



Board Policy Committee

October 16, 2025

Policy	Status	Brief Description
Series 1000: Community Relations		
<p>BP 1313 Civility</p> <p>This policy is included in the Annual Notification to Parents (ANTP).</p>	New	<ul style="list-style-type: none"> Promotes safe/positive school climate by requiring civil, respectful interactions across school community Establishes expectations of polite, courteous, and lawful behavior for students, staff, parents/guardians, and community members Prohibits disruptive, discriminatory, harassing, or intimidating conduct that undermines operations or programs
Series 3000: Business and NonInstructional Operations		
<p>BP 3515 Campus Security</p> <p>This policy is included from video surveillance teamwork.</p>	New	<ul style="list-style-type: none"> Ensures safe learning environments by protecting students, staff, and property from threats, vandalism, and theft Requires reporting of threats (including digital) to law enforcement and administrators Authorizes use of video surveillance systems with safeguards for privacy, notice, and proper handling of recorded images
<p>BP 3580 District Records</p> <p>This policy is included from video surveillance teamwork.</p>	New	<ul style="list-style-type: none"> Provides for secure development, maintenance, retention, and destruction of records, including electronic data Protects confidentiality and requires employee training in cybersecurity and compliance with public records and litigation hold requirements Mandates notification of individuals in event of data breaches and compliance with the Safe at Home address confidentiality program

Series 5000: Students		
<p>BP 5131 Conduct</p> <p>This policy is included in response to AB 3216 (2024) requiring districts to restrict student cell phone usage.</p>	New	<ul style="list-style-type: none"> Establishes expectations for student behavior to ensure safe and positive learning environments Prohibits conduct that endangers safety, disrupts learning, or infringes on others' rights Provides for disciplinary action, including suspension or expulsion, for violations
<p>BP 5131.8 Mobile Communication Devices</p> <p>This policy is included in response to AB 3216 (2024) requiring districts to restrict student cell phone usage.</p>	New	<ul style="list-style-type: none"> Regulates student possession and use of smartphones and other devices on campus Allows exceptions for emergencies, health needs, or educational purposes Authorizes discipline and confiscation for unauthorized use, while limiting liability for lost or damaged devices
<p>BP 5146 Married/Pregnant/Parenting Students</p> <p>This policy is included in the Annual Notification to Parents (ANTP)</p>	New	<ul style="list-style-type: none"> Supports the continued education of married, pregnant, and parenting students by ensuring equal access to academic and extracurricular programs Provides educational options, parental leave, excused absences, childcare, health services, and reasonable accommodations (e.g. lactation support) Protects students from discrimination based on marital or parental status and requires complaint procedures and program review
<p>BP 5145.13 Response To Immigration Enforcement</p> <p>This policy is included in response to immigration enforcement activity.</p>	New	<ul style="list-style-type: none"> Affirms students entitled to safe, welcoming education regardless of immigration or citizenship Prohibits staff from collecting or sharing information on immigration status or using data to create registries Requires procedures, training, and reporting for handling immigration-related law enforcement requests while protecting student privacy
<p>BP 5117.1 Interdistrict Transfer Appeals</p>	Revised	<ul style="list-style-type: none"> Hearing procedures require certified mail notice, open session by default, and clearer rules for protecting confidential information. Timelines tightened with decisions required within 3 school days of the hearing and narrower allowances for extensions. Mandates written notice of the Board's decision to parents and both districts.



NEW

BOARD POLICY – CIVILITY

BP 1313

The Santa Barbara County Board of Education and the County Superintendent of Schools recognize the impact that civility has on the effective operation of the county office of education (COE), including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The County Board believes that each person should be treated with dignity and respect in their interactions within the school community.

The County Board and the County Superintendent of Schools understands that the First Amendment provides strong protection for speech. However, the County Board and the County Superintendent of Schools expect that all speech and expression will comport with norms of civil behavior on COE grounds, in COE facilities, during COE activities or events, and in the use of COE electronic/digital systems and platforms.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The County Board and the County Superintendent of Schools shall model civil behavior as an example of behavior that is expected throughout the COE. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the County Board.

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. Concepts of civil behavior and other related concepts may be incorporated in the curriculum, provided in staff development activities, and/or communicated by this policy to the school community.

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption or hinders or threatens the orderly conduct of COE operations, the educational program, or any other COE program or activity.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence or behavior that is in any other way unlawful, is prohibited.

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 County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 200-262.1
Ed. Code 48907
Ed. Code 48950
Gov. Code 54954.3
Pen. Code 243.5
Pen. Code 422.55
Pen. Code 422.6
Pen. Code 627-627.10

Description

[Educational equity; prohibition of discrimination on the basis of sex](#)
Students' exercise of free expression; rules and regulations
Freedom of speech and other communication
Opportunity for public to address legislative body
Assault or battery on school property
Definition of hate crime
Crimes, harassment
Access to school premises

ADOPTED BY COUNTY BOARD: Pending

REVISED:

County Board Policy 1313: Civility

Status: ADOPTED

Original Adopted Date: 06/01/2021 | **Last Reviewed Date:** 06/01/2021

The County Board of Education recognizes the impact that civility has on the effective operation of the county office of education (COE), including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The County Board believes that each person should be treated with dignity and respect in their interactions within the school community.

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Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption or hinders or threatens the orderly conduct of COE operations, the educational program, or any other COE program or activity.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence or behavior that is in any other way unlawful, is prohibited.

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State	Description
Ed. Code 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
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Ed. Code 48950	Freedom of speech and other communication
Gov. Code 54954.3	Opportunity for public to address legislative body
Pen. Code 243.5	Assault or battery on school property
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
Pen. Code 627-627.10	Access to school premises

Cross References

Code	Description
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures



NEW

BOARD POLICY – CAMPUS SECURITY

BP 3515

The Santa Barbara County Board of Education and the County Superintendent of Schools are committed to providing a school environment that promotes the safety of students, staff, and visitors to school grounds. The Board of Education and Superintendent also recognize the importance of protecting SBCEO property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures, which may be included in the SBCEO's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the SBCEO's processes and procedures related to the protection of the SBCEO's network infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

Reporting Threats

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. (Education Code 49390, 49393)

Threat or perceived threat means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

Additionally, anyone who receives or learns of a health or safety threat related to school or a school activity is encouraged to report the threat to a program or other SBCEO administrator.

Surveillance Systems

In consultation with the SBCEO's Safety Team, safety planning committee, other relevant stakeholders, and staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the SBCEO's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous and targeted locations around school buildings and grounds. These signs shall state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the SBCEO's surveillance system, including the locations where surveillance may occur and that the recordings may be used in disciplinary proceedings and/or referred to local law enforcement, as appropriate.

To the extent that any images from the SBCEO's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

Policy Reference Disclaimer:

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State	Description
24 CCR 1010.1.11	Lockable doors from the inside
24 CCR 1010.1.9	Door operations
CA Constitution Article 1, Section 28(c)	Right to Safe Schools
Ed. Code 17583	Classroom security locks, modernization projects
Ed. Code 32020	School gates; entrances for emergency vehicles
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 38000-38005	Security departments
Ed. Code 49050-49051	Searches by school employees
Ed. Code 49060-49079	Student records
Pen. Code 469	Unauthorized making, duplicating or possession of key to public building
Pen. Code 626-626.11	Crimes on school grounds
Management Resources	Description
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 257 (2000)

Attorney General Opinion	75 Ops.Cal.Atty.Gen. 155 (1992)
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Brannum v. Overton County School Board (2008) 516 F. 3d 489
CSBA Publication	Safe Schools: A Planning Guide for Action, 2002
National Institute of Justice Publication	The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, rev. 2005
Website	<u>U.S. Department of Education, Protecting Student Privacy</u>
Website	<u>National School Safety Center</u>
Website	<u>National Institute of Justice</u>
Website	<u>California Department of Education, Safe Schools</u>

ADOPTED BY COUNTY BOARD: Pending

REVISED:

County Board Policy 3515: Campus Security

Status: ADOPTED

Original Adopted Date: 03/01/2007 | Last Revised Date: 09/15/2025 | Last Reviewed Date: 09/15/2025

The Governing Board is committed to providing a school environment that promotes the safety of students, staff, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures, which may be included in the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

Reporting and Responding to Threats

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. (Education Code 49390, 49393)

Threat or perceived threat means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual. (Education Code 49390)

Additionally, anyone who receives or learns of a health or safety threat related to school or a school activity is encouraged to report the threat to a school or district administrator.

The Superintendent or designee may form a multidisciplinary team in order to identify, inquire, assess, and manage potentially threatening student behavior.

Surveillance Systems

In consultation with the district's school site council, safety planning committee, other relevant stakeholders, and staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or

community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous and targeted locations around school buildings and grounds. Such signs shall state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur and that the recordings may be used in disciplinary proceedings and/or referred to local law enforcement, as appropriate.

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Management Resources	Description
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Website	U.S. Department of Education, Protecting Student Privacy
Website	National School Safety Center
Website	National Institute of Justice
Website	California Department of Education, Safe Schools

Cross References

Code	Description
5142	Safety
5142	Safety



NEW

BOARD POLICY – SBCEO RECORDS

BP 3580

The Santa Barbara County Board of Education and the County Superintendent of Schools recognize the importance of securing and retaining SBCEO documents. The Superintendent or designee shall ensure that SBCEO records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall consult with SBCEO legal counsel, site administrators, SBCEO 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 SBCEO 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.

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 SBCEO's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold 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 SBCEO records from breaches to the SBCEO's digital infrastructure.

If the SBCEO discovers or is notified that a breach in the security of SBCEO records has resulted in the release of personal information, 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)

If the SBCEO 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

SBCEO 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)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish SBCEO 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
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, 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 7920.000-7930.215

[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](#)

State Ed. Tech. Directors Assoc. Pub.

[Small Districts, Big Hurdles: Cybersecurity Support for Small, Rural, and Under-resourced School Districts, October 2023](#)

Website

[Safe at Home; Schools](#)

Website

[Federal Communications Commission, Schools and Libraries](#)

Website

[Cybersecurity Pilot Program](#)

Website

[Cybersecurity and Infrastructure Security Agency, Government Coordinating Councils](#)

Website

[California Office of Emergency Services](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Secretary of State](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:

County Board Policy 3580: County Office of Education Records

Status: ADOPTED

Original Adopted Date: 11/01/2009 | **Last Revised Date:** 03/15/2025 | **Last Reviewed Date:** 03/15/2025

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.

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.

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 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.

If the district discovers or is notified that a breach in the security of district records has resulted in the release of personal information, 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)

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)

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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.



NEW

BOARD POLICY – CONDUCT

BP 5131

The Santa Barbara County Board of Education and the County Superintendent of Schools believe 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 County Superintendent or designee shall ensure that each program develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of SBCEO and program rules related to conduct.

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 SBCEO
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
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the program manager or designee (Penal Code 417.27)



9. Use of a smartphone or other mobile communication device in an unauthorized manner
10. Plagiarism or dishonesty on schoolwork or tests
11. Wearing of any attire that violates SBCEO 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

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.

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 law.

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, an SBCEO employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the program manager or designee, as appropriate.

Students who violate SBCEO or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, 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 County Superintendent or designee shall notify local law enforcement as appropriate.

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 SBCEO property, or substantially disrupts school activities.

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State	Description
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	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	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
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
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

Website

Website

Website

Website

Website

Website

[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)

[CSBA District and County Office of Education Legal Services](#)

[National School Safety Center](#)

[Center for Safe and Responsible Internet Use](#)

[California Department of Education, Safe Schools](#)

[CSBA](#)

[U.S. Department of Education](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:

County Board Policy 5131: Conduct

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:** 03/15/2025 | **Last Reviewed Date:** 03/15/2025

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.

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
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)
9. Use of a smartphone or other mobile communication device in an unauthorized manner
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.

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 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.

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 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	<u>Liability of parent or guardian for act of willful misconduct by a minor</u>
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	School discipline rules
Ed. Code 44807	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
Management Resources	Description
California Department of Education Publication	Bullying at School, 2003
Court Decision	Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981
Court Decision	LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
Court Decision	Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools

Cross References

Code	Description
5142	<u>Safety</u>
5142	<u>Safety</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>



NEW

BOARD POLICY – MOBILE COMMUNICATION DEVICES

BP 5131.8

The Santa Barbara County Board of Education and the County Superintendent of Schools recognize that student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, and could be harmful and disruptive of the instructional program in some circumstances. When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices only as permitted under this policy.

Students shall not use smartphones or other mobile communication devices while at a school site unless under the supervision and control of a district employee.

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

The County 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.

A student's personal electronic device shall not be searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school



official, in 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 the County Education Office 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.

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 SBCEO 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.

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.

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 County Superintendent of Schools or designee 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	<u>Duties of students</u>
Civ. Code 1714.1	<u>Liability of parent/guardian for act of willful misconduct by a minor</u>
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 35181	<u>Governing board authority to set policy on responsibilities of students</u>
Ed. Code 35291-35291.5	<u>Rules</u>
Ed. Code 44807	<u>Teachers' duty concerning conduct of students</u>
Ed. Code 48900-48925	<u>Suspension and expulsion</u>
Ed. Code 48901.5	<u>Prohibition of electronic signaling devices</u>
Ed. Code 48901.7	<u>Limitation or prohibition of student use of smartphones</u>
Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	<u>Prohibited use of electronic listening or recording device</u>
Pen. Code 1546.1	Electronic Communications Privacy Act



Pen. Code 288.2
Pen. Code 313
Pen. Code 647

Pen. Code 653.2
Veh. Code 23123-23124

[Harmful matter with intent to seduce](#)
[Harmful matter](#)
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)
[Electronic communication devices; threats to safety](#)
[Prohibitions against use of electronic devices while driving](#)

Federal

20 USC 1681-1688

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Management Resources

California Department of Education Publication
Court Decision
Court Decision
Court Decision

Court Decision
Court Decision

CSBA Publication

CSBA Publication

U.S. Department of Education Publication

Website
Website
Website
Website
Website
Website

Description

[Bullying at School, 2003](#)

Safford Unified School District V. Redding (2009) 557 US 364
Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
[J.C. v. Beverly Hills Unified School District \(2010\) 711 F.Supp.2d 1094](#)
[New Jersey v. T.L.O. \(1985\) 469 U.S. 325](#)
[Tinker v. Des Moines Independent Community School District \(1969\) 393 U.S. 503](#)
[Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010](#)
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Planning Together: A Playbook for Student Personal Device Policies, December 2024](#)
[CSBA District and County Office of Education Legal Services](#)
[National School Safety Center](#)
[Center for Safe and Responsible Internet Use](#)
[California Department of Education, Safe Schools](#)
[CSBA](#)
[U.S. Department of Education](#)

ADOPTED BY COUNTY BOARD: Pending

REVISED:

County Board Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: 10/01/2019 | Last Revised Date: 03/15/2025 | Last Reviewed Date: 03/15/2025

The Governing Board recognizes that student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, and could be harmful and disruptive of the instructional program in some circumstances. When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices only as permitted under this policy.

Option 1: (Limited use of smartphones and other mobile communication devices)

Students may use smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any applicable school 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

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

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.

A student's personal electronic device shall not be searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in 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 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.

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 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.

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.

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	<u>Liability of parent or guardian for act of willful misconduct by a minor</u>
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	School discipline rules
Ed. Code 44807	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
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
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving

Management Resources

Description

California Department of Education Publication	Bullying at School, 2003
Court Decision	Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools



NEW

BOARD POLICY – MARRIED/PREGNANT/PARENTING STUDENTS

BP 5146

The Santa Barbara County Board of Education and the County Superintendent of Schools recognize that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board and Superintendent desire to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

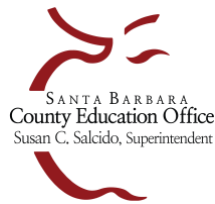
The SBCEO shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's actual or potential pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery. In addition, the SBCEO shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

In accordance with Board Policy/Exhibit (1) 5145.6 - Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For SBCEO-related purposes, a student under 18 years of age who enters into a valid marriage is an emancipated minor who shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred



instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting, including any class or extracurricular activity, shall be equal to that offered to other SBCEO students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

Absences

Students who are pregnant or parenting may be excused for absences for medical appointments and other purposes.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

Parental Leave

A student who is pregnant or parenting shall be entitled to parental leave as permitted by law. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if 18 years of age or older, or the student's educational rights holder shall notify



the SBCEO of the student's intent to take parental leave, although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015)

Upon return to school, a student who is pregnant or parenting shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the SBCEO shall provide accommodations to enable a student who is pregnant or parenting to access the educational program.

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)



The SBCEO shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of a student's actual or potential pregnancy, marital, or parental status; SBCEO noncompliance with the requirements of Education Code 46015; or SBCEO noncompliance with the requirement to provide reasonable accommodations for lactating students shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of SBCEO strategies to support married, pregnant, and parenting students, which may include data on student participation in SBCEO programs and services,



academic achievement, attendance, graduation rate, and/or student feedback on district programs and services.

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

22 CCR 101151-101239.2
 22 CCR 101351-101439.1
 5 CCR 4950
 Civ. Code 51
 Ed. Code 221.51
 Ed. Code 230
 Ed. Code 48050
 Ed. Code 48205
 Ed. Code 48206.3
 Ed. Code 48220
 Ed. Code 48410
 Ed. Code 49553
 Ed. Code 51220.5
 Ed. Code 51745
 Ed. Code 52610.5
 Ed. Code 8200-8498
 Fam. Code 7002
 H&S Code 104460

Description

[General requirements, licensed child care centers](#)
[Infant care centers](#)
 Nondiscrimination, marital and parental status
[Unruh Civil Rights Act](#)
 Nondiscrimination; married, pregnant, and parenting students
 Sex discrimination
 Residents of adjoining states
 Excused absences
 Temporary disability, definition
 Compulsory education requirement
 Persons exempted from continuation classes
 Nutrition supplements for pregnant/lactating students
 Parenting skills and education
 Independent study
 Enrollment of pregnant and parenting students in adult education
 Child Care and Development Services Act
 Description of emancipated minor
 Tobacco prevention services for pregnant and parenting students

Federal

34 CFR 106.40
 42 USC 1786

 7 CFR 246.1-246.28

Description

Marital or parental status
 Special supplemental nutrition program for women, infants, and children
 Special supplemental nutrition program for women, infants, and children

Management Resources

California Women's Law Center Publication

 California Women's Law Center Publication
 California Women's Law Center Publication

Description

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002
 Pregnant Students and Confidential Medical Services, 2013
 Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012



U.S. Department of Education Publication

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013

Website

[U.S. Department of Agriculture, Women, Infants, and Children Program](#)

Website

[California Women's Law Center](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:

County Board Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: 12/01/2013 | Last Revised Date: 06/15/2025 | Last Reviewed Date: 06/15/2025

The Governing Board recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's actual or potential pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

In accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For district-related purposes, a student under 18 years of age who enters into a valid marriage is an emancipated minor who shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 - Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 - Work Permits, and access to student records as specified in Administrative Regulation 5125 - Student Records.

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be

voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during district-sponsored activities
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

Students who are pregnant or parenting may be excused for absences for medical appointments and other purposes specified in Board Policy/Administrative Regulation 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

Parental Leave

A student who is pregnant or parenting shall be entitled to parental leave as permitted by law. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically

necessary by the student's healthcare provider. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if 18 years of age or older, or the student's educational rights holder shall notify the district of the student's intent to take parental leave, although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015)

Upon return to school, a student who is pregnant or parenting shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the district shall provide accommodations to enable a student who is pregnant or parenting to access the educational program.

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The district shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of a student's actual or potential pregnancy, marital, or parental status; district noncompliance with the requirements of Education Code 46015; or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, attendance, graduation rate, and/or student feedback on district programs and services.

Policy Reference Disclaimer:

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

State	Description
22 CCR 101151-101239.2	<u>General requirements, licensed child care centers</u>
22 CCR 101351-101439.1	<u>Infant care centers</u>
5 CCR 4950	Nondiscrimination, marital and parental status
Civ. Code 51	<u>Unruh Civil Rights Act</u>
Ed. Code 221.51	Nondiscrimination; married, pregnant, and parenting students
Ed. Code 230	Sex discrimination
Ed. Code 48050	Residents of adjoining states

Ed. Code 48205	Excused absences
Ed. Code 48206.3	Temporary disability, definition
Ed. Code 48220	Compulsory education requirement
Ed. Code 48410	Persons exempted from continuation classes
Ed. Code 49553	Nutrition supplements for pregnant/lactating students
Ed. Code 51220.5	Parenting skills and education
Ed. Code 51745	Independent study
Ed. Code 52610.5	Enrollment of pregnant and parenting students in adult education
Ed. Code 8200-8498	Child Care and Development Services Act
Fam. Code 7002	Description of emancipated minor
H&S Code 104460	Tobacco prevention services for pregnant and parenting students

Federal

34 CFR 106.40

42 USC 1786

7 CFR 246.1-246.28

Description

Marital or parental status

Special supplemental nutrition program for women, infants, and children

Special supplemental nutrition program for women, infants, and children

Management Resources

California Women's Law Center
Publication

California Women's Law Center
Publication

California Women's Law Center
Publication

U.S. Department of Education
Publication

Website

Website

Description

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002

Pregnant Students and Confidential Medical Services, 2013

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013

[U.S. Department of Agriculture, Women, Infants, and Children Program](#)

[California Women's Law Center](#)



NEW

BOARD POLICY – RESPONSE TO IMMIGRATION ENFORCEMENT

BP 5145.13

The County Board of Education and the County Superintendent of Schools 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.

SBCEO 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 a student or the student's family members. (Education Code 234.7)

In accordance with law, 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 SBCEO's programs and activities on the basis of 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)

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)

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)

The Superintendent or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to SBCEO records, school sites, or students.

The Superintendent or designee may provide training to staff regarding immigration issues, including information on responding to a request from 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 a law enforcement 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)

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 County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

- Ed. Code 200
- Ed. Code 220
- Ed. Code 234.1

- Ed. Code 234.7
- Ed. Code 48204.4
- Ed. Code 48980
- Ed. Code 48985
- Gov. Code 8310.3
- Pen. Code 422.55
- Pen. Code 627-627.10

Description

- [Equal rights and opportunities in state educational institutions](#)
- [Prohibition of discrimination](#)
- [Student protections relating to discrimination, harassment, intimidation, and bullying](#)
- [Student protections relating to immigration and citizenship status](#)
- [Evidence of residency for school enrollment](#)
- [Parent/Guardian notifications](#)
- [Notices to parents in language other than English](#)
- [California Religious Freedom Act](#)
- [Definition of hate crime](#)
- [Access to school premises](#)

Federal

- 20 USC 1232g

Description

- [Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

Management Resources

CA Office of the Attorney General
Publication

Court Decision
CSBA Publication

Website
Website

Website
Website
Website
Website
Website
Website

Description

- [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, December 2024](#)
- [Plyler v. Doe, 457 U.S. 202 \(1982\)](#)
- [Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017](#)
- [CSBA District and County Office of Education Legal Services](#)
- [U.S. Immigration and Customs Enforcement, Online Detainee Locator System](#)
- [California Office of the Attorney General](#)
- [CSBA](#)
- [U.S. Department of Education, Office for Civil Rights](#)
- [U.S. Immigration and Customs Enforcement](#)
- [California Department of Education](#)
- [California Civil Rights Department](#)



ADOPTED BY COUNTY BOARD:

Pending

REVISED:

County Board Policy 5145.13: Response To Immigration Enforcement **Status: ADOPTED**

Original Adopted Date: 05/01/2018 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 03/01/2025

The County Board of Education 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.

Information or documents shall not be solicited or collected, and shall not be sought or required to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members. (Education Code 234.7)

In accordance with law, County Board Policy 0410 - Nondiscrimination in County Office Programs and Activities, and County 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 county office of education's (COE) programs and activities on the basis of 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)

Resources and data collected by the COE 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)

Parents/guardians shall be notified 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)

Staff shall be provided training regarding immigration issues, including information on responding to a request from a law enforcement officer to visit a school site or to have access to a student.

The County Superintendent of Schools or designee shall report to the County Board in a timely manner any requests for information or access to a school site by a law enforcement 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)

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 related 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	2018Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024
Court Decision	Plyler v. Doe, (1982) 457 U.S. 202
Website	California Civil Rights Department
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	U.S. Immigration and Customs Enforcement
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Office of the Attorney General
Website	California Department of Education

Cross References

Code	Description
0410	<u>Nondiscrimination In County Office Programs And Activities</u>
3555	<u>Nutrition Program Compliance</u>
3555-E(1)	<u>Nutrition Program Compliance</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E(1)	<u>Release Of Directory Information</u>
5141	<u>Health Care And Emergencies</u>
5141	<u>Health Care And Emergencies</u>
5145.12	<u>Search And Seizure</u>
5145.12	<u>Search And Seizure</u>
5145.12-E(1)	<u>Search And Seizure</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>



STUDENTS

BOARD POLICY – INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

In accordance with the provisions of California Education Code section 46601, the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance. Any such appeal must be submitted in writing by a person having legal custody of the student denied inter-district attendance and must be filed within thirty (30) calendar days of the failure or refusal of the school district to issue a permit. Failure to appeal within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.

Within thirty (30) calendar days of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend in the district in which the student desires to attend and the applicable period of time. The County Superintendent or designee may, for good cause, extend this thirty-day period for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, the County Superintendent or designee may grant a continuance of any applicable time requirement for a specified number of days for any other reason upon good cause shown.

Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.

Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.

Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not

timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.

The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.

Each party to the appeal or their counsel may present oral statements to the County Board of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.

Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Although the County Board of Education has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board of Education reverse the decisions of the local school board(s). The County Board of Education's scope of review of an inter-district appeal includes determining whether the subject school district(s) acted in compliance with the Education Code regarding inter-district transfers.

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

1. The district's policy was adhered to and consistently applied; and
2. The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of governing board and existing district policies where the decision being appealed was made by the governing board and was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.
- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy) that will occur if the student is required to attend school in the student's district of residence.

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board of Education (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

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 County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Gov. Code 54950-54963

Description

The Ralph M. Brown Act

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
January 6, 1994
April 7, 1994
June 12, 2008
December 2, 2010
December 11, 2014
November 3, 2022



STUDENTS

REVISED – MARKED COPY

BOARD POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

~~In accordance with the provisions of California Education Code section 46601, When a school district within the jurisdiction of the County Board of Education fails or refuses to issue an interdistrict attendance permit to a student or fails to provide written notification of its decision within prescribed timelines, the student's parent/guardian may appeal the decision to the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance.~~ (Education Code 46601)

Paragraph
1 Modified
per CSBA

~~Any such appeal must shall be submitted filed in writing, by a person having legal custody of the student, denied inter-district attendance and must be filed within thirty (30) calendar days of the district's final denial of the transfer. failure or refusal of the school district to issue a permit. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals in the district have been exhausted. (Education Code 46601)~~

Paragraph
1 Modified
per CSBA

~~Failure to appeal the district decision to the County Board within 30 days is good cause for rejection of the appeal. (Education Code 46601) within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.~~

Paragraph
1 Modified
per CSBA

~~An appeal that is not filed within 30 days may, at the discretion of the County Board, be considered on its merits if it includes the reason(s) that the appeal is late and the County Board determines that the reasons provided are good cause to conduct the hearing.~~

Start New
per CSBA

~~In addition, the County Board shall not consider appeals of any of the following:~~

- ~~1. An interdistrict attendance request that was deemed abandoned due to the parent/guardian's failure to meet district timelines (Education Code 46600.1)~~
- ~~2. An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the district's governing board (Education Code~~

46600.1)

-
3. The denial of a request by the district of proposed enrollment when no permit has first been issued by the district of residence (Education Code 46600.1)
 4. An interdistrict attendance request submitted for a student who is being considered for expulsion or has been expelled, while expulsion proceedings are pending or during the term of the expulsion (Education Code 46601)

End New
per CSBA

Hearing

Prior to making its determination, the County Board shall hold a hearing at which the district(s) and the student's parent/guardian will have an opportunity to present their positions on the denial of the interdistrict attendance permit.

New per
CSBA

Prior to the hearing, the secretary to the County Board or designee shall serve a notice of the hearing upon the student's parents/guardians, the district of residence, and the district of proposed enrollment, by certified mail with return receipt requested. The notice shall include details of the date, time, and place of the hearing. It shall also notify the parents/guardians of the opportunity to be heard during the hearing and to submit written statements and documentation to the County Board prior to the hearing, including the deadline by which the parties may submit such statements and documentation.

The hearing shall be conducted in open session except when any information to be presented about the student is determined by the County Superintendent or designee prior to the hearing to be confidential information. The County Board may also decide at any time during open session to reconvene in closed session if necessary to protect confidential information about the student that may be presented during the hearing.

Regardless of whether the hearing is conducted in open or closed session, any action related to the hearing shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146; 20 USC 1232)

Families with multiple appeals may have them heard separately or as one appeal. Regardless of the hearing format, the County Board may decide to issue more than one decision.

End New
per CSBA

Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be attached to the appeal or the response to the appeal so that the County Board and the parties have ample time to prepare for the appeal hearing.

Start
SBCEO
Content
Moved to
Hearing
Section

The County Board may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion, the County Board may consider factors that it deems relevant including but not limited to the following:

Reformatted from one paragraph

(1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation;

(2)

(3) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and

(4) whether acceptance of the additional documentation will unduly delay the hearing on the appeal or the ability of the County Board to timely rule on the merits of the appeal.

End Reformat

~~An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.~~

Deleted - repeat 4th paragraph from end

The County Board, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board.

Each party to the appeal or their counsel may present oral statements to the County Board. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form, and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board in reaching a decision.

End SBCEO Content

~~Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.~~

Deleted - repeated #4 prior to Hearing Section

Final Decision of the County Board

The County Board shall, ~~W~~within thirty (30) calendar days after the appeal is filed of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend-enroll in the district of proposed enrollment in which the student desires to attend and the applicable period of time. The County Board or the

Modified per CSBA

~~County Superintendent or designee may, for good cause, extend the time this thirty-day period for up to an additional five (5) school days for good cause days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, tThe County Superintendent or designeeBoard may grant permit additional continuances of any applicable time requirement for a specified number of days for any other reason uponfor good cause shown. (Education Code 46601)~~

~~Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.~~

Deleted - repeated in paragraph 3 Hearing Section

~~Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.~~

Deleted - repeated in paragraph 5 Hearing Section

~~A decision shall be rendered on the appeal within three school days of the hearing unless the student's parent/guardian requests a postponement. (Education Code 46601)~~

New per CSBA

~~Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.~~

Start SBCEO content moved to Hearing Section

~~The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.~~

~~Each party to the appeal or their counsel may present oral statements to the County Board~~

~~of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.~~

~~The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.~~

~~Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.~~

End SBCEO
content
moved to
Hearing
Section

Although the County Board ~~of Education~~ has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board ~~of Education~~ reverse the decisions of the local school board(s). The County Board's ~~of Education's~~ scope of review of an inter-district appeal includes determining whether the subject school district(s) acted in compliance with the Education Code regarding inter-district transfers.

Start
SBCEO
content

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

- (1) The district's policy was adhered to and consistently applied; and
- (2) The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of the district's governing board and existing district policies where the decision being appealed was made by the district's governing board and was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the district's governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.

- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy) that will occur if the student is required to attend school in the student's district of residence.

End
SBCEO
content

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter to the district for further consideration. (Education Code 46601)

New per
CSBA

When the County Board determines that a student should be permitted to attend school in the district of proposed enrollment, the County Board shall also determine the applicable period of attendance and the student shall be admitted to school in that district without delay. (Education Code 44601, 46602)

New per
CSBA

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board ~~of Education~~ (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board ~~of Education~~ has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

SBCEO
Content

Written notice of the decision by the County Board shall be delivered to the parent/guardian of the student and to the governing boards of both districts. (Education Code 46602)

New per
CSBA

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
January 6, 1994
April 7, 1994
June 12, 2008
December 2, 2010
December 11, 2014

County Board Policy 5117.1: Interdistrict Attendance Appeals

Status: ADOPTED

Original Adopted Date: 01/01/2020 | Last Reviewed Date: 01/01/2020

When a school district within the jurisdiction of the County Board of Education fails or refuses to issue an interdistrict attendance permit to a student or fails to provide written notification of its decision within prescribed timelines, the student's parent/guardian may appeal the decision to the County Board. (Education Code 46601)

An appeal shall be filed in writing, by a person having legal custody of the student, within 30 calendar days of the district's final denial of the transfer. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals in the district have been exhausted. (Education Code 46601)

Failure to appeal the district decision to the County Board within 30 days is good cause for rejection of the appeal. (Education Code 46601)

An appeal that is not filed within 30 days may, at the discretion of the County Board, be considered on its merits if it includes the reason(s) that the appeal is late and the County Board determines that the reasons provided are good cause to conduct the hearing.

In addition, the County Board shall not consider appeals of any of the following:

1. An interdistrict attendance request that was deemed abandoned due to the parent/guardian's failure to meet district timelines (Education Code 46600.1)
2. An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the district's governing board (Education Code 46600.1)
3. The denial of a request by the district of proposed enrollment when no permit has first been issued by the district of residence (Education Code 46600.1)
4. An interdistrict attendance request submitted for a student who is being considered for expulsion or has been expelled, while expulsion proceedings are pending or during the term of the expulsion (Education Code 46601)

Hearing

Prior to making its determination, the County Board shall hold a hearing at which the district(s) and the student's parent/guardian will have an opportunity to present their positions on the denial of the interdistrict attendance permit.

As authorized for any county with 180,000 or more countywide ADA, the County Board may appoint a hearing officer or impartial administrative panel of three or more certificated persons who are not County Board members or employees of any school district involved in the requested transfer to hear the appeal. In hearing the appeal, the hearing officer/administrative panel shall

adhere to the law and this policy. (Education Code 46601)

No later than 10 days prior to the hearing, the secretary to the County Board shall serve a notice of the hearing upon the student's parents/guardians, the district of residence, and the district of proposed enrollment, by certified mail with return receipt requested. The notice shall include details of the date, time, and place of the hearing. It shall also notify the parents/guardians of the opportunity to be heard during the hearing and to submit written statements and documentation to the County Board prior to the hearing, including the deadline by which the parties may submit such statements and documentation.

The hearing shall be conducted in open session except when any information to be presented about the student is determined by the County Superintendent or designee prior to the hearing to be confidential information. The County Board may also decide at any time during open session to reconvene in closed session if necessary to protect confidential information about the student that may be presented during the hearing.

Regardless of whether the hearing is conducted in open or closed session, any action related to the hearing shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146; 20 USC 1232)

Families with multiple appeals may have them heard separately or as one appeal. Regardless of the hearing format, the County Board may decide to issue more than one decision.

Final Decision of the County Board

The County Board shall, within 30 calendar days after the appeal is filed, determine whether the student should be permitted to enroll in the district of proposed enrollment. The County Board or the County Superintendent may extend the time period for up to an additional five school days for good cause. The County Board may permit additional continuances for good cause. (Education Code 46601)

OPTION 1: A decision shall be rendered on the appeal within three school days of the hearing unless the student's parent/guardian requests a postponement. (Education Code 46601)

OPTION 2: The County Board shall render a decision within 10 calendar days of receiving the hearing officer/administrative panel's recommended decision. (Education Code 46601)

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter to the district for further consideration. (Education Code 46601)

When the County Board determines that a student should be permitted to attend school in the district of proposed enrollment, the County Board shall also determine the applicable period of attendance and the student shall be admitted to school in that district without delay. (Education Code 44601, 46602)

Written notice of the decision by the County Board shall be delivered to the parent/guardian of the student and to the governing boards of both districts. (Education Code 46602)

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

Ed. Code 35146

Description

Closed sessions; student matters

Ed. Code 46600-46610

Interdistrict attendance agreements

Ed. Code 48204

Residency requirements for school attendance

Ed. Code 48209-48209.17

Student attendance alternatives

Ed. Code 48660-48666

Community day schools

Ed. Code 48900-48926

Suspension and expulsion

Ed. Code 49073-49079

Privacy of student records

Gov. Code 11455.20

Contempt

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Federal

20 USC 1232

Description

Access to student records

Cross References

Code

9000

Description

[Role Of The Board](#)

9000-E(1)

[Role Of The Board](#)

9321

[Closed Session](#)

9321-E(1)

[Closed Session](#)

9321-E(2)

[Closed Session](#)