request without first consulting with the district's legal counsel or other designated district official.~~

~~b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, district staff shall promptly comply with the warrant. If feasible, district staff shall consult with the district's legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.~~

~~c. If the officer has a subpoena for production of documents or other evidence, district staff shall inform the district's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.~~

~~8.~~ ~~Do not attempt to~~ district staff shall not attempt to physically impede the officer, even if the officer appears to be ~~exceeding the~~acting outside the law or in excess of the officer's stated or documented authorization ~~given under a warrant or other document~~. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus~~.~~ but only to the extent that it does not impede the officer's actions.

~~9.~~ After the ~~encounter with the~~ officer~~,~~ leaves district property, district staff shall promptly make written notes of all interactions with the officer, including:

~~a.~~ 1. A list or copy of the officer's credentials and contact information , if known

~~b.~~ 2. The identity of all ~~school personnel who~~other district staff known to have communicated with the officer

~~c.~~ ~~Details~~3. A description of the ~~officer's~~officer's request and activities

~~d.~~ ~~Whether the officer presented~~4. The type of documentation, such as a warrant or subpoena ~~to accompany his/her~~, that authorized the officer's request or actions, what was requested ~~in~~by the ~~warrant or subpoena~~documentation, and whether the ~~warrant or subpoena~~documentation was signed by a judge

~~e.~~ 5. District staff's response to the officer's request

~~f.~~ 6. Any further action taken by the officer

~~g. A photo or copy~~7. Copies of any documents presented by the officer

~~10. Provide~~ District staff shall promptly provide a copy of these notes and any associated documents district staff has collected from the officer to the district's legal counsel or other ~~designated~~ district official designated by the Superintendent.

The district's legal counsel or ~~other designated official~~the Superintendent or designee shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's ~~responses~~response. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

Responding to the Detention or Deportation of Student's ~~Family Member~~Parent/Guardian

The Superintendent or designee shall encourage ~~students and their families~~parents/guardians to update their emergency contact information as needed ~~throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable.~~at any time. The Superintendent or designee shall notify ~~students' families~~parents/guardians that the district will only use information provided on the emergency cards ~~will only be used~~ in response to specific emergency situations and not for any other purpose.

The Superintendent or designee ~~shall~~may also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a ~~family member~~student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported ~~by federal immigration authorities~~, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

CSBA NOTE: Education Code 48204.4~~, as added by SB 257 (Ch. 498, Statutes of 2017),~~ provides that a student complies with district residency requirements if ~~his/her~~the student's parent/guardian was a resident of California and departed against ~~his/her~~the parent/guardian's will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing ~~his/her~~ removal, or removal or departure pursuant to the federal Immigration and Nationality Act. See AR 5111.1 - District Residency.

~~The~~ In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify ~~a~~the student ~~whose parent/guardian was detained or deported~~, as well as

the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in ~~a~~the district ~~school, provided that~~if the student and the student's parent/guardian who was ~~a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure.~~ ~~(~~detained or deported satisfy the conditions as specified in Education Code 48204.4~~)~~.

CSBA NOTE: The following paragraph is recommended, but not required, by the Attorney General's model policy. ~~See the management resources in the accompanying Board policy for ICE's Online Detainee Locator System.~~It should be deleted or modified to reflect district practice.

The Superintendent or designee may refer a student or ~~his/her~~the student's family members to other resources for assistance, including, but not limited to, an ~~ICE~~U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

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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 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources	Description
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12

	Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
Court Decision	Plyler v. Doe~~,~~ (1982) 457 U.S. 202 ~~(1982)~~
~~CSBA Publication~~	~~Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017~~
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
~~Website~~	~~California Attorney General's Office~~
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1250	Visitors/Outsiders
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records

5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Policy 6142.93: Science Instruction

Status: ADOPTED

Original Adopted Date: 10/01/1995 **| Last Revised Date:** ~~05~~03/01/~~2017~~2025 **| Last Reviewed Date:** ~~05~~03/01/~~2017~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice and the grade levels served by the district.

Education Code 51210 and 51220 require that science instruction, including biological and physical aspects of science, be included in the course of study offered in grades 1-12. For grades 1-6, Education Code 51210 requires the course of study ~~must~~to include an emphasis on experimental inquiry ~~and~~; the place of humans in ecological systems~~. In~~; and the causes and effects of climate change and the methods to mitigate and adapt to climate change. For grades 7-12, Education Code 51220 requires the course of study ~~must~~to include an emphasis on basic concepts, theories, and processes of scientific investigation; the place of humans in ecological systems; ~~and~~the causes and effects of climate change and the methods to mitigate and adapt to climate change; and with appropriate applications of the interrelation and interdependence of the sciences. ~~See~~For more information regarding the requirements for courses of study, see AR 6143 - Courses of Study.

~~In addition~~Additionally, Education Code 51225.3 requires completion of two courses in science, including biological and physical sciences, to meet high school graduation requirements. See BP 6146.1 - High School Graduation Requirements.

~~Many~~In addition, many districts integrate science, technology, engineering, and mathematics instruction (STEM), and sometimes art instruction (STEAM), to teach processes and concepts applied to real-world contexts. Further information about this interdisciplinary approach is available on the ~~web sites~~websites of the California Department of Education (CDE) and U.S. Department of Education.

The Governing Board believes that science education should focus on giving students an understanding of the biological and physical aspects of science, including the place of humans in ecological systems, the causes and effects of climate change and the methods to mitigate and adapt to climate change, key scientific concepts, and methods of scientific inquiry and investigation through experiments and other activities that foster critical thinking. Students should become familiar with the natural world and the interrelationship of science, mathematics, technology, and engineering. As part of science instruction, students should learn how to apply scientific knowledge and reasoning.

Philosophical and religious theories that are based, at least in part, on faith and are not subject to scientific test and refutation shall not be discussed during science instruction.

~~CSBA NOTE: The State Board of Education (SBE) adopted the California Next Generation Science Standards (CA-NGSS) in 2013 and the Science Framework for Public Schools in 2016. Under the CA-NGSS, the focus of instruction shifts from knowing science facts to knowing and applying science concepts. The SBE's NGSS Systems Implementation Plan for California requires the CA-NGSS to be fully implemented, including updated instructional materials and science assessments, by the 2018-19 school year.~~ CSBA NOTE: Pursuant to Education Code 33548, the Instructional Quality Commission (IQC) is required to consider incorporating media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the science curriculum framework when that framework is next revised. Additionally, pursuant to Education Code 33548, as amended by AB 2876 (Ch. 927, Statutes of 2024), IQC is required to consider (1) including media literacy content and artificial intelligence (AI) literacy in its criteria for evaluating instructional materials, and (2) incorporating AI literacy content into the science curriculum framework when that framework is next revised.

The ~~district's~~Board shall adopt academic standards for science ~~instruction shall~~that meet or exceed the California Next Generation Science Standards (CA-NGSS~~).~~) and describe the knowledge and skills students are expected to possess at each grade level, with an instructional focus on understanding the process of science, the fundamental ideas within each discipline of science, and underlying themes that are common to all sciences. The Superintendent or designee shall ensure that curricula used in district schools are aligned with these standards and the state curriculum framework.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 52060 requires that the district's local control and accountability plan include goals related to, among other things, student achievement ~~(including,~~ student access to and enrollment in a broad course of study~~),~~, and the implementation of ~~SBE~~State Board of Education-adopted academic content and performance standards.

The Superintendent or designee shall ensure that students have access to and are enrolled in a broad course of study including science courses.

CSBA NOTE: The Los Angeles County Office of Education (LACOE) has developed a Strategic Science Teaching website that integrates literature and the 5E Learning Cycle, an inquiry-based learning cycle, to provide guidance regarding the delivery of integrated science instruction. It is recommended that districts stay apprised of future resources from LACOE related to curriculum-embedded performance tasks aligned with the Next Generation Science Standards.

The Superintendent or designee shall provide certificated staff with opportunities to participate in professional development activities designed to enhance their knowledge of district-adopted academic standards, instructional strategies for teaching science, and changes in scientific theories.

CSBA NOTE: The following paragraph is for use by districts that offer science laboratory classes and may be modified to reflect district practice. For further information about safety practices in

school science laboratories, see the CDE's comprehensive , "Science Safety Handbook for California Public Schools. ," and AR 5142 – Safety. Additional resources are available on CDE's "Science Safety" website.

Pursuant to 8 CCR 5191, whenever a school laboratory uses hazardous chemicals, it is required to have a written chemical hygiene plan to protect employees. See BP/AR 3514.1 - Hazardous Substances. In addition, Education Code 49340-49341 encourage educational efforts to increase student and staff awareness dealing with hazardous materials in school laboratories in order to minimize injuries, loss of property, and classroom disruptions.

The Superintendent or designee shall develop and implement appropriate safety measures for science laboratory classes in accordance with Administrative Regulation 5142 – Safety, including, but not limited to, staff and student safety training, use of eye safety devices, hearing protection, first aid procedures, regular equipment maintenance, safe use of heat sources, safe use and disposal of hazardous chemicals, proper ventilation, prevention of exposure to bloodborne pathogens from sharp instruments, fire prevention and control, an emergency response plan, and evacuation procedures. Parents/guardians shall be informed of the types of science laboratory activities that will be conducted and encouraged to sign consent forms for their child's participation.

CSBA NOTE: The following optional paragraph should be revised to reflect measures that will be used to evaluate program effectiveness as agreed upon by the Board and Superintendent or designee.

Pursuant to Education Code 60640, the California Assessment of Student Performance and Progress includes administration of science assessments at grades 5, 8, and 10. ~~The California Standards Tests are to be used for this purpose until a science assessment that is aligned with the CA-NGSS is adopted.~~ Students with disabilities who are unable to participate in the science assessments, even with allowable testing variations and resources, ~~must~~may be administered ~~either~~ the California ~~Modified Assessment or California~~ Alternate ~~Performance~~ Assessment in accordance with their individualized education program. See AR 6162.51 - State Academic Achievement Tests.

The Superintendent or designee shall regularly report to the Board regarding the implementation and effectiveness of the science curriculum at each grade level. At a minimum, each report shall address the extent to which the program is aligned with the CA-NGSS, any applicable student assessment results, and feedback from students, parents/guardians, and staff regarding the program.

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State	Description

5 CCR 14030	Preliminary procedure, planning and approval of school facilities
8 CCR 5191	Chemical hygiene plan
Ed. Code 32030-32034	Eye safety
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 33475-33475.5	Model curriculum on stem cell science
Ed. Code 33548	Media and artificial intelligence literacy
Ed. Code 49340-49341	Hazardous substances education
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.3	Elementary science coach
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51225.3	High school graduation requirements
Ed. Code ~~52060~~52059.5-52077	Local control and accountability plan
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 8774	Residential outdoor science program

Management Resources	**Description**
~~California Department of Education Publication~~	~~Next Generation Science Standards Systems Implementation Plan for California, 2014~~
California Department of Education Publication	Science Safety Handbook for California Public Schools, 2014 (https://sst.lacoe.edu/resources/science-safety.html)
California Department of Education Publication	California Next Generation Science Standards, 2013 (https://www.cde.ca.gov/ci/pl/ngssstandards.asp)
California Department of Education Publication	Science Framework for California Public Schools: Kindergarten Through Grade 12, 2016 (https://www.cde.ca.gov/ci/sc/cf/cascienceframework2016.asp)
CSBA Publication	Supporting Implementation of the California Next Generation Science Standards (CA-NGSS), Governance Brief, November 2016 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GB-NGSSImplementation.ashx?la=en)
CSBA Publication	Supporting STEM Access, Equity, and Effectiveness: Professional Learning is Essential to Next Generation Science Standards Implementation, October 2020

	(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GgovernanceBriefs/G-Brief-STEM-ProDev-Oct2020.ashx?la=en&rev=d5b90a8ba0a6473a93c0f609ad27ad21)
CSBA Publication	Supporting STEM Access, Equity, and Effectiveness: The Path to Full Implementation of the California Next Generation Science Standards, October 2018 (https://csba.org/-/media/94E867EB7CB5476B86843E37F8D9C258.ashx)
CSBA Publication	Supporting STEM Access, Equity, and Effectiveness: Equitable Access to Rigorous STEAM Coursework, October 2018 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2018GovBriefSTEM2.ashx?la=en&rev=9ed1a99a8bd74a55a8cfc2538cf51138)
Website	Strategic Science Teaching, Grades K-12: A Sampler of Science Lessons Connecting Literature with the California Standards (https://sst.lacoe.edu/)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, STEM Education
Website	California Science Teachers Association
Website	California Alliance for Next Generation Science Standards
Website	California Department of Education
Website	Los Angeles County Office of Education, Introduction to Strategic Science Teaching (SST) (https://sst.lacoe.edu/)
Website	CSBA

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Pla

0500	Accountability
3511	Energy And Water Management
3511	Energy And Water Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3514.1	Hazardous Substances
3514.1	Hazardous Substances
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4131	Staff Development
4157	Employee Safety
4157	Employee Safety
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4257	Employee Safety
4257	Employee Safety
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4331	Staff Development
4357	Employee Safety
4357	Employee Safety
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5142	Safety
5142	Safety
5145.8	Refusal To Harm Or Destroy Animals

5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6141.4	International Baccalaureate Program
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.5	Environmental Education
6142.92	Mathematics Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
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
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6179	Supplemental Instruction

Policy 6142.94: History-Social Science Instruction

Status: ADOPTED

Original Adopted Date: 07/01/2009 **| Last Revised Date:** ~~10~~03/01/~~2016~~2025 **| Last Reviewed Date:** ~~10~~03/01/~~2016~~2025

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

Education Code 51210 and 51220 require that social ~~studies~~sciences be included in the course of study offered in grades 1-12, including age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology. For specific topics that must be included in the history-social science curriculum, see AR 6143 - Courses of Study.

~~In addition~~Additionally, to meet high school graduation requirements, Education Code 51225.3 requires completion of three courses of social studies ~~to meet high school graduation requirements;~~; a one-semester course in ethnic studies beginning with students graduating in the 2029-30 school year; and, as amended by AB 2927 (Ch. 37, Statutes of 2024), a separate, stand-alone one-semester course in personal finance beginning with students graduating in the 2030–31 school year. For more information regarding high school graduation requirements, see BP 6146.1 - High School Graduation Requirements.

The Governing Board believes that the study of history and other social sciences is essential to prepare students to engage in responsible citizenship, comprehend complex global interrelationships, and understand the vital connections among the past, present, and future~~.~~, as well as to establish a foundation for the appreciation of different ethnicities, the wise use of natural resources, and the responsible management of personal finance. The district's history-social science education program shall include, at appropriate grade levels, instruction in American and world history, geography, economics, political science, anthropology, psychology, and sociology.

CSBA NOTE: The State Board of Education (SBE) has adopted state content standards for history-social science which cover grades K-12, with the exception of grade 9 which, in current California practice, is traditionally the year in which students choose a history-social science elective. In addition to core content knowledge, the standards describe intellectual, reasoning, reflection, and research skills that should be learned through the content standards for grade ranges K-5, 6-8, and 9-12.

The Board shall adopt academic standards for history-social science which meet or exceed state content standards and describe the knowledge and skills students are expected to possess at each grade level.

CSBA NOTE: The History-Social Science Framework for California Public Schools, adopted by ~~the~~ SBE on July 14, 2016, reflects the state content standards as well as the California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects and the California English Language Development Standards. The updated framework includes greater emphasis on literacy skills (i.e., reading, writing, speaking, listening, and other language skills) required for college and career readiness.

Pursuant to Education Code ~~33540, 51008, 51226.3, and 51284, the SBE added specified topics to the updated curriculum framework, including, but not limited to, financial literacy, voter education, genocide, and the contributions of lesbian, gay, bisexual, and transgender Americans and the disabled. Education Code 51226.7, as added by AB 2016 (Ch. 327, Statutes of 2016), requires the SBE to adopt a model curriculum in ethnic studies by March 31, 2020 and encourages districts to offer an elective course in ethnic studies based on that model curriculum, when available, in at least one grade level during grades 9-12.~~33548, the Instructional Quality Commission (IQC) is required to consider incorporating media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the history-social science curriculum framework when that framework is next revised. Additionally, pursuant to Education Code 33548, as amended by AB 2876 (Ch. 927, Statutes of 2024), IQC is required to consider (1) including media literacy content and artificial intelligence (AI) literacy in its criteria for evaluating instructional materials, and (2) incorporating AI literacy content into the history-social science curriculum framework when that framework is next revised.

Pursuant to Education Code 51226.3, as amended by AB 1821 (Ch. 658, Statutes of 2024), when SBE adopts new history-social science instructional materials, IQC is required to consider including (1) content on the treatment and perspectives of Native Americans during the periods of the Spanish colonization of California and the Gold Rush Era, and (2) content on the case of *Westminster School District of Orange County v. Mendez*, which prohibited school segregation in California in 1947. Additionally, pursuant to Education Code 51226.3, IQC is required to consider including the historical, social, economic, and political contributions of Asian Americans, Native Hawaiians, and Pacific Islanders in the United States and give examples of racism, discrimination, and violence perpetrated against these groups, in its next revision of the history-social science curriculum framework, related evaluation criteria, and accompanying instructional materials.

Pursuant to Education Code 51225.32, as added by AB 2927, SBE is required to, on or before May 31, 2026, adopt a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance based on IQC's recommendation. If SBE has not adopted a curriculum guide and resources by May 31, 2026, districts are required to locally develop, for approval by the Governing Board, curriculum and resources to offer a separate, stand-alone one-semester course in personal finance that meets the requirements of Education Code 51225.3.

Districts may find curricula and curriculum guides on the California Department of Education's Model Curricula and Curriculum Guides webpage, which currently includes materials related to personal finance, Cambodian American studies, Hmong history and cultural studies, Vietnamese

American experiences, Native American studies, ethnic studies, Cesar Chavez, and human rights and genocide.

The Superintendent or designee shall develop and submit to the Board for approval a comprehensive, sequential curriculum aligned with the district standards and consistent with the state's curriculum framework for history-social science. The curriculum shall be designed to develop students' core knowledge in history and social science and their skills in chronological and spatial thinking, research, and historical interpretation. History-social science instruction shall also include an explicit focus on developing students' literacy in reading, writing, speaking, listening, and other language skills.

CSBA NOTE: Instructional materials that will be used by the district must be adopted by the ~~Governing~~ Board in accordance with Education Code 60200-~~60206~~60213 for grades K-8 and Education Code 60400-60411 for grades 9-12.

Education Code 60119 requires the Board to hold a public hearing on the sufficiency of standards-aligned instructional materials in certain subjects, including history-social science; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The state content standards for history-social science encourage schools to use supplementary materials as provided in the following paragraph.

The Board shall adopt standards-aligned instructional materials for history-social science in accordance with applicable law, Board policy, and administrative regulation. ~~In addition~~Additionally, teachers are encouraged to supplement the curriculum, in accordance with Board Policy 6161.11 – Supplementary Instructional Materials, by using biographies, original documents, diaries, letters, legends, speeches, other narrative artifacts, and literature from and about the period being studied.

CSBA NOTE: The following paragraph is optional. Education Code 51221.3, 51221.4, and 51226.3 encourage the use of personal testimony (i.e., oral histories, videos, or other multimedia formats) during instruction on certain topics, including World War II, the Vietnam War, the Korean War, the Bracero program, human rights, the Holocaust, genocide, and violence awareness and prevention. Oral history related to World War II and the Vietnam War is required to meet certain standards specified below. Pursuant to Education Code 51221.3 and 51226.3, oral history presented on other topics is encouraged, but not required, to meet similar standards.

Personal testimony from persons who can provide first-hand accounts of significant historical events is encouraged and may be provided through oral histories, videos, or other multimedia formats. If oral history is used for instruction related to the role of Americans in World War II or the Vietnam War, such testimony shall exemplify the personal sacrifice and courage of the wide range of ordinary citizens who were called upon to participate in the war, provide views and comments concerning reasons for participating in the war, and provide commentary on the aftermath of the war in Eastern Europe and the former Soviet Union. (Education Code 51221.3, 51221.4)

CSBA NOTE: The following paragraph applies to districts that serve students in grades 9-12. Pursuant to Education Code 49110.5, all public high schools are required to observe the week that includes April 28 as "Workplace Readiness Week" by providing information to students on their rights as workers, including specified topics. For students in grades 11 and 12, the "Workplace

Readiness Week" observances are required to be integrated into the regular school program, consistent with the history-social science framework, but may also include special events after regular school hours. This integration is encouraged, but not required, to occur during "Workplace Readiness Week."

District high schools shall annually observe, during the week that includes April 28, "Workplace Readiness Week" by providing information to students on their rights as workers, including topics specified in Education Code 49110.5. For students in grades 11 and 12, the "Workplace Readiness Week" observances shall be integrated into the regular school program, consistent with the history-social science framework. (Education Code 49110.5)

CSBA NOTE: Education Code 99200-~~99206~~99204 establish the California History-Social Science Project, a statewide professional development project designed to develop and enhance teachers' knowledge and instructional strategies to improve student achievement in history-social science. ~~Professional~~

Education Code 51221.1, as added by SB 1277 (Ch. 890, Statutes of 2024), establishes the California Teachers Collaborative for Holocaust and Genocide Education, a statewide professional development program to (1) ensure that genocide, including Holocaust, education is taught in interdisciplinary and age-appropriate ways, and (2) identify and confront antisemitism and hate in modern society.

Additionally, professional development resources ~~also~~ may be located through state and national professional associations, such as the California Council for the Social Studies or the National Council for History Education.

The Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of adopted instructional materials and instructional strategies for teaching history-social science.

CSBA NOTE: The following optional paragraph should be revised to reflect ~~indictors~~indicators that will be used to evaluate program effectiveness as agreed upon by the Board and Superintendent or designee.

The Superintendent or designee shall regularly evaluate and report to the Board regarding the implementation and effectiveness of the history-social science curriculum at each grade level, including, but not limited to, the extent to which the program is aligned with state standards, any applicable student assessment results, and feedback from students, parents/guardians, and staff regarding the program.

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State	Description
Ed. Code 33540	~~Standards for government and civics instruction~~History-social science framework course requirements
Ed. Code 33540.2	Model curriculum related to Vietnamese American refugee experience
Ed. Code 33540.4	Model curriculum related to Cambodian American history and heritage
Ed. Code 33540.6	Model curriculum related to Hmong history and cultural studies
Ed. Code 33548	Media literacy and artificial intelligence literacy curriculum frameworks
Ed. Code 49110.5	Workplace readiness week
Ed. Code 51008-51009	Instruction on farm labor movement
Ed. Code 51204	Course of study designed for student's needs
Ed. Code 51204.5	History of California; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51220.2	Instruction in legal system; teen or peer court programs
Ed. Code 51221	Social science course of study; inclusion of instruction in use of natural resources
Ed. Code 51221.1	California Teachers Collaborative for Holocaust and Genocide Education
Ed. Code 51221.3-51221.4	Instruction on World War II and Vietnam War; use of oral histories
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.32	Personal finance course; curriculum guide and resources
Ed. Code 51226.3	Instruction on civil rights, human rights violations, genocide, slavery, and the Holocaust~~, and deportation to Mexico~~
Ed. Code 51226.7	Model curriculum in ethnic studies
Ed. Code 60040-60051	Criteria for instructional materials
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200-~~60206~~60213	Instructional materials; grades K-8

Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 99200-~~99206~~99204	Subject matter projects

Management Resources	**Description**
California Department of Education Publication	California English Language Development Standards, 2012 (https://www.cde.ca.gov/sp/ml/eldstandards.asp)
California Department of Education Publication	Model Curriculum for Human Rights and Genocide, 2000 (https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.asp)
California Department of Education Publication	Ethnic Studies Model Curriculum, 2020 (https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.asp)
California Department of Education Publication	Personal Finance Curriculum Guide, 2024 (https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.asp)
California Department of Education Publication	Southeast Asia Model Curricula, 2024 (https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.asp)
California Department of Education Publication	César E. Chávez Model Curriculum (https://www.cde.ca.gov/ci/cr/cf/modelcurriculumprojects.asp)
California Department of Education Publication	Common Core State Standards for English Language Arts and Literacy in History-Social Studies, Science, and Technical Subjects, 2013 (https://www.cde.ca.gov/re/cc/literacyresources.asp)
California Department of Education Publication	History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998 (https://www.cde.ca.gov/be/st/ss/documents/histsocscistnd.pdf)
California Department of Education Publication	History-Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve, 2016 (https://www.cde.ca.gov/ci/hs/cf/hssframework.asp)
National Council for the ~~SocialStudies~~Social Studies Publication	College, Career, and Civic Life (C3) Framework for Social Studies State Standards, 2013 (https://www.socialstudies.org/standards/c3)

Court Decision	Westminster School District of Orange County v. Mendez (1947) 161 F.2d 774
Website	CSBA District and County Office of Education Legal Services
Website	National Association for Multicultural Education
Website	National Council for History Education
Website	California Council for History Education
Website	California History-Social Science Course Models
Website	California Humanities
Website	California Subject Matter Project
Website	California Council for the Social Studies
Website	National Council for the Social Studies
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0500	Accountability
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
4131	Staff Development
5145.9	Hate-Motivated Behavior
6011	Academic Standards
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs

6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.91	Reading/Language Arts Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
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
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6179	Supplemental Instruction
9000	Role Of The Board

Policy 6159: Individualized Education Program

Status: ADOPTED

Original Adopted Date: 03/01/2003 **| Last Revised Date:** ~~07~~03/01/~~2020~~2025 **| Last Reviewed Date:** ~~07~~03/01/~~2020~~2025

CSBA NOTE: The following Board policy and the accompanying **mandated** administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area in which the district participates.

The Governing Board desires to provide full educational opportunities to all students with ~~disabilities.~~ exceptional needs. Students with ~~disabilities~~exceptional needs shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

For each student with ~~disabilities~~exceptional needs, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school

2. Students who are placed by the district in a nonpublic, nonsectarian school

3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

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State	Description

5 CCR 3021-3029	Identification, referral and assessment
5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 3051-3053	Implementation of the individualized education program
5 CCR 853-853.5	State assessments; accommodations
Ed. Code 46392	Emergencies
Ed. Code 48853.5	Students in foster care
Ed. Code 51225.3	High school graduation requirements
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf and hard of hearing supports
Ed. Code 56043	Transition plans
Ed. Code 56049.1	Data related to least restrictive environment
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56348	IEP template translations
Ed. Code 56350-56354	IEP for visually impaired students
Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 56471	Workability programs
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60900.1	English language and special education reporting
Ed. Code 60900.2	Graduation rates for students with exceptional needs
Fam. Code 6500-6502	Age of majority
Gov. Code 7572.5	Seriously emotionally disturbed child; expanded IEP team
W&I Code 300	Minors subject to jurisdiction

W&I Code 601	Minors habitually disobedient
W&I Code 602	Minors violating law; ward of court
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 300.1-300.818	Individuals with Disabilities Education Act
Management Resources	**Description**
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 157 (2002)
California Department of Education Publications	California Practitioners' Guide for Educating English Learners with Disabilities, July 2019 (https://www.cde.ca.gov/SP/se/ac/documents/ab2785guide.pdf)
California Department of Education Publications	Frequently Asked Questions: Promotion, Retention, and Grading (Students with ~~Disabilities~~disabilities) (https://www.cde.ca.gov/sp/se/sr/promoretntn.asp)
U.S. Department of Education Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022 (https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf)
U.S. Department of Education, Office of Special Education and Rehabilitative Services and Office of Educational Technology Publication	Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act, January 22, 2024 (https://sites.ed.gov/idea/idea-files/dcl-assistive-technology-jan-22-2024/)
Court Decision	Capistrano Unified School District v. S.W. and C.W. (9th Cir. 2021) 21 F.4th 1125
Court Decision	Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988
Court Decision	~~Marshall v. Monrovia~~Los Angeles Unified School District v. A.O. (9th ~~Circuit, 2010)~~ ~~327 f.3d 773~~Cir. 2024) 92 F.4th 1159
Court Decision	Marshall v. Monrovia Unified School District (9th ~~Circuit,~~Cir. 2010) 327 ~~f~~F.3d 773

Court Decision	Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th ~~Circuit~~,Cir. 2003) 317 F.3d 1072
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	U.S. Department of Education, Office of Educational Technology (https://tech.ed.gov/)
Website	California Department of Education

Cross References

Code	Description
0200	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3250	Transportation Fees
3250	Transportation Fees
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance

3555-E(1)	Nutrition Program Compliance
4112.23	Special Education Staff
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
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
6000	Concepts And Roles
6112	School Day
6112	School Day

6117	Year-Round Schedules
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
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
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
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6151	Class Size
6154	Homework/Makeup Work
6158	Independent Study
6158	Independent Study
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.5	Student Assessment

6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
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
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
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning

6178.1	Work-Based Learning
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Regulation 6159: Individualized Education Program

Status: ADOPTED

Original Adopted Date: 11/01/2010 **| Last Revised Date:** ~~07~~03/01/~~2020~~2025 **| Last Reviewed Date:** ~~07~~03/01/~~2020~~2025

CSBA NOTE: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

In *Capistrano Unified School District v. S.W. and C.W.*, the Ninth Circuit Court of Appeals held that when a student is enrolled in private school by the student's parents/guardians, the district only needs to prepare an individualized education program (IEP) if the parents/guardians ask for one, regardless of whether a claim for reimbursement has been filed.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with ~~a disability~~an exceptional need within district jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with ~~a disability.~~an exceptional need. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with ~~a disability~~an exceptional need shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

CSBA NOTE: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to the foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on the student's behalf and the student has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the IDEA (20 USC 1400-1482) are often

complex, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~should be consulted~~, as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the general education program, at least one of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers

   The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)

3. At least one of the student's special education teachers or, where appropriate, special education providers

4. A representative of the district who is:

   a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with ~~disabilities~~ exceptional needs

   b. Knowledgeable about the general education curriculum

   c. Knowledgeable about the availability of district resources

5. An individual who can interpret the instructional implications of assessment results

   This individual may already be a member of the team as described in ~~items~~Items #2-4 above or in ~~item~~Item #6 below.

CSBA NOTE: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in ~~item~~Item #6 below has "knowledge or special expertise" ~~must~~is required to be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

~~An Attorney General opinion (~~In 85 Ops.Cal.Atty.Gen. 157 (2002)~~) concluded~~) the Attorney General opined that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this

decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

   The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student ~~with a disability~~

   In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

   In accordance with 34 CFR 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's learning environment, including in the ~~regular~~general education classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend the IEP team ~~meetings.~~meeting (Education Code 56341.2)

2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)

   a. The student, regardless of the student's age

      If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services

3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services~~.~~ (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56043, 56341; 20 USC 1414; 34 CFR 300.321)

Contents of the IEP

CSBA NOTE: Education Code 56348, as added by SB 445 (Ch. 906, Statutes of 2024), provides for the creation, by the California Collaborative for Educational Excellence, of a state standardized IEP template, which, by the earlier of January 1, 2027, or 18 months after the final draft of the IEP template is converted to a digital platform, is required to be translated into the 10 most commonly spoken languages used across California other than English and made available on the California Department of Education's (CDE) website, with notification to districts of their availability.

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414; 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:

   a. The manner in which the ~~disability~~exceptional need affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for ~~nondisabled students)~~ a student without exceptional needs)

   b. For a preschool student, as appropriate, the manner in which the ~~disability~~exceptional need affects the student's participation in appropriate activities

c. For a student with ~~a disability~~an exceptional need who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

CSBA NOTE: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with ~~disabilities~~exceptional needs may not meet the growth projected in the annual goals and objectives, districts ~~must~~are required to make a good faith effort to assist them in achieving the goals in their IEP.

2. A statement of measurable annual goals, including academic and functional goals, designed to:

   a. Meet the student's needs that result from ~~the disability~~an exceptional need in order to enable the student to be involved in and make progress in the general education curriculum

   b. Meet each of the student's other educational needs that result from the ~~disability~~ exceptional need

3. A description of the manner in which the student's progress toward meeting the annual goals described in ~~item~~Item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards

4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:

   a. Advance appropriately toward attaining the annual goals

   b. Be involved and make progress in the general education curriculum in accordance with ~~item~~Item #1 above and to participate in extracurricular and other nonacademic activities

   c. Be educated and participate with other students with ~~disabilities~~exceptional needs and ~~nondisabled~~ students without exceptional needs in the activities described in the IEP

5. An explanation of the extent, if any, to which the student will not participate with ~~nondisabled~~ students without exceptional needs in the regular class and in extracurricular and other nonacademic activities described in the IEP

CSBA NOTE: Pursuant to 20 USC 1412, students with ~~disabilities must~~exceptional needs are required to be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with ~~disabilities~~exceptional needs who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with the student's IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

Education Code 56345 and 34 CFR 300.320 require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

   If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP ~~also~~ shall also include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.

CSBA NOTE: In *Los Angeles Unified School District v. A.O.*, the Ninth Circuit Court of Appeals held that the district violated IDEA by failing to specify the frequency and duration of proposed services. The district's plan to provide speech therapy for 30 minutes per week in one to 10 sessions and audiology services for 20 minutes per month in one to five sessions "fell short of the IDEA because it failed to specify clearly the frequency and duration of offered services" as required by law.

7. The projected date for the beginning of the services and modifications described in ~~item~~Item #4 above and the anticipated frequency, location, and duration of those services and modifications

~~Beginning~~ CSBA NOTE: Commencing July 1, 2025, Education Code 56043, as amended by AB 438 (Ch. 901, Statutes of 2024), requires a student's IEP, if determined appropriate by a student's IEP team, to include measurable postsecondary goals and transition services beginning when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age~~,~~ or younger ~~if~~, as appropriate, and updated annually thereafter. Education Code 56471 provides grant funding to workability programs that provide instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment, which, as amended by SB 153 (Ch. 38, Statutes of 2024), is not available to nonpublic, nonsectarian schools.

8. If determined appropriate by the IEP team, when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age, or younger, and

updated annually thereafter, the following:

a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills

b. The transition services, including courses of study, needed to assist the student in reaching those goals

CSBA NOTE: Education Code 56345~~, as amended by SB 98 (Ch. 24, Statutes of 2020),~~ requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days~~.~~

   The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5

11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services

13. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:

    a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week

b. Support the transition of the student from the special education program into the general education program

15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

CSBA NOTE: Education Code 56353~~, as added by AB 947 (Ch. 778, Statutes of 2019),~~ authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56040.6, 56341.1, 56345; 20 USC 1414; 34 CFR 300.324)

1. The strengths of the student

2. The concerns of the parents/guardians for enhancing the education of their child

3. The results of the initial or most recent assessment of the student

4. The academic, developmental, and functional needs of the student

CSBA NOTE: The U.S. Department of Education's (USDOE) guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," provides guidance regarding schools' obligations to meet the needs of students with behavior based in an exceptional need and other steps schools are required to take to avoid discrimination on the basis of an exceptional need when disciplining students with exceptional needs.

5. In the case of a student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior

6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP

7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

   However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.

CSBA NOTE: Pursuant to Education Code 56040.6, as added by AB 1938 (Ch. 903, Statutes of 2024), IEP teams, when determining the least restrictive environment for a deaf, hard of hearing, or deaf-blind student, are required to consider the language needs of the student, and to consider reviewing placements and services available to the student, as specified. Additionally, by July 1, 2025, CDE is required to communicate these requirements to districts.

8. The communication needs of the student and, in the case of a student who is deaf ~~or~~, hard of hearing, or deaf-blind, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

   The team shall also consider ~~the~~placements, related services, and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

9. Whether the student requires assistive technology devices and services, including artificial intelligence devices and services

If, in considering the special factors in ~~items~~Items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

The district shall ensure that, as soon as possible following development of the IEP, special education ~~services~~ and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

CSBA NOTE: Education Code 56354~~, as added by AB 947,~~ establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

CSBA NOTE: Pursuant to Education Code 56041.1, an IEP team ~~must~~is required to consider whether a student with ~~disabilities~~exceptional need needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with ~~a disability.~~ an exceptional needs. See ~~the section on~~ "Development of the IEP" above.

~~As added by AB 605 (Ch. 228, Statutes of 2019),~~

Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that

the student needs access to the devices in order to receive free appropriate public education (FAPE;), consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

USDOE's January 2024, "Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act," provides guidance to support children with exceptional needs who need assistive technology devices and services for meaningful access and engagement in education.

If a student's IEP requires the provision of assistive technology devices or services, including artificial intelligence services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices or services in the student's home or other settings if the IEP team determines that the student needs access to those devices or services in order to receive FAPE. If a student who requires the use of an assistive technology device or services transfers to another local educational agency, the district shall provide the student with continued access to that device or services or a comparable device or service for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

CSBA NOTE: Education Code 56043 and 56380 **mandate** the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

Pursuant to Education Code 60900.2, as added by AB 1340 (Ch. 576, Statutes of 2024), CDE is required to include a report on its website that allows the public to view statewide-level four- and five-year cohort graduation rates for students with exceptional needs, disaggregated by disability or disabilities, as specified in 34 CFR 300.8.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved

2. Revise the IEP, as appropriate, to address:

   a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate

   b. The results of any reassessment conducted pursuant to Education Code 56381

c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381

d. The student's anticipated needs

e. Any other relevant matter

3. Consider the special factors listed in ~~items~~Items #5-9 above, under "Development of the IEP~~,~~," when reviewing the IEP of any student with ~~a disability~~an exceptional need to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

CSBA NOTE: Education Code 56195.8 **mandates** that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with ~~a disability~~an exceptional need when so requested by a general education or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."

A regular education or special education teacher may request a review of the classroom assignment of a student with ~~a disability~~an exceptional need by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

~~CSBA NOTE:~~ CSBA NOTE: Pursuant to Education Code 48853.5 for a foster youth who is a student with exceptional needs, "school of origin" includes a placement in a nonpublic, nonsectarian school. Any nonsectarian school or agency serving a foster youth is required to agree in writing to be designated as the school of origin and to allow the foster youth to continue in the school.

Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district ~~must~~is required to conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

Pursuant to Education Code 56049.1, CDE is required to publish data related to federal measures of least restrictive environment for students with exceptional needs on its website and include it as a resource on the California School Dashboard.

If a student with ~~a disability~~an exceptional need residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

Audio Recording of IEP Team Meetings

CSBA NOTE: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings

2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights

3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with ~~a disability~~an exceptional need are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting

2. Indicate who will be in attendance at the meeting

3. Inform them of:

    a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341

    b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

~~In addition~~Additionally, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with ~~a disability~~an exceptional need who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320

2. An indication that the student is invited to the IEP team meeting

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls

2. Copies of correspondence sent to the parent/guardian and any responses received

3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with ~~a disability~~an exceptional need a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

CSBA NOTE: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, consent for the continued provision of special education and related services to the student. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the student. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make ~~free appropriate public education~~ (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

CSBA NOTE: The following paragraph is optional and should be modified to reflect district practice.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

CSBA NOTE: Pursuant to 34 CFR 300.9, when a parent/guardian revokes consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, it is recommended that districts with questions ~~should~~ consult CSBA's District and County Office of Education Legal Services or legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

CSBA NOTE: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in *Marshall v. Monrovia Unified School District*, the Ninth Circuit Court of Appeals ruled in favor of defendant, a school district, on the question of whether the district denied FAPE to a student with ~~a disability~~an exceptional need by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with ~~a disability~~an exceptional need who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

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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 3021-3029	Identification, referral and assessment
5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 3051-3053	Implementation of the individualized education program
5 CCR 853-853.5	State assessments; accommodations
Ed. Code 46392	Emergencies
Ed. Code 48853.5	Students in foster care
Ed. Code 51225.3	High school graduation requirements
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf and hard of hearing supports
Ed. Code 56043	Transition plans
Ed. Code 56049.1	Data related to least restrictive environment
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56348	IEP template translations
Ed. Code 56350-56354	IEP for visually impaired students
Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 56471	Workability programs
Ed. Code 56500-56509	Procedural safeguards

Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60900.1	English language and special education reporting
Ed. Code 60900.2	Graduation rates for students with exceptional needs
Fam. Code 6500-6502	Age of majority
Gov. Code 7572.5	Seriously emotionally disturbed child; expanded IEP team
W&I Code 300	Minors subject to jurisdiction
W&I Code 601	Minors habitually disobedient
W&I Code 602	Minors violating law; ward of court

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 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	**Description**
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 157 (2002)
California Department of Education Publications	California Practitioners' Guide for Educating English Learners with Disabilities, July 2019 (https://www.cde.ca.gov/SP/se/ac/documents/ab2785guide.pdf)
California Department of Education Publications	Frequently Asked Questions: Promotion, Retention, and Grading (Students with ~~Disabilities~~disabilities) (https://www.cde.ca.gov/sp/se/sr/promoretntn.asp)
U.S. Department of Education Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022 (https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf)
U.S. Department of Education, Office of Special Education and Rehabilitative Services and Office of Educational Technology Publication	Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act, January 22, 2024 (https://sites.ed.gov/idea/idea-files/dcl-assistive-technology-jan-22-2024/)
Court Decision	Capistrano Unified School District v. S.W. and C.W. (9th Cir. 2021) 21 F.4th 1125

Court Decision	Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988
Court Decision	~~Marshall v. Monrovia~~Los Angeles Unified School District v. A.O. (9th ~~Circuit, 2010)~~ ~~327 f.3d 773~~Cir. 2024) 92 F.4th 1159
Court Decision	Marshall v. Monrovia Unified School District (9th ~~Circuit,~~Cir. 2010) 327 ~~f~~F.3d 773
Court Decision	Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th ~~Circuit,~~Cir. 2003) 317 F.3d 1072
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	U.S. Department of Education, Office of Educational Technology (https://tech.ed.gov/)
Website	California Department of Education

Cross References

Code	Description
0200	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
3250	Transportation Fees
3250	Transportation Fees
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4112.23	Special Education Staff
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
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
6000	Concepts And Roles
6112	School Day
6112	School Day
6117	Year-Round Schedules
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
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
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
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6151	Class Size
6154	Homework/Makeup Work
6158	Independent Study
6158	Independent Study
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
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
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
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1995 **| Last Revised Date:** ~~06~~03/01/~~2023~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2023~~2025

CSBA NOTE: Education Code 56195.8 **mandates** districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided to students with ~~disabilities~~exceptional needs when no appropriate public education program is available to meet their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying administrative regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with ~~disabilities~~exceptional needs in accordance with law. When the district is unable to provide direct special education and/or related services to students with ~~disabilities~~exceptional needs, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

CSBA NOTE: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education (CDE) review the certification status of an NPS/A.

Education Code 56366.1 also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with ~~disabilities~~exceptional needs and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. ~~In addition, the~~

CSBA NOTE: Pursuant to Education Code 56366.1, an NPS/A that is certified or seeking certification is required to provide assurances to CDE that for any foster youth it serves, the NPS/A will serve as the school of origin of the foster youth and that the foster youth will be allowed to continue the foster youth's education in the school. For such purposes, "school of origin" includes placement in an NPS/A.]

Additionally, the Superintendent or designee, such as the district's liaison for foster youth, shall verify that for any student served by an NPS/A who is a foster youth, the NPS/A agrees to serve as the school of origin of the foster youth and allow the foster youth to continue the foster youth's education in the NPS/A in accordance with Education Code 56366.1.

The Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

CSBA NOTE: Pursuant to Education Code 56366.45, within 14 days of becoming aware of any change to the certification status of an NPS/A, the district is required to notify parents/guardians of district students who attend the NPS/A of the change in certification status and include in that notice, a copy of procedural safeguards.

Within 14 days of becoming aware of any change to the certification status of an NPS/A, including, but not limited to, receiving notification of a determination to suspend or revoke the certification of the NPS/A pursuant to Education Code 56366.4, the district shall notify, through email or regular mail, the parents/guardians of any district student who attends the NPS/A of the change in certification status, which includes a copy of procedural safeguards. The district shall maintain a record of such notice and make the notice available for inspection upon request by the California Department of Education. (Education Code 56366.45)

No district student with ~~a disability~~exceptional needs shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that the placement is appropriate for the student. (Education Code 56342.1)

CSBA NOTE: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or~~,~~ the agency fees for participating students pursuant to the contract.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with ~~disabilities~~exceptional needs who are enrolled in programs or receiving services provided by the NPS/A pursuant to the contract. (Education Code 56365)

In accordance with law, any student with ~~disabilities~~exceptional needs placed in an NPS/A shall have all the rights and protections to which students with ~~disabilities~~exceptional needs are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with ~~disabilities~~exceptional needs is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

~~CSBA NOTE: In a December 2022 Settlement Agreement between Davis Joint Unified School District and the U.S. Department of Education Office for Civil Rights, following an investigation into the use of seclusion and restraint at an NPS/A that the district contracted with, the district~~

~~was found to have denied students a free and appropriate public education (FAPE) because the district failed to ensure the NPS/A staff were knowledgeable about district policies, procedures, and practices regarding the use seclusion and restraint, failed to reevaluate students to determine if the repeated use of restraint and seclusion affected the receipt of FAPE, and failed to consider if any additional aids and services were appropriate in order to provide FAPE. See BP5131. 41 - Use of Seclusion and Restraint for additional information on the use of Seclusion and Restraint.~~

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

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

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

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State	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31-51225.32	Graduation exemption for students with exceptional needs
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest
Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school

Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
Gov. Code 7570-7587	Interagency responsibilities for providing services to children with ~~disabilities~~exceptional needs
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court

Federal	**Description**
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools

Management Resources	**Description**
Court Decision	Agostini v. Felton (1997) 521 U.S. 203~~, 117 S.Ct. 1997~~
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	**Description**
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0500	Accountability
1312.3	Uniform Complaint Procedures

1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education

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

Regulation 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1995 | **Last Revised Date:** ~~07~~03/01/~~2020~~2025 | **Last Reviewed Date:** ~~07~~03/01/~~2020~~2025

CSBA NOTE: The following administrative regulation may be revised to reflect district practice and the procedures of the Special Education Local Plan Area in which the district participates.

Master Contract

CSBA NOTE: Education Code 56366 details the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies (NPS/As) for the purpose of special education services.

Every master contract between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios

2. Transportation specified in a student's individualized education program (IEP)

   The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

3. Procedures for recordkeeping and documentation

4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student

5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP

6. A description of the process to be utilized by the district to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress

7. Procedures and responsibilities for attendance and unexcused absences

8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and

insurance requirements

9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions

The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)

With mutual agreement of the district and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

At least once each year, the district shall: (Education Code 56366)

CSBA NOTE: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's ~~alternative~~ accountability system ~~(Dashboard Alternative School Status).~~ . See BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results

2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

CSBA NOTE: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in an NPS/A. (5 CCR 3069)

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

CSBA NOTE: Pursuant to Education Code 51225.31, districts are required to exempt an eligible student with exceptional needs who entered the ninth grade in the 2022-23 school year or later, from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma.
Additionally, pursuant to Education Code 51225.32, as added by SB 153 (Ch. 38, Statutes of 2024), districts are authorized, until July 1, 2031, to extend such exemption and award a high school diploma to an eligible student with exceptional needs who was enrolled in grade 10 or higher in the 2022-23 school year.

However, a student with exceptional needs who entered the ninth grade in the 2022-23 school year or later shall be exempted from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements for high school graduation, if the student's IEP meets the criteria specified in law and Board Policy 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities. (Education Code 51225.31)

Additionally, the Superintendent or designee may, until July 1, 2031, exempt a student with exceptional needs who was enrolled in grade 10 or higher in the 2022-23 school year from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student meets the eligibility criteria specified in Education Code 51225.32.

Out-of-State Placements

CSBA NOTE: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with an NPS/A outside California, the Superintendent or designee shall document the district's efforts to use public schools and/or to find an appropriate program offered by an NPS/A within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the costs of the special education and related services provided, and the district's efforts to locate an appropriate public school or NPS/A within California. (Education Code 56365)

If the district decides to place a student with an NPS/A outside the state, the district shall indicate

the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

On-Site Visits

CSBA NOTE: Education Code 56366.1 requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit must be reported to the California Department of Education (CDE) using criteria published by CDE.

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the ~~school or agency~~NPS/A, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

1. A review of services provided to the student through the individual services agreement
2. A review of progress the student is making toward the goals set forth in the student's IEP
3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable
4. An observation of the student during instruction
5. A walkthrough of the facility

The district shall report the findings resulting from the monitoring visit to ~~CDE~~the California Department of Education within 60 calendar days of the on-site visit. (Education Code 56366.1)

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State	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 51225.3	High school graduation requirements

Ed. Code 51225.31-51225.32	Graduation exemption for students with exceptional needs
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest
Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school
Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
Gov. Code 7570-7587	Interagency responsibilities for providing services to children with ~~disabilities~~exceptional needs
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court

Federal	**Description**
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools

Management Resources	**Description**
Court Decision	Agostini v. Felton (1997) 521 U.S. 203~~, 117 S.Ct. 1997~~
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students

6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
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

Bylaw 9150: Student Board Members

Status: ADOPTED

Original Adopted Date: 12/01/2019 **| Last Revised Date:** ~~12~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~12~~03/01/~~2021~~2025

CSBA NOTE: The following optional Board bylaw is for use by any district maintaining one or more high schools. ~~Pursuant to Education Code 35160, the Governing Board may, on its own authority, elect to include~~

There are two bases of authority for creating one or more student ~~members on the Board. In districts that do not have a student Board member, the district's~~positions on a district Governing Board. Education Code 35012 authorizes high school students ~~may~~to petition for student representation on a district Board. Additionally, Education Code 35160 grants broad authority to the Board, which includes authorization for the Board~~,~~ to create one or more student Board member positions. When established by student petition, Education Code 35012 also imposes certain requirements related to eligibility, selection, term, and scope of responsibilities. There are no such imposed requirements when established by the Board's own authority. However, it is recommended that Boards adopt the Education Code 35012 requirements as a best practice. Therefore, except where indicated, the following Board bylaw reflects the requirements of Education Code 35012. For Boards that create one or more student Board member positions pursuant to Education Code ~~35012, to include at least one student on the Board. See section on "Petition" below for additional information regarding student petitions~~35160, this Board bylaw should be revised to reflect district practice.

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Credit, Compensation, and Liability

CSBA NOTE: Pursuant to Education Code 35012 and 35120 ~~authorize~~, the Board has discretion to award elective course credit for service as a student Board member~~, as specified below~~ and/or to provide the student Board member(s) with monthly financial compensation. The following paragraphs should be deleted or modified to reflect district practice.

~~Student~~The student Board ~~members may, at the Board's discretion,~~member(s) shall receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. ~~(Education Code 35012,~~(Education Code 35120)

Additionally, the student Board member(s) shall receive monthly compensation of $____. A student

Board member who receives monthly compensation shall receive compensation when absent from a Board meeting if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the Board meeting the student Board member was performing services outside the Board meeting for the district, was ill, was on jury duty, or was absent due to a hardship considered acceptable by the Board. (Education Code 35120)

CSBA NOTE: Pursuant to Education Code 35012, student Board members are entitled to reimbursement for mileage expenses to the same extent as other members of the Board. This law does not address other travel expenses that may be incurred by student Board members related to training or to the performance of authorized services. As such, other travel expenses are not necessarily reimbursable for student Board members, except with prior Board approval.

~~Student~~The student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board~~, but shall not receive monetary compensation for attendance at Board meetings.~~. (Education Code 35012)

A student Board member ~~shall~~is not ~~be~~ liable for any acts of the Board. (Education Code 35012)

Student Board Member Positions Based on Petition

~~CSBA NOTE: If petitioned by the district's high school students pursuant to Education Code 35012, the Board is required to include at least one student on the Board and, at its discretion, may include more than one student Board member. Districts~~CSBA NOTE: Boards that have already established student Board member position(s) should delete the following section.

High school students may submit a petition to the Board requesting the ~~appointment~~creation of at least one student Board member~~.~~ ~~(Education Code 35012)~~ position.

To qualify for Board consideration, the petition ~~for student representation~~ shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall ~~order the inclusion of~~adopt a Board bylaw or amend this Board bylaw to create at least one student Board member position on the Board. (Education Code 35012)

~~Choosing~~ Student Board ~~Members~~Member Positions Based on Board Authority

CSBA NOTE: The following optional section ~~may be revised to reflect district practice. Pursuant~~is for a Board that, on its own authority pursuant to Education Code ~~35012, when student representation is~~ 35160, has established ~~in response to a student petition, student Board members must be chosen by the students enrolled in district high school(s). It is recommended that the district apply the same process when a~~one or more student Board member positions. Boards that have not established or do not want to establish student Board member position ~~is established at~~

the Board's discretion. The (s) should delete the following paragraph may be revised accordinglysection.

AThere shall be ___ student Board member shall be chosen by students position(s) on the Board. (Education Code 35160)

Student Board Member Eligibility, Selection, and Term

Each student Board member shall be enrolled in the district'sa district high schools in accordance with procedures prescribedschool and shall be selected by the Boarda vote of the appliable student body. (Education Code 35012)

CSBA NOTE: Education Code 35012, as amended by AB 824 (Ch. 669, Statutes of 2021), authorizes the Board to adjust the term of a student Board member only when a vacancy occurs or in order to provide more students an opportunity to serve on the Board. It is recommended that any proposal to reduce the term of a student Board member be brought before the Board for consideration and that a majority vote of all Board members be required prior to reducing the term.

If the district has more high schools than student Board member positions, the student Board member position(s) shall rotate annually between the high schools of the district.

The term of the student Board member(s) shall be one year, commencing oneach July 1. However, theThe Board may adjust the term of a student Board member only if a vacancy occurs or in order to giveprovide more students with an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

CSBA NOTE: Pursuant to Education Code 35012, student Board members have certain rights, as specified in the following section. However, student Board members are not considered to be members of the Board for purposes of the Brown Act.

Student Board members shall not be considered members of a legislative body for purposes of the Brown Act. (Education Code 35012)

A student Board member shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

Student The student Board member(s) shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

CSBA NOTE: Education Code 35012 requires that student Board members receive all open meeting materials and staff briefings at the same time as other Board members. Any briefings presented to the Board must comply with Brown Act requirements.

~~Education Code 35012 requires that student Board members also receive all non-closed session materials given to other Board members by the district between open meetings.~~

~~All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to other Board members. Student~~

The student Board member(s) shall also be invited to attend staff briefings, or be provided with a separate staff briefing, within the same timeframe as the briefing of other Board members. ~~In addition,~~Additionally, the student Board member(s) shall receive all materials given to Board members ~~by the district~~ between meetings, except for materials that pertain to closed session items, ~~shall be distributed~~at the same time they are presented to ~~student~~other Board members. (Education Code 35012)

~~Student~~The student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

~~Student~~The student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

CSBA NOTE: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. The following optional paragraph is for use by districts that have adopted a resolution granting such authority.

~~Student~~The student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

~~CSBA NOTE: Education Code 35012 requires student Board members to be appointed to subcommittees of the Board in the same manner as other Board members, and as specified below.~~

~~Student Board members~~ The student Board member(s) shall be appointed to subcommittees of the Board in the same manner as other Board members, ~~and shall be made aware of the time commitment required to participate in subcommittee meetings and work and of the right to~~although a student Board member may decline an appointment. The availability of all subcommittee members, including the availability of the student Board ~~members,~~member(s), may be considered when scheduling subcommittee meetings. (Education Code 35012)

~~CSBA NOTE: Education Code 35012 requires that student Board members be invited to attend functions of the Board, as provided below.~~

~~Student~~ The student Board member(s) shall not be considered members of the Board for purposes of the Brown Act. (Education Code 35012)

The student Board ~~members~~member(s) shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

The student Board member(s) shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

~~Student Board Member Training~~

~~CSBA NOTE: The following section is optional. Trainings for student Board members are available through CSBA's governance workshops and Annual Education Conference and other statewide associations such as the California Association of Student Councils and California Association of Student Leaders.~~CSBA NOTE: Pursuant to Education Code 35012, as amended by SB 1445 (Ch. 327, Statutes of 2024), the Board may authorize the student Board member(s) to make restorative justice recommendations regarding expulsions if certain conditions are met. The following optional paragraph is for use by districts that choose to grant such authority.

On a case-by-case basis, the student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters. In order for such a recommendation to be made, the student who is subject to the expulsion and that student's parent/guardian shall first provide written consent. If such consent is given, the Superintendent or designee shall provide the student Board member(s) with information regarding the expulsion but only to the extent necessary for the student Board member(s) to provide a recommendation related to restorative justice to the Board. (Education Code 35012)

Student Board Member Training

CSBA NOTE: The following section is optional.

The Superintendent or designee may, at district expense, provide learning opportunities to the student Board ~~members~~member(s) through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once ~~chosen or appointed,~~selected, the incoming student Board ~~members~~member(s) shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

~~CSBA NOTE: Education Code 35012 authorizes the Board to appoint a student to serve as an alternate student Board member if the Board determines that the student Board member's duties are not being fulfilled.~~

If the Board determines that ~~the~~a student Board ~~member's~~ member is not fulfilling the duties ~~are not being fulfilled~~of the position, the Board may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

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State	Description
Ed. Code 33000.5	Appointment of student member to State Board of Education
Ed. Code 35012	Board members; number, election, and terms
Ed. Code 35120	Student board membership
Ed. Code 35160	Authority of governing boards
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	California Association of Student Councils
Website	California Association of Student Leaders
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
3350	Travel Expenses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
6142.3	Civic Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9130	Board Committees
9230	Orientation
9240	Board Training
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

Bylaw 9224: Oath Or Affirmation

Status: ADOPTED

Original Adopted Date: 09/01/1991 **| Last Revised Date:** ~~07~~03/01/~~2003~~2025 **| Last Reviewed Date:** ~~07~~03/01/~~2003~~2025

CSBA NOTE: The oath or affirmation required of Governing Board members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. See E(1) 4112.3/4212.3/4312.3 - Oath or Affirmation for the text of the oath. Government Code 1303 provides that any person who exercises any function of a public office, including the office of a Board member, without taking the oath of office is guilty of a misdemeanor~~, and~~ . Additionally, Government Code 1367 ~~provides that no~~prohibits payment of any compensation or reimbursement for any expenses ~~shall be paid unless the officer~~to any individual who has not taken the oath or affirmation.

~~The district should consult legal counsel if a~~
If an incoming Board member raises a ~~bona fide religious~~ concern about taking the ~~state-required~~ oath or affirmation, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

CSBA NOTE: In addition to the persons listed below, Education Code 60 specifies state- and local-level officers who may administer the oath.

The oath or affirmation may be administered and certified by a Board member, the secretary or assistant secretary to the Board, the Superintendent, ~~deputy or assistant superintendent, principal, or~~the County Superintendent of Schools, the Superintendent of Public Instruction, or any other person authorized in Education Code 60 or Government Code 1225.

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

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State	Description

CA Constitution Article 20, Section 3	Oath of office
Ed. Code 60	Persons authorized to administer and certify oaths
Gov. Code 1225	Right to administer and certify oaths
Gov. Code 1303	Exercising functions of office without having qualified
Gov. Code 1360-1369	Oath of office
Gov. Code 3100-3109	Oath or affirmation of allegiance

Management Resources	**Description**
Court Decision	Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544
Court Decision	Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18~~, 22~~
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**
4112.3	Oath Or Affirmation
4112.3-E(1)	Oath Or Affirmation
4212.3	Oath Or Affirmation
4212.3-E(1)	Oath Or Affirmation
4312.3	Oath Or Affirmation
4312.3-E(1)	Oath Or Affirmation
9100	Organization
9110	Terms Of Office
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9223	Filling Vacancies

Bylaw 9260: Legal Protection

Status: ADOPTED

Original Adopted Date: 03/01/1988 **| Last Revised Date:** ~~07~~03/01/~~2003~~2025 **| Last Reviewed Date:** ~~07~~03/01/~~2003~~2025

Liability Insurance

CSBA NOTE: Education Code 35208 requires the Governing ~~Boards~~Board to insure ~~the district's liability for death, personal injury or damage/loss of property, and to insure~~against the personal liability of Board members~~, district officers and employees~~ for death, personal injury, or damage/loss of property caused by ~~their~~a Board member's negligent act or omission when acting within the scope of ~~their~~the Board member's office ~~or employment.~~ Districts may self-insure ~~by provisions of~~ pursuant to Education Code 35214. See BP/AR 3530 - Risk Management/Insurance for additional information regarding district insurance requirements.

The Governing Board shall provide insurance necessary to protect Board members ~~and employees while acting~~from liability caused by a negligent act or omission that occurs within the scope of ~~their~~the Board member's office ~~or employment~~ in accordance with Education Code 35208.

CSBA NOTE: Pursuant to Government Code 820.9, Board members are not vicariously liable for injuries caused by the district's acts or omissions. ~~The~~Additionally, in *Caldwell v. Montoya*, the California Supreme Court determined~~, in Caldwell v. Montoya,~~ that Board members are ~~also~~ immune from suits pursuant to Government Code 820.2 when performing "discretionary acts," such as basic governmental policy decisions, within the scope of their duties. Personal and/or criminal liability ~~exists~~may exist, however, for injuries caused by the individual's own "wrongful" conduct ~~and may also exist, in some circumstances~~, for some civil rights violations, or knowing violations of the Brown Act. See BB 9323.2 - Actions by the Board. Because the determination as to whether personal liability exists is dependent on the specific facts of each case, it is ~~strongly~~ recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~be consulted~~if a question arises when ~~questions arise~~making such a determination.

Protection Against Personal Liability

No Board member shall be liable for any harm caused by ~~his/her~~the Board member's negligent act or omission when acting within the scope of ~~district~~the Board member's responsibilities~~.~~ , including, but not limited to, Board responsibilities as specified in Board Bylaw 9000 – Role Of The Board. Additionally, no Board member shall be vicariously liable for injuries caused by the district's acts or omissions. (Education Code 35208; Government Code 820.9)

In addition, no Board member shall be liable for any harm caused by the Board member's act or omission ~~must be~~ if the Board member was acting within the scope of the Board member's responsibilities, made in conformity with federal, state, and local laws, and made in furtherance of

an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC ~~6736)~~ 7946)

~~The~~This protection against liability shall not apply when: (20 USC ~~6736~~7946)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety~~.~~

2. The Board member caused harm by operating a motor vehicle~~.~~

3. The Board member was not properly licensed, if required, by the State for such activities~~.~~

4. The Board member was found by a court to have violated a federal or state civil rights law~~.~~

5. The Board member was under the influence of alcohol or any drug at the time of the misconduct~~.~~

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court~~.~~

7. The misconduct involved a sexual offense for which the Board member has been convicted in a court~~.~~

Nothing in this Board bylaw is intended to protect a Board member from criminal or civil liability for injury caused by the Board member's own wrongful conduct, for certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the district under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

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State	**Description**
Ed. Code 17029.5	Contract funding; board liability
Ed. Code 35208	Liability insurance
Ed. Code 35214	Liability insurance (~~;~~ self-insurance, or a combination of self-insurance and insurance through an insurance company)
Gov. Code 1090-1098	Prohibitions applicable to specified officers
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act

Gov. Code 825-825.6	Indemnification of ~~public~~ ~~entity~~elected official
Gov. Code 87100-89503	Conflicts of interest

Federal	**Description**
18 USC 16	Crime of violence; definition
20 USC 7941-7948	Teacher liability protection

Management Resources	**Description**
Court Decision	Caldwell v. Montoya (~~Paramount Unified School District~~)1995) 10 Cal .4th 972 (~~1995~~)
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**
1330.1	Joint Use Agreements
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4119.1	Civil And Legal Rights
4219.1	Civil And Legal Rights
4319.1	Civil And Legal Rights
9000	Role of the Board
9124	Attorney
9323.2	Actions by the Board