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

HAPPY VALLEY UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Agenda

February 11, 2026
Happy Valley Elementary Cafeteria – Open Session – 4:30 pm
Happy Valley Elementary Room 201 – Closed Session – 4:40 pm
Happy Valley Elementary School Cafeteria – Open Session - 6:00 pm
17480 Palm Avenue, Anderson, CA 96007

OPEN SESSION – 4:30 PM Elementary Cafeteria

1.0 Call to Order

2.0 Roll Call

3.0 Approval of Closed Session Agenda

4.0 Public Comment on Closed Session

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

5.0 Adjourn Open Session and Convene Closed Session

CLOSED SESSION - 4:40 PM Elementary Room 201

6.0 Closed Session

6.1 Public Employee Discipline/Dismissal/Release/Complaint (§54957)
6.2 Conference Regarding Labor Negotiations (§54957.6) Certificated & Classified
6.3 Significant Exposure to Litigation Pursuant to (Government Code Section §54956.9(b)): 1 Case
6.4 Public Employee Performance Evaluation – Superintendent/Primary School Principal (§54957)

7.0 Adjourn Closed Session and Convene Open Session

OPEN SESSION – 6:00 PM Elementary Cafeteria

8.0 Call to Order

9.0 Pledge of Allegiance

10.0 Report from Closed Session

11.0 Approval of Open Session Agenda

12.0 Presentation – Students/Staff

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

13.1 Community/Staff/District

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

14.0 Communication to the Board – SCOE – Concurrence of 1st Interim Budget & Positive Certification **(Pg.4)**

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

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

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

16.1 Approval of Minutes for Regular Board Meeting January 14, 2026 **(Pg.5)**
16.2 Approval of Warrants Jan. 9, 2026 – Feb. 6, 2026 **(Pg.9)**
16.3 Approve Personnel Action Report (None)

17.0 Discussion/Action Items

17.1 Discussion/Action: Approval of Items Removed from the Consent Agenda
17.2 Discussion: LCAP Mid-Year Report **(Pg.15)**
17.3 Discussion/Action: Approve 24/25 Audited Financial Statements **(Pg.37)**
17.4 Discussion/Action: Approve 25/26 Comprehensive School Safety Plan **(Pg.129)**
17.5 Discussion/Action: Approve CDS Minimum Day Waiver **(Pg.188)**
17.6 Discussion/Action: Approve New/Updated BP Re: Pupil Behavior Health Concerns **(Pg.190)**
17.7 Discussion/Action: Approve Updated June 25' BP/AR's Held Over from November **(Pg.199)**
17.8 Discussion/Action: Approve Special BP Updates – January 26' **(Pg.437)**
17.9 Discussion/Action: Approve Updated September 25' BP/AR 5113.2 Held over from January BM **(Pg.592)**
17.10 Discussion/Action: Updated November Board Policies (2nd read)(Please refer to policies in the January board packet)

18.0 Superintendent Update

19.0 Business Manager Update

20.0 Enrollment Update as of February 6, 2026: 456 - Grades TK – 8 **(Pg.605)**

21.0 Next Meetings

March 11, 2026 – Regular Board Meeting
April 14, 2026 – Regular Board Meeting
May 13, 2026 – Regular Board Meeting

Board Meeting Times:
5:15 p.m. – 5:20 p.m. – Open Session – Community Comments on Closed Session – Elem. Cafeteria
5:20 p.m. – 6:00 p.m. – Closed Session – Elementary Room 201
6:00 p.m. – Open Session – Regular Board Meeting – Elementary Cafeteria

22.0 Adjourn Open Session

SHASTA
COUNTY OFFICE OF
EDUCATION

To be leaders in educational excellence, offering support to schools and community to ensure Shasta County students receive a quality education preparing them for high school graduation and success in career and college.

Superintendent
Mike Freeman

Board of Education
Robert Brown
Jessica French
Authur Gorman
Jackie LaBarbera
Laura Manuel
Michael Orlicky
Teresa Roberts

January 14, 2026

Governing Board
Happy Valley Union Elementary School District
17480 Palm Ave.
Anderson, CA 96007

Dear Board Members:

Pursuant to *Education Code* Section 42131, we have reviewed your district's First Interim Budget and the accompanying positive certification of fiscal solvency to determine whether it complies with the Criteria and Standards for fiscal stability adopted by the State Board of Education, allows your district to meet its financial obligations during the fiscal year, and is consistent with a financial plan that will enable your district to satisfy its multiyear financial commitments. We concur with your assessment that, based on current projections, your district will be able to meet its financial obligations for the current and subsequent two fiscal years and that a positive certification is appropriate.

We remind you that any negotiated compensation changes must meet the public disclosure requirement of *Government Code* Section 3547.5 and the California Code of Regulations Title V, Section 15449, and a budget revision must be completed within 45 days of board approval.

We appreciate the submission of your First Interim Budget and look forward to your Second Interim Budget, which is due to our office by March 17, 2026. If you have any questions or concerns, please contact me at 530-225-0209.

Sincerely,

Donell Evans
Senior Executive Director, District Fiscal Services

cc: Gina Murphy, Superintendent/Principal
Larrisa Schwab, Chief Business Official

1644 Magnolia Ave. | Redding, CA 96001 | Phone 530.225.0200 | Fax 530.225.0329 | www.shastacoe.org

HAPPY VALLEY Est.1954 UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Minutes

January 14, 2026
Happy Valley Elementary School Cafeteria – Open Session - 6:00 p.m.
17480 Palm Avenue, Anderson, CA 96007

OPEN SESSION – 6:00 PM Elementary Cafeteria

1.0 Call to Order @ 6:00 p.m.

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

3.0 Pledge of Allegiance – Led by Jodi Shearman

4.0 Approval of Open Session Agenda –

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

5.0 Presentation – Students and Staff

Students: Antonio White, Alaric Ruffino, Tarynce Boyce, Ryan Van Dusen, Tessa Brock, Taylor Atkins
Staff: Heather Duncan, Grace Hazel, Tiffany Collver, Ashleigh Nibert, Olivia Mejia, Samantha Jackson

6.0 Information/Discussion Items

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

a) Community – None
b) Certificated Staff – None
c) Classified Staff – None
d) Board Members – Jodi Shearman recognized Gina Murphy for being selected as the Regional Superintendent/Principal of the year. The district is part of a region that includes seven counties.
e) Primary Site Update – Gina Murphy reported the following: The rally held on Monday was well received, with a special appearance by the school mascot, Happy. A popcorn celebration was held to recognize student attendance prior to break. Staff will be implementing a new approach next month. Students have responded positively to music being played during recess. Kindergarten students are participating in a pen pal project with students from across the country. The positive referral wall is nearly full, reflecting the positive choices students are making.

f) Elementary Site Update – Chris Nelson reported the following: The middle school dance held prior to winter break was well attended and successful. Staff continued the tradition of distributing mandarins and hot cocoa to parents in the drop-off line on the last day of school before break. The 8th grade dinner/dance is scheduled for January 31. Career Week is planned for March. The Professional Development Day held on January 5 was successful. The 7th grade boys baseball team were tournament champions. Two female basketball athletes were selected to participate in the Regional All-Stars. A send-off rally will be held for the 8th grade boys basketball team prior to their travel to Weed for a tournament.

7.0 Communications to the Board – Annual Certification Regarding Workers' Compensation

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

8.1 Public Comment Session Opened @ 6:29 p.m.
8.2 Items on the Agenda – None
8.3 Items not on the Agenda – None
8.4 Public Comment Session Closed @ 6:29 p.m.

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

9.1 Approval of Minutes for Regular Board Meeting December 10, 2025
9.2 Approval of Warrants Dec. 6, 2025 – Jan. 9, 2026
9.3 Approve Williams Quarterly Report – Oct. – Dec. 2025
9.4 Approve Personnel Action Report (nothing to report this month)
9.5 Con-App Mid-Year Reports

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve the Consent Agenda.

10.0 Discussion/Action Items

10.1 Discussion/Action: Approval of Items Removed from the Consent Agenda

None

10.2 Discussion/Action: Approve 2025/2026 (SARC) School Accountability Report Card (Elem., Prim., CDS)

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 4-0 to approve the 2025/2026 SARC's

10.3 Discussion/Action: Review and Approve 2026/27 School Year Calendar

On a motion by Erin Ciapponi, seconded by Cheryl Best, the board voted 4-0 to approve the 2026/27 School Year.

10.4 Discussion/Action: Approve Resolution #26-12 Lincoln's Birthday Observance

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve Resolution #26-12.

10.5 Discussion/Action: Approve Resolution #26-13 – Participation in Self-Insured Schools of California (SISC III) for District Insurance

On a motion by Cheryl Best, seconded by Jodi Shearman, the board voted 4-0 to approve Resolution #26-13.

10.6 Discussion/Action: Approve 2024/25 Annual Developer Fee Resolution #26-14 & Report

On a motion by Erin Ciapponi, seconded by Cheryl Best, the board voted 4-0 to approve Resolution #26-14.

10.7 Discussion/Action: Date Change for April Board Meeting Due to Spring Break

After discussion from the board April 14th was selected for the April Board Meeting.

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to hold the April board meeting on April 14th.

10.8 Discussion/Action: Approve Surplus of Washer & Dryer from Family Center

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve surplus of the washer & dryer from the Family Center.

10.9 Discussion/Action: Approve Updated Board Policies – September 2025 (Please refer to policies in the November board packet)

The board reviewed the updated Board Policies (BP) and Administrative Regulations (AR) and made recommendations for each, including the tabling of BP/AR 5113.2 and suggested deletions for the remainder of the policies.

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 4-0 to approve the updated board policies and administrative regulations.

10.10 Discussion: Updated Board Policies – November 2025 (1st read)

Board members will be reading the updated board policies and be prepared to bring any questions to the February board meeting for the 2nd read.

11.0 Superintendent Update – Gina Murphy reported the following: The new TK/K classrooms are expected to be ready by the end of January, while completion of the overall site is anticipated in the coming months. Development of the new district mobile app is nearly complete and will replace ParentSquare beginning with the 2026–27 school year. Teachers participated in an in-

service day on January 5 focused on vertical alignment in mathematics. As a result of these discussions, staff narrowed potential math curriculum options to approximately seven countywide selections. Members of the math adoption committee will participate in county-led meetings, with a specific curriculum selected for piloting in March.

12.0 Business Manager Update – Gina Murphy reported for Larrisa Schwab the Audited Actuals are complete and will be presented to the board at the February Board Meeting.

13.0 Enrollment Update as of January 9, 2026: 460 - Grades TK – 8 (includes CDS)

14.0 Next Meetings

February 11, 2026
March 11, 2026
April 14, 2026
May 13, 2026

Board Meeting Times:
5:15 p.m. – 5:20 p.m. – Open Session – Community Comments on Closed Session – Elem. Cafeteria
5:20 p.m. – 6:00 p.m. – Closed Session – Elementary Room 201
6:00 p.m. – Open Session – Regular Board Meeting – Elementary Cafeteria

15.0 Adjourn Open Session

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to adjourn open session @ 7:12 p.m.

Approved February 11, 2026

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Clerk of the Board

Checks Dated 01/09/2026 through 02/06/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011064397	01/15/2026	Amazon Capital Services	01-4310	J. PRICE ELECTIVE SUPPLIES	75.06	
				SEWING ELECTIVES	181.23	
			01-4510	A. NIBERT CLASSROOM FUNDS	158.53	
				B. NICKENS CLASSROOM FUNDS	91.55	
				CDS SUPPLIES	105.88	
				COUNSELOR FUNDS - L. CARTER	243.37	
				ES ACADEMIC AWARDS/GIFTS	166.19	
				P. MCDONALD CLASSROOM FUNDS	364.42	
				PS - CHROMECAST FOR RM18	168.14	
			13-4510	HVE CAFE COLOR PRINTER INK	142.63	1,697.00
9011064398	01/15/2026	AMERICAN FIDELITY ASSURANCE	01-9545	C. RAMOS LIFE INS SSN 3422		171.00
9011064399	01/15/2026	BUSWEST, LLC	01-4510	BUS PARTS		69.49
9011064400	01/15/2026	CDW GOVERNMENT	01-4410	HVUESD NEW COMPUTERS	23,014.32	
			01-4510	J. HUTCHISON NEW ROOM - IT SUPPLIES	4,021.45	
			01-5801	24/25 RUKUS LICENSE	1,768.03	
			35-6410	HVUESD NEW COMPUTERS	2,465.90	31,269.70
9011064401	01/15/2026	COLUMBIA ESD	01-5805	HVUESD - Q2 25/26 ASST SUP SRVCS	5,868.75	
				HVUESD - Q2 25/26 INST COACHING	3,125.00	8,993.75
9011064402	01/15/2026	HAPPY STOP MARKET	01-4601	DEC 25 BUS/TRANSPORTATION FUEL	2,592.36	
			13-4510	DEC 25 BUS/TRANSPORTATION FUEL	36.92	2,629.28
9011064403	01/15/2026	HAPPY VALLEY FRESH FTS	13-4710	25/26 FOOD SERVICES - FRUIT		406.00
9011064404	01/15/2026	ISOM ADVISORS DIVISION OF URBAN FUTURES, INC	01-5801	23/24 ADTR SERVICES		3,700.00
9011064405	01/15/2026	MOUNTAIN VALLEY SPED JPA	01-5101	ERICS CLASS	94.40	
				K-8 ALL SDC	27,741.84	
				OT SERVICES	7,391.30	
				PRESCHOOL MOD SEVERE	3,941.70	
				PSYCH SVCS 50/50	7,751.91	
				SPEECH SVCS	17,839.23	
			01-5805	ERMHS COUNSELOR	836.99	
				FACILITY FEE	240.50	
				NURSING SVCS 50/50	4,144.87	
				SPECIAL ED ADMIN COSTS	3,382.78	
				STUDENT SUPPORT SVCS- BCBA	2,070.32	
			01-7221	ADA PASS THRU	19,310.14-	56,125.70
9011064406	01/15/2026	PG&E	01-5515	12/2-12/30/25 FAM. CNTR DISTRICT ELECTRIC SERVICES	23.82	
				12/3-1/1/26 ELEMENT. ELECTRIC SERVICES	77.82	

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

ERP for California

Checks Dated 01/09/2026 through 02/06/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011064406	01/15/2026	PG&E	01-5515	12/4-1/4/26 DISTRICT ELECTRIC SERVICES	205.54	307.18
9011064407	01/15/2026	PRO TRAININGS LLC	01-5801	A. BARRON - PROFIRSTAID CERT.		39.95
9011064408	01/15/2026	PROPACIFIC FRESH	13-4710	25/26 FOOD SERVICES - MEAL SUPPLIES		1,545.65
9011064409	01/15/2026	SYSCO - SACRAMENTO	13-4710	25/26 STUDENT MEALS & SUPPLIES		1,795.87
9011064410	01/15/2026	U.S. BANK CORP PAYMENT SYSTEMS	01-4310	ELOP- STORY NIGHT SUPPLIES	192.89	
			01-4510	CUSTODIAN/MAINTENANCE SUPPLIES	21.40	
				ELEM. GYM SUPPLIES	33.03	
				INTERVENTION CURRICULUM	166.49	
				MAINTENANCE SUPPLIES	116.41	
				STUDENT INCENTIVES LUNCH	139.95	
				WATER SVCS	37.93	
			01-5210	J. SANFORD HOTEL CONFERENCE REFUND	234.02-	
			01-5310	AMAZON PRIME SUBSCRIPTION	16.08	
			01-5930	NOTARY SVCS	15.60	
			13-4510	STUDENT MEAL & CAFE SUPPLIES	57.90	
			13-4710	STUDENT MEAL & CAFE SUPPLIES	15.99	
				STUDENT MEAL SUPPLIES	9.99	589.64
9011064411	01/15/2026	US BANK EQUIPMENT FINANCE	01-5801	NOV-DEC-JAN COPIER EQUIP/LEASE	3,613.10	
			01-7439	NOV-DEC-JAN COPIER EQUIP/LEASE	4,295.52	7,908.62
9011064412	01/15/2026	US OMNI & TSACG COMP SERVICES	01-5801	RETIREMENT PLAN SERVICES		15.00
9011065066	01/22/2026	ACE PAYMENT PROCESSING	01-4510	FAMILY CENTER MAINT. SUPPLIES		24.02
9011065067	01/22/2026	Amazon Capital Services	01-4310	B. COOK TITLE ONE FUNDS	27.37	
				PS/ES LIBRARY SUPPLIES	19.30	
				S. THOMAS LIBRARY MATERIALS	166.56	
			01-4510	ATTENDANCE PARTY SUPPLIES	283.73	
				B. NICKENS CLASSROOM FUNDS	19.46	
				CAMPUS/OFFICE NEEDS	84.31	
				D.O. EXEC. FOLDERS	27.43	
				ES - ROOM 15 TOUCH CABLES	143.91	
				ES OFFICE SUPPLIES	75.43	
				ES- CAFE SURFACE PRO KEYBOARD	169.87	
				ES- VGA PORTS	353.70	
				K MORGAN CLASSROOM FUNDS	67.84	
				PS - RM1 IPAD CHARGING STATION	28.72	
				PS/ES LIBRARY SUPPLIES	164.21	
				STOTKA CLASSROOM FUNDS	103.12	1,734.96

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

Checks Dated 01/09/2026 through 02/06/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011065068	01/22/2026	AT&T	01-5910	25/26 HVUESD PHONE SERVICES		734.04
9011065069	01/22/2026	BLUE STAR GAS	01-5525	HVUESD PROPANE		6.42
9011065070	01/22/2026	BRESLIN OCCUPATIONAL THERAPY	01-5101	OT SERVICES		1,474.90
9011065071	01/22/2026	BUSWEST, LLC	01-4510	BUS PARTS		26.01
9011065072	01/22/2026	CA DEPT OF EDUCATION CASHIER'S OFFICE	13-4710	STATE FOOD DELIVERY		216.45
9011065073	01/22/2026	CALIF SAFETY - ANNA SCHWA RTZ	01-5801	ELEM. ANNUAL FIRE TEST - BATTERY REPL.	552.29	
				ELEM. GYM FIRE TEST - BATTERY REPL.	496.31	
				PRIM. HEAT DETECTOR SYSTEM REPAIR	286.56	1,335.16
9011065074	01/22/2026	DAVIS TRUCK PAINTING	01-5630	BUS #96 PAINTING/REPAIRS		20,993.06
9011065075	01/22/2026	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	01-5801	FINGERPRINT APPLICATIONS		64.00
9011065076	01/22/2026	FIERY GINGER FARM LLC	13-4710	STUDENT MEAL SUPPLIES		592.13
9011065077	01/22/2026	HEARTLAND PAYMENT SYSTEMS	13-4510	MOS PIN PAD - ELEMENTARY CAFETERIA		354.13
9011065078	01/22/2026	MENDES SUPPLY COMPANY	01-4510	ELEM/PRIM JANITORIAL SUPPLIES	511.88	
				NEW TK/K CLASSRM. SUPPLIES	311.75	823.63
9011065079	01/22/2026	OFFICE DEPOT	01-4510	PRIMARY OFFICE ENVELOPES		197.34
9011065080	01/22/2026	PRODUCERS DAIRY FOODS, INC.	13-4710	25/26 STUDENT MEALS		2,131.73
9011065081	01/22/2026	RENAISSANCE LEARNING INC	01-5805	RENAISSANCE SUBSCRIPTION RENEWAL		5,518.00
9011065082	01/22/2026	SEMINGSON ARCHITECTS INC.	35-6211	DEC. TK/K CLASSRMS-ELECTRICAL/ALARM	4,880.00	
				TK/K CLASSROOMS	1,533.00	6,413.00
9011065083	01/22/2026	SHASTA CO OFFICE OF EDUCATION	01-5801	25/26 INTERNET SERVICES		1,724.00
9011065084	01/22/2026	SHASTA TRINITY SCHLS INS GROUP	01-9552	FEB 26 VISION	855.00	
			01-9559	FEB 26 VISION	67.50	922.50
9011065085	01/22/2026	SYSCO - SACRAMENTO	13-4510	25/26 STUDENT MEALS & SUPPLIES	246.89	
			13-4710	25/26 STUDENT MEALS & SUPPLIES	1,777.26	2,024.15
9011065086	01/22/2026	TPX COMMUNICATIONS	01-5910	25/26 PHONE SERVICES		473.58
9011065087	01/22/2026	VISIONARY EDUCATIONAL COACHING	01-5801	25/26 MTSS TIER 1/ YR 2 TRAINING & MATERIALS		1,666.66
9011065088	01/22/2026	WASTE MANAGEMENT ANDERSON COTTONWOOD DISPOSAL	01-5545	1/1-1/31/26 ELEM. GARBAGE SERVICES	1,796.16	
				1/1-1/31/26 PRIMARY GARBAGE SERVICES	916.72	2,712.88
9011066106	01/29/2026	Amazon Capital Services	01-4310	ELOP INSTRUCTIONAL MATERIALS	308.63	
				MUSIC/CLASS SUPPLIES	59.73	
			01-4510	ATTENDANCE PARTY INCENTIVES	249.75	

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

Checks Dated 01/09/2026 through 02/06/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011066106	01/29/2026	Amazon Capital Services	01-4510	B. NICKENS HARVEST FEST. & CLSRM FUNDS	251.47	
				BUS BARN/VIKING VOUCHER SUPPLIES	567.07	
				D.O. NEEDS 12/19/25	188.74	
				ELOP HVP STORY NIGHT	47.82	
				ELOP PRINTER INK	381.82	
				ELOP SUPPLIES	41.89	
				ES OFFICE	51.44	
				ES OFFICE SUPPLIES	141.24	
				ES SPORTS METALS & SUPPLIES	85.54	
				FAM. CENTER MATERIALS	52.72	
				PIAZZA HARVEST FESTIVAL FUNDS	49.32	
				PS CAMPUS NEEDS	95.84	
				PS CAMPUS/OFFICE NEEDS	284.79	
				PS PRINCIPAL SUPPLIES	21.42	
				S. BALDWIN CLASSRM FUNDS	28.47	2,907.70
9011066107	01/29/2026	CALIFORNIA'S VALUED TRUST ATTN: FIN DEPT	01-9550	FEB 26 H & D	49,010.00	
			01-9551	FEB 26 H & D	3,975.73	
			01-9559	FEB 26 H & D	982.57	53,968.30
9011066108	01/29/2026	COMER COMMUNICATIONS	35-6210	IT WIRING REPAIRS - TK CLASSROOMS		1,793.90
9011066109	01/29/2026	CRACKMASTER WINDSHIELD REPAIR	01-5801	BUS #23 WINDOW REPAIR	79.00	
				BUS #24 WINDOW REPAIR	79.00	
				BUS #96 WINDOW REPAIR	69.00	227.00
9011066110	01/29/2026	GOLD STAR FOODS	13-4710	25/26 STUDENT MEAL SUPPLIES		1,347.37
9011066111	01/29/2026	HAPPY VALLEY FRESH FTS	13-4710	25/26 FOOD SERVICES - FRUIT		238.00
9011066112	01/29/2026	JW PEPPER	01-4310	MUSIC CLASS INSTRUCTIONAL SPLYS		273.48
9011066113	01/29/2026	LOZANO SMITH	01-5810	GENERAL BOARD LEGAL SVCS THRU 12/31/25	154.50	
				TITLE IX	25,771.00	25,925.50
9011066114	01/29/2026	MID PACIFIC ENGINEERING	35-6291	GEOTECH ENGINEERING TK/K PROJECT		2,382.38
9011066115	01/29/2026	PRODUCERS DAIRY FOODS, INC.	13-4710	25/26 STUDENT MEALS		1,006.58
9011066116	01/29/2026	PROPACIFIC FRESH	13-4710	25/26 FOOD SERVICES - MEAL SUPPLIES		1,923.58
9011066117	01/29/2026	SEMINGSON ARCHITECTS INC.	35-6211	TK/K CLASSROOMS		3,375.00
9011066118	01/29/2026	SETPOINT REFRIGERATION & HVAC	01-5630	ES RM# 3 HVAC		197.50
9011066119	01/29/2026	SYSCO - SACRAMENTO	13-4510	25/26 STUDENT MEALS & SUPPLIES	391.20	
			13-4710	25/26 STUDENT MEALS & SUPPLIES	1,287.14	1,678.34
9011066120	01/29/2026	U.S. BANK CORP PAYMENT SYSTEMS	01-4310	ELOP - 25/26 COOKING CAMP SPLYS	299.07	
				ELOP - 25/26 COOKING CAMP SUPPLIES	1,464.27	

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

Checks Dated 01/09/2026 through 02/06/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011066120	01/29/2026	U.S. BANK CORP PAYMENT SYSTEMS	01-4310	ELOP - 25/26 COOKING CLUB SPLYS	8.54	
			01-4510	C. NELSON PRINCIPAL SUPPLIES	513.73	
				ELOP - 25/26 COOKING CAMP SUPPLIES	851.33	
				PRIM/ELEM. MAINTENANCE SUPPLIES	210.41	
				PRIMARY MAINTENANCE SUPPLIES	85.78	
				PROF. DEVELOPMENT BREAKFAST	57.71	
				SUCCESS SATURDAY SNACKS/LUNCH	4.99	
				SUCCESS SATURDAY SNACKS/LUNCHES	8.98	
				WATER SERVICES	26.66	
			01-4601	MAINTENANCE FUEL	86.75	
			01-5310	AMAZON PRIME MEMBERSHIP	16.08	
				GRAMMERLY SUBSCRIPTION	144.00	
			13-4510	CAFETERIA FLYERS	5.31	
				STUDENT MEAL SUPPLIES	120.64	
			13-4710	STUDENT MEAL SUPPLIES	148.33	
			13-5210	L SNYDER - 2026 ANNUAL CASBO CONF.	995.00	
			13-5801	TAY-VAN KITCHEN VAN WASH	13.00	5,060.58
9011066833	02/05/2026	BLUE STAR GAS	01-5525	HVUESD PROPANE		2,301.72
9011066834	02/05/2026	CA DEPT OF TAX AND FEE ADMIN	01-4601	FUEL TAX THRU DEC25	25.00	
				FUEL TAX THRU JUN25	37.92	
				FUEL TAX THRU SEPT25	7.88	
			13-8634	FY 2024-25 SALES & VCE TAX	127.62	198.42
9011066835	02/05/2026	CINTAS	01-5801	ZOLL 3 AED AUTOMATIC AGREEMENT		643.50
9011066836	02/05/2026	COMPUTERSHARE TRUST COMPANY	01-5801	CORPORATE TRUST SERVICES		43,415.65
9011066837	02/05/2026	E-Rate Advisors, Inc.	01-5801	E-RATE SERVICES - 3RD INVOICE 25/26		750.00
9011066838	02/05/2026	FITZGERALD-PENA, LINDSEY N	01-4510	ATTENDANCE PARTY SPLY REIMB.		13.00
9011066839	02/05/2026	HARBERT ROOFING, INC.	01-6220	ES GREENHOUSE PROJECT COMPLETION		28,762.00
9011066840	02/05/2026	HIS IDEAS, INC.	01-5805	SUMMER PROGRAM MOU		16,986.00
9011066841	02/05/2026	JACK SCHREDER & ASSOC., INC.	25-5801	DECEMBER 25 ACTIVITIES - SCHOOL FAC.PGM		461.25
9011066842	02/05/2026	N.C.G.T. SECURITY FUND	01-9550	FEB 26' H & W	21,468.00	
				JAN 26' H & W	21,765.00	43,233.00
9011066843	02/05/2026	PG&E	01-5515	PRIMARY STREET LIGHTING 12/25/25-1/26/26		21.59
9011066844	02/05/2026	POULTON, KARA A	01-5211	DEC 25' GAS MILEAGE REIMB.	77.72	
				JAN 26' GAS MILEAGE REIMB.	77.72	155.44

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Checks Dated 01/09/2026 through 02/06/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011066845	02/05/2026	PRODUCERS DAIRY FOODS, INC.	13-4710	25/26 STUDENT MEALS		1,313.64
9011066846	02/05/2026	SHASTA CO OFFICE OF EDUCATION	01-5805	25/26 Q2 - ASSESSMENT SERVICES		12,875.00
9011066847	02/05/2026	SHASTA COUNTY ENVIRONMENTAL HEALTH DIVISION	13-5801	CUPA PROGRAM FEES HMBP - ELEM..	269.27	
				CUPA PROGRAM FEES HMBP - PRIM	269.27	538.54
9011066848	02/05/2026	SYSCO - SACRAMENTO	13-4710	25/26 STUDENT MEALS & SUPPLIES		126.58
9011066849	02/05/2026	TEHAMA CO DEPT. OF ED/ACCOUNTS RECEIVABLE	01-5805	INDUCTION PROGRAM FEES - 5 CANIDATES		18,900.00
				Total Number of Checks	**71**	**442,427.12**

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General	50	406,623.62
13	CafeFoodSvc	21	18,912.07
25	CapitalFacilities	1	461.25
35	CountySchoolFacilities	5	16,430.18
	Total Number of Checks	**71**	442,427.12
	Less Unpaid Sales Tax Liability		.00
	Net (Check Amount)		**442,427.12**

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

Monitoring Goals, Actions, and Resources for the 2025-26 Local Control and Accountability Plan (LCAP)

This template is intended for internal monitoring purposes only. The 2025-26 LCAP template and instructions should be consulted when completing required documents.

(6) (A) The superintendent of the school district shall present a report on the annual update to the local control and accountability plan and the local control funding formula budget overview for parents on or before February 28 of each year at a regularly scheduled meeting of the governing board of the school district. (B) The report shall include both of the following: (i) All available midyear outcome data related to metrics identified in the current year's local control and accountability plan. (ii) All available midyear expenditure and implementation data on all actions identified in the current year's local control and accountability plan.

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

Goal 1

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

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
1.1	Student performance CAASPP English Language Arts	2022-2023 CAASPP Results 29.60% all students met or exceeded standard for ELA 30% of 3rd graders at or above standard 41.81% of 4th graders at or above standard 44.68% of 5th graders at or above standard 20% of 6th graders at or above standard 5.88% of 7th graders at or above standard 36.96% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 51.4 points below standard Declined 9.9 Points District Data Student groups in red performance level: English Learners 87.6 points below standard Declined 40.8 Points Number of Students: 41 Hispanic	2023-2024 CAASPP Results 29.50% all students met or exceeded standard for ELA 47.27% of 3rd graders at or above standard 21.74% of 4th graders at or above standard 33.34% of 5th graders at or above standard 31.71% of 6th graders at or above standard 27.58% of 7th graders at or above standard 15.79% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 57.4 points below standard Declined 6.1 Points District Data Student groups in red performance level: Students with Disabilities 98.9 points below standard Declined 29.7 points Number of Students: 46	2024-2025 CAASPP Results 40.20% all students met or exceeded standard for ELA 44.23% of 3rd graders at or above standard 35.71% of 4th graders at or above standard 24% of 5th graders at or above standard 46.15% of 6th graders at or above standard 51.22% of 7th graders at or above standard 41.66% of 8th graders at or above standard English Language Arts Performance Indicator-Yellow 22.3 points below standard Increased 35.1 points Student groups in red performance indicator: Students with Disabilities	2024-2025 CAASPP Results 40.20% all students met or exceeded standard for ELA 44.23% of 3rd graders at or above standard 35.71% of 4th graders at or above standard 24% of 5th graders at or above standard 46.15% of 6th graders at or above standard 51.22% of 7th graders at or above standard 41.66% of 8th graders at or above standard English Language Arts Performance Indicator-Yellow 22.3 points below standard Increased 35.1 points Student groups in red performance indicator: Students with Disabilities	50% students met or exceeded standard for English language arts 50% of 3rd graders at or above standard 50% of 4th graders at or above standard 50% of 5th graders at or above standard 50% of 6th graders at or above standard 50% of 7th graders at or above standard 50% of 8th graders at or above standard The CA School Dashboard: Blue progress indicator Blue progress indicator English Learners students at or above standard Hispanic students at or above standard

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
		82.6 points below standard Declined 38.4 Points Number of Students: 64 Happy Valley Elementary Data Student groups in red performance level in English Language Arts English learner students 116.1 points below standard Hispanic students 95.7 points below standard	Happy Valley Elementary Data Student groups in red performance level in English Language Arts Socioeconomically disadvantaged students 77.2 points below standard. Declined 12.5 points White students 73.2 points below standard. Declined by 23.5 points			
1.2	Student performance CAASPP Mathematics	2022-2023 CAASPP Results 27.30% students met or exceeded standard for math 26.53% of 3rd graders at or above standard 41.07% of 4th graders at or above standard 34.04% of 5th graders at or above standard 23.63% of 6th graders at or above standard 9.80% of 7th graders at or above standard 28.26% of 8th graders at or above standard The CA School Dashboard: Yellow progress indicator 53.6 points below standard Increased 8.5 Points	2023-2024 CAASPP Results 28.20% all students met or exceeded standard for math 38.18% of 3rd graders at or above standard 26.09% of 4th graders at or above standard 29.17% of 5th graders at or above standard 29.27% of 6th graders at or above standard 31.03% of 7th graders at or above standard 15.79% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 53.6 points below standard Maintained 0.1 Points	2024-2025 CAASPP Results 31.61% all students met or exceeded standard for math 42.31% of 3rd graders at or above standard 26.79% of 4th graders at or above standard 22% of 5th graders at or above standard 25% of 6th graders at or above standard 51.22% of 7th graders at or above standard 27.11% of 8th graders at or above standard Mathematics Performance Indicator-Yellow 46.2 points below standard Increased 7.3 points Student groups in red performance indicator:	2024-2025 CAASPP Results 31.61% all students met or exceeded standard for math 42.31% of 3rd graders at or above standard 26.79% of 4th graders at or above standard 22% of 5th graders at or above standard 25% of 6th graders at or above standard 51.22% of 7th graders at or above standard 27.11% of 8th graders at or above standard Mathematics Performance Indicator-Yellow 46.2 points below standard Increased 7.3 points Student groups in red performance indicator:	50% students met or exceeded standard for math 50% of 3rd graders at or above standard 50% of 4th graders at or above standard 50% of 5th graders at or above standard 50% of 6th graders at or above standard 50% of 7th graders at or above standard 50% of 8th graders at or above standard The CA School Dashboard: Blue progress indicator

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
			Red Performance Student Groups Students with disabilities 112 points below standard	Students with Disabilities	Students with Disabilities	
1.3	Student performance CAASPP Science	2022-2023 24.47% students met or exceeded standard for science	2023-2024 15.24% students met or exceeded standard for science	2024-2025 20.72% students met or exceeded standard for science Science Performance Indicator- Yellow 45.7 science points Maintained 0.6 points No student groups in the red performance indicator.	2024-2025 20.72% students met or exceeded standard for science Science Performance Indicator- Yellow 45.7 science points Maintained 0.6 points No student groups in the red performance indicator.	75% students met or exceeded standard for science
1.4	Student performance English Learner Progress Indicator- ELPAC Proficiency	2022-2023 CA School Dashboard indicates: Red performance indicator 34.1% making progress Declined 20.2% Number of EL Students: 41 31.7% ELs progressed at least one ELPI level 2.4% ELs who maintained ELPI Level 4 26.8% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 39% ELs who decreased at least one ELPI level	2023-2024 CA School Dashboard indicates: Green performance indicator 53.1% making progress Increased 19% 53.1% ELs progressed at least one ELPI level 0% ELs who maintained ELPI Level 4 28.1% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 18.8% ELs who decreased at least one ELPI level	2024-2025 CA School Dashboard indicates: English Learner Progress Indicator- Red performance indicator 21.2% making progress Declined 31.9% 21.9% ELs progressed at least one ELPI level 0% ELs who maintained ELPI Level 4 46.9% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 31.3% ELs who decreased at least one ELPI level	2024-2025 CA School Dashboard indicates: English Learner Progress Indicator- Red performance indicator 21.2% making progress Declined 31.9% 21.9% ELs progressed at least one ELPI level 0% ELs who maintained ELPI Level 4 46.9% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 31.3% ELs who decreased at least one ELPI level	The CA School Dashboard indicates: Blue performance indicator 75% making progress 50% ELs progressed at least one ELPI level 25% ELs who maintained ELPI Level 4 25% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 0% ELs who decreased at least one ELPI level

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
1.5	Student performance English Learner Progress Indicator Reclassification Rate	2022-2023 Districtwide 0.8% Happy Valley Elementary 0.8% Happy Valley Primary 0%	2023-2024 Districtwide 3.4% Happy Valley Elementary 6.6% Happy Valley Primary 0.4%	2024-2025 Districtwide 30.6% Happy Valley Elementary 48.38% Happy Valley Primary 0%	2024-2025 Districtwide 3.4% Happy Valley Elementary 6.6% Happy Valley Primary 0.4%	Districtwide 20% Happy Valley Elementary 20% Happy Valley Primary 20%
1.6	Student Attendance Rates	2023-2024 92.59% attendance rate as of March 22, 2024	2024-2025 93.62% attendance rate as of May 8,2025	2025-2026 % attendance rate as of May 2026	2025-2026 Attendance rate as of December 3, 2025 Happy Valley Primary 96.15% Happy Valley Elementary 96.64% Happy Valley Community Day School 84.64%	98% attendance rate
1.7	Student Chronic Absenteeism Rate	2022-2023 CA School Dashboard: 15.4% students are chronically absent Red performance student groups: Low income 19.2% Students with Disabilities 20.8% Homeless Students 44.4%	2023-2024 CA School Dashboard: 15.4% students are chronically absent Red performance student groups: American Indian 25% Foster Youth 22.5% Students with Disabilities 23.9% Homeless Students 46.4% School with Red Performance Indicators Happy Valley Elementary 16.2% All students 21.4% Low Income 22.5% Students with Disabilities	2024-2025 CA School Dashboard: Yellow performance indicator 11.2% students are chronically absent Declined 4.2% No student groups in the red performance indicator for the district data. School with Red Performance Indicators Happy Valley Primary Low Income- 21.4% of the students are chronically absent. Increased by 3.9% Students with Disabilities-30.4% of the students are chronically absent. Increased by 7.9%	2024-2025 CA School Dashboard: 11.2% students are chronically absent Declined 4.2% School with Red Performance Indicators Happy Valley Primary Low Income- 21.4% of the students are chronically absent. Increased by 3.9% Students with Disabilities-30.4% of the students are chronically absent. Increased by 7.9% Two or more races-20.5% of the students are chronically absent. Increased by 8.3%	The CA School Dashboard: Blue performance indicator Low income less than 3% Students with Disabilities less than 3% Homeless Students less than 3%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
				Two or more races- 20.5% of the students are chronically absent. Increased by 8.3%		
1.8	Middle School Drop Out Rate	2022-2023 0% middle school drop out rate	2023-2024 0% middle school drop out rate	2024-2025 0% middle school drop out rate	2024-2025 0% middle school drop out rate	0% middle school drop out rate
1.9	Student Suspension Rates	2022-2023 CA School Dashboard: 7.6% of all students were suspended at least one day Red performance student groups (District): Two or more races 10.2% suspended at least one day Low Income 10.2% suspended at least one day White 10.2% suspended at least one day	2023-2024 CA School Dashboard: 5.8% of All students suspended at least one day Yellow Performance Indicator Red performance student groups (District): Students with Disabilities 8.6% suspended at least one day English Learners 6.3% suspended at least one day School with Red Performance Indicators Happy Valley Elementary 16.7% Students with Disabilities suspended at least one day	2024-2025 CA School Dashboard: Suspension Rate Indicator-Yellow 3.8% of students were suspended at least once Declined 2% No student groups in the red performance indicator.	2024-2025 CA School Dashboard: Suspension Rate Indicator-Yellow 3.8% of students were suspended at least once Declined 2% No student groups in the red performance indicator. No schools with red performance indicators.	Blue performance student groups: Two or more races- Less than 3% suspended at least one day Low Income- Less than 3% suspended at least one day White- Less than 3% suspended at least one day
1.10	Student Expulsion Rates	2022-2023 0% expulsion rates	2023-2024 0% expulsion rates	2024-2025 0% expulsion rates	0% expulsion rates	0% expulsion rates
1.11	Teacher Credential	2023-2024	2024-2025	2025-2026 23 Clear Credentials	2025-2026 23 Clear Credentials	100% Teachers with Clear Credentials

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
		19.7 Clear Teacher Credentials 4 Interns 1.2 Ineffective	22 Clear Teacher Credentials 3 Interns 1 Ineffective	1 Out of field 2 Interns 2 Ineffective 0 Incomplete 0 Unknown 0 N/A	1 Out of field 2 Interns 2 Ineffective 0 Incomplete 0 Unknown 0 N/A	
1.12	State Priorities 1, 2, 3, 7, and 8 are reported in the Local Indicator Report that accompanies the LCAP. (These include the results of the student, parent and staff surveys as well as staff credentialing, facilities, standards aligned instructional materials, parent engagement, etc.)					

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
1.1	**Red Performance Student Groups** **English Learners & Long Term English Learners** **Hispanic Students** Bilingual paraprofessionals will support English learners ELPAC Coordinator Translate for students and families Provide English Learners and Hispanics with small group instruction with purposeful English development and mathematics. We provide Structured English immersion for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. Encourage English learners and Long Term English Learners to use language to interact meaningfully in school and beyond. Provide tiered intervention for students not progressing in the English Language Development standards and modify instruction based on student needs. Language development will occur in and through subject matter learning and is integrated across the curriculum, including integrated English Language Development and	Yes	Partially Implemented	$39,020.00	$20,441.11

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
	designated English Language Development using the English Language Arts/English Learner Standards. Students are provided a rigorous, intellectually rich, standards-based curriculum with instructional scaffolding that increases comprehension and participation and develops student autonomy and mastery. Monitor English Learner students and Long Term English Learners frequently to adjust instruction based on identified need. Supplemental instructional materials to support English development. We see parents as critical partners in their child's education and provide parents with strategies to support their child. English learners will be reclassified based on our district protocol. Professional development in language acquisition strategies for staff. Professional development in math strategies.				
1.2	**Red performance student groups** **Suspension** Behaviorist Provide alternatives to suspension especially for our low income, white and two or more student groups. Structured days Refocus room Reflection sheet and goal setting with students SWIS data to identify hot spot areas in the school Behavior team consisting of Principals, Counselor, Behaviorist, and classroom teacher when available meet weekly to discuss options for students After school support for students struggling with completing work Restorative circles/chats Positive Behavior Intervention and Supports Behavior Intervention Reports Teach students strategies for managing emotions and problem solving solutions Counseling, as needed. Character Strong Social Emotional Learning Curriculum will be taught by all teachers	Yes	Fully Implemented	$40,945.00	$27,567

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
	Counselor and Behaviors will teach Tier 2 Character Strong. All staff will be encouraged to attend Fred Jones Classroom Management.				
1.3	**Red performance student groups** **Chronic Absenteeism** Increase attendance with the following student groups: Homeless, Low Income and Students with Disabilities. Asian, Hispanic and White students are also struggling to attend school. Goal set with students who are at risk of missing more than one day of school a month. Parent engagement campaign to reduce absences Community School Coordinator works with families to reduce barriers to learning through identifying students and families needs. School wide classroom attendance campaign to encourage attendance by classroom instead of individuals. Target kindergarteners and explain to parents the importance of attendance. Use of Independent Study and Saturday School to have students make up missed days and missed instruction. Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.	No	Ongoing Implementation	$88,866.00	$51,292
1.4	**Red performance student groups** **English Learners & Hispanic students** Small group instruction for English language arts support for Hispanic and English learners. English Learner Strategies We provide Structured English immersion for English learners in which nearly all classroom instruction is provided in English,	Yes	Ongoing Implementation	$0.00	$0

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
	but with curriculum and a presentation designed for pupils who are learning English. Funds are addressed in Action 1.10				
1.5	**School Counselor and School Psychologist** Student supports for emotional, social, behavioral engagement School Counselor (shared between sites) will be maintained to support at-risk students. Certificated Counselor salary and benefits School Psychologist salary and benefits Behavior team will meet to discuss individual student needs. Teach students problem solving skills, soft skills, and character development. Bullying prevention Character Strong Provide students with strategies to regulate emotions and mend relationships.	Yes	Partially Implemented	$223,685.00	$173,212.54
1.6	**Foster Youth Services/Homeless Youth Services** We provide the following support for Foster and Homeless Youth: Coordinate with the case worker and attendance staff. Ensure that transportation is not a barrier. Assign a mentor (youth or adult) to provide guidance, encouragement, and assistance. Help them to find a quiet and supportive place to work and study. Intervene early when they are missing a lot of school. Provide youth and families with community resources such as: Clothing closet Food banks Health clinics Laundry services Hygiene kits Annually train our classified and certificated staff to have an understanding of homelessness and Foster Youth rights and specific needs.	Yes	Fully Implemented	$29,984.00	$5,897.48

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
	Refer students to before/after-school intervention activities, etc. Coordinate with the Homeless and Foster Youth liaison in the district. Reach out to homeless families on a continuous basis. Make sure that the student is enrolled in a free and reduced meal program. Assign students a “buddy” to help them learn their way around school. Give the student necessary school supplies, to take home. Keep some nutritional snacks for those students who might need additional nutrition. We see parents as critical partners in their child’s education and provide parent outreach with our families on an ongoing basis. Alternatives to suspension				
1.7	**Special Education** Special Education Teachers and support staff General and special educators work together to implement programs and services that enable students with disabilities to access the state academic content standards. Special Education students are provided with Tier 1, 2 , and 3 supports both academically and socially. Staff meet regularly to adjust goals and discuss each individual student's needs. Special Education staff will ensure Individualized Education Plans (IEP) are implemented and that each student understands the goals that they are working towards. Progress monitoring ERIC's Class	No	Fully Implemented	$549,077.00	$654,160.18
1.8	**Professional Development** Professional development to support social emotional learning, academics, and safety. Fred Jones Classroom Management Multi-Tiered System of Support (Kevin Kurtz) 3 year implementation	No	Fully Implemented	$36,671.00	$33,890

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
	Reading Screeners Teacher Collaboration Math adoption				
1.9	**Facilities** Routine facilities maintenance Summer facilities projects Beautification projects	No	Fully Implemented	$40,000.00	$28,762
1.10	**Multi-tiered System of Support** Certificated instructor and paraprofessionals to assess, diagnose and provide targeted instruction to students in small group to help close the achievement gap in reading and to assist with our goal that 95% of students will be reading on grade level by the end of third grade. Each site will provide quality intervention programs Tier 1, 2, and 3. Teachers will progress monitor students and differentiate instruction based on need. Library Support Monitor California Assessment for Student Progress and Performance (CAASPP) results annually for continual improvement by grade level. Review results with Governing Board, staff, and School Site Council. Progress Monitoring software-to assist with documenting progress of students receiving intervention based on national normed tests. (NWEA benchmark assessments) Certificated staff will communicate weekly with administration in the form of Professional Learning Community notes. These notes will document discussions primarily about the answers to at least one of these questions: What do we want students to learn? How will we know if they did? What are we going to do if they don't? Supplemental materials	Yes	Fully Implemented	$649,944.00	$368,380.66

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
	Books and supplies Progress monitor students to identify current needs. Adjust instruction based on identified needs. Positive Behavior Intervention and Supports-Identify areas of focus based on data and team input. IT Support for instruction (SUHSD contract) Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.				
1.11	**Saturday School or After School for Make-Up Intervention** Saturday School and After School make-up intervention-providing more time and opportunity for students to increase work completion Independent Study Contracts to students who are missing school for more than a day at a time Small group instruction through high dose tutoring Districtwide expectation that students will complete ALL work when they have missed school Funds are addressed in Action 1.2 Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.	Yes	Fully Implemented	$89,000.00	$140,90.02
1.12	**Curriculum & Instruction** Adoption of curriculum based on state framework adoptions and curriculum recommendations Pilot programs based on adoption cycle (Math for next year) Books and supplies Supplemental curriculum and instructional resources	No	Partially Implemented	$13,530.00	$800

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
1.13	**Family Engagement** Parent Square Timely communication between staff and families. Parents will be encouraged to participate in decision making committees like Parent Club and School Site Council. Parents will be invited to family engagement nights. Community School Liaison will engage parents in their student's schooling (Paid for out of the CCSPP Grant)	Yes	Fully Implemented	$3,600.00	$3,600
1.14	**Broad Course of Study** Physical Education Visual and Performing Arts Electives-books & supplies Electives-Band, PE, Science Technology Engineering and Mathematics (STEM), College Career, and intervention class based on identified area of need Field trip entrance fees/transportation Athletics	No	Fully Implemented	$50,539.00	$3,847
1.15	**Transportation** Maintain buses Train new bus drivers	Yes	Fully Implemented	$0.00	$7,877

Goal 2

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

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
2.1	Suspension Rate Indicator	2022-2023 CA School Dashboard No performance level due to limited number of students 6.7% suspended at least one day Declined 13.3% Number of Students: 15	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	CA School Dashboard Blue performance level Less than 1% suspended at least one day
2.2	CAASPP English Language Arts	2022-2023 CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy
2.3	CAASPP Mathematics	2022-2023 CA School Dashboard CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy
2.4	Credentialing	District Program-100% appropriately credentialed Community Day School-100% appropriately credentialed	District Program-100% appropriately credentialed Community Day School-100% appropriately credentialed	District Program-0% appropriately credentialed Community Day School-0% appropriately credentialed	District Program-0% appropriately credentialed Community Day School- 0% appropriately credentialed	100% of staff are appropriately credentialed

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
2.1	**English language arts** Community Day School Teacher Instructional aide to support small groups English language arts interventions-SIPPS instruction daily-pre and post tests with SIPPS and California Reading Literature Project (CRLP) assessments. Staff will review each week to determine individual student needs. Reading curriculum to support students that struggle with literacy Supplemental instructional materials Heggerty Phonemic Awareness reading strategies daily Daily writing instruction Getting Reading Right professional development through the Shasta County Office of Education Small group instruction to increase phonics, fluency, comprehension, spelling, writing Target students who are below grade level in English language arts	No	Ongoing Implementation	$62,882.00	$42,335
2.2	**Mathematics** Community Day School Teacher Mathematics interventions- Small group instruction with differentiated instruction. Assessments-Staff will review each week to determine individual student needs. Math curriculum Supplemental instructional materials Mathematics strategies daily Daily fact fluency games Math engagement strategies Small group instruction to increase fact fluency, problem solving, and concepts to bring students to up to grade level Funds are addressed in in Action 2.1	No	Ongoing Implementation	$57,382.00	$25,867.34

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures
2.3	**Alternatives to suspension** Behaviorist 6 hours Bus Aide 1 hr Supplies Contract Services-Mountain Valley JPA or SCOE for Behavior Coach, Psych, other. Indirect Refocus room and reflection forms Restorative justice projects Restorative chats Structured day After school refocus time/make up Positive Behavior intervention and Supports Matrix Incentive activities for positive behavior Check in/check out system Mentor from another student or adult Counselor Character Strong Social Emotional Learning	No	Ongoing Implementation	$16,196.00	$45,316
2.4	**Teacher Credentialing** Administration will work with the union to ensure there is consistent staff in these programs. Funds are addressed in Action 1.8	No	Fully Implemented	$2,000.00	$0
2.5	**Counseling** ERMHS counselor will be 1 day/week BCBA will be 2 days/month Funds are addressed in Action 2.3	No	Partially Implemented	$13,000.00	$5,137.71
2.6	**Professional Development and Curriculum** Professional development for staff Curriculum	No	Partially Implemented	$35,030.00	$0

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures

Goal 3

Goal Description

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures

Goal 4

Goal Description

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures

Goal 5

Goal Description

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Total Funds Budgeted	Mid-Year Expenditures

Impact to the Budget Overview for Parents

Item	As adopted in Budget Overview for Parents	Mid-Year Update
Total LCFF Funds		
LCFF Supplemental/Concentration Grants		

CHRISTY WHITE
Certified Public Accountants serving K-12 School Districts and Charter Schools throughout California

December 11, 2025

Board of Education
Happy Valley Union Elementary
Anderson, California

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Happy Valley Union Elementary for the year ended June 30, 2025. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated April 28, 2025. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Happy Valley Union Elementary are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, Happy Valley Union Elementary changed accounting policies related to compensated absences by adopting Governmental Accounting Standards (GASB) Statement No. 101, *Compensated Absences*, in 2025. We noted no transactions entered into by Happy Valley Union Elementary during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the financial statements were:

Management's estimate of depreciation of capital assets is based on historical estimates of each capitalized item's useful life. We evaluated the key factors and assumptions used to develop the depreciation of capital assets in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of compensated absences is based on an analysis of past leave usage to determine which portion is more likely than not to be used for time off. We evaluated the calculation prepared in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the net pension liability and related deferred outflows of resources and deferred inflows of resources are based on actuarial valuations and pension contributions made during the year. We evaluated the key factors, assumptions, and proportionate share calculations used to develop the net pension liability and related deferred outflows of resources and deferred inflows of resources in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of net other postemployment benefits (OPEB) obligation is based on an actuarial valuation. We evaluated the key factors and assumptions used to develop the net OPEB obligation in determining that it is reasonable in relation to the financial statements taken as a whole.

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Significant Audit Matters (continued)

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure(s) affecting the financial statements were:

The disclosure of capital assets in Note 4 to the financial statements is based on historical information which could differ from actual useful lives of each capitalized item.

The disclosure of the pension plans, net pension liability and related deferred outflows of resources and deferred inflows of resources in Note 11 to the financial statements represents management's estimates based on actuarial valuations and pension contributions made during the year. Actual results could differ depending on the key factors, and assumptions and proportionate share calculations used to develop the net pension liability and related deferred outflows of resources and deferred inflows of resources. The financial statement disclosures are neutral, consistent, and clear.

The disclosure of other postemployment benefits and the net OPEB obligation in Note 10 to the financial statements represents management's estimate based on an actuarial valuation. Actual results could differ depending on the key factors and assumptions used for the actuarial valuation.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated December 11, 2025.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to Happy Valley Union Elementary's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as Happy Valley Union Elementary's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management's discussion and analysis and the required supplementary information section, which are (is) required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the supplementary information, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the Local Education Agency Organization Structure, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the information and use of the Board of Education and management of Happy Valley Union Elementary and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Christy White, Inc.

Christy White, Inc.
San Diego, California

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

AUDIT REPORT
JUNE 30, 2025

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
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JUNE 30, 2025

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FINANCIAL SECTION

REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

Independent Auditors' Report

Governing Board
Happy Valley Union Elementary School District
Anderson, California

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Happy Valley Union Elementary School District, as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise the Happy Valley Union Elementary School District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Happy Valley Union Elementary School District, as of June 30, 2025, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Happy Valley Union Elementary School District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of Matter

Change in Accounting Principle

As described in Note 1 to the financial statements, the Happy Valley Union Elementary School District adopted new accounting guidance, Governmental Accounting Standards Board (GASB) Statement No. 101, *Compensated Absences*. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

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Responsibilities of Management for the Financial Statements (continued)

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Happy Valley Union Elementary School District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user of the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards,* we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Happy Valley Union Elementary School District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Happy Valley Union Elementary School District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the required supplementary information, such as management's discussion and analysis, budgetary comparison information, schedule of changes in total OPEB liability and related ratios, schedules of proportionate share of net pension liability, and schedules of district contributions for pensions be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Happy Valley Union Elementary School District's basic financial statements. The supplementary information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the Local Education Agency Organization Structure but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated December 11, 2025 on our consideration of the Happy Valley Union Elementary School District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Happy Valley Union Elementary School District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Happy Valley Union Elementary School District's internal control over financial reporting and compliance.

Christy White, Inc.

San Diego, California
December 11, 2025

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS

INTRODUCTION

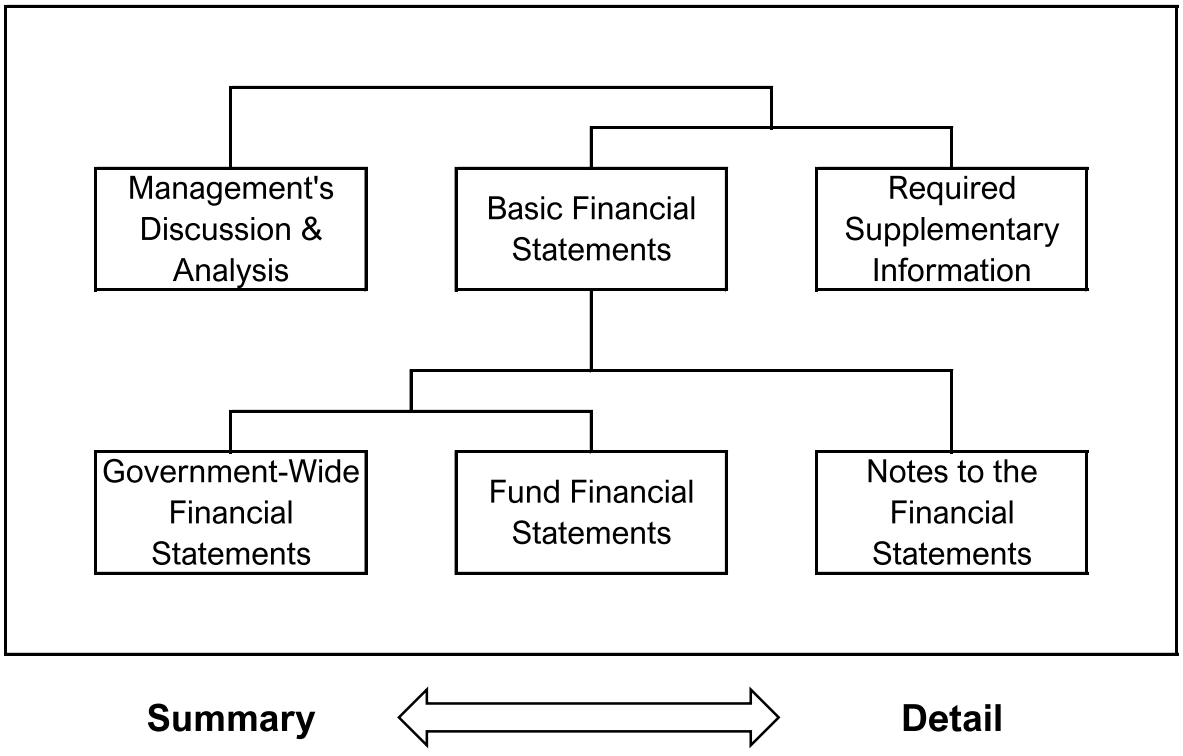
Our discussion and analysis of Happy Valley Union Elementary School District's (District) financial performance provides an overview of the District's financial activities for the fiscal year ended June 30, 2025. It should be read in conjunction with the District's financial statements, which follow this section.

FINANCIAL HIGHLIGHTS

- The District's net position was $9,168,395 at June 30, 2025. This was an increase of $5,126,409 from the prior year, after restatement.
- Overall revenues were $14,042,613, which exceeded expenses of $8,916,204.

OVERVIEW OF FINANCIAL STATEMENTS

Components of the Financial Section



OVERVIEW OF FINANCIAL STATEMENTS (continued)

Components of the Financial Section (continued)

This annual report consists of three parts – Management's Discussion and Analysis (this section), the basic financial statements, and required supplementary information. The three sections together provide a comprehensive overview of the District. The basic financial statements are comprised of two kinds of statements that present financial information from different perspectives:

- **Government-wide financial statements**, which comprise the first two statements, provide both short-term and long-term information about the entity's overall financial position.

- **Fund financial statements** focus on reporting the individual parts of District operations in more detail. The fund financial statements comprise the remaining statements.

    - **Governmental Funds** provide a detailed *short-term* view that helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the District's programs.

The financial statements also include notes that explain some of the information in the statements and provide more detailed data. The basic financial statements are followed by a section of required and other supplementary information that further explain and support the financial statements.

Government-Wide Statements

The government-wide statements report information about the District as a whole using accounting methods similar to those used by private-sector companies. The statement of net position includes all of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities, regardless of when cash is received or paid.

The two government-wide statements report the District's net position and how it has changed. Net position is one way to measure the District's financial health. Over time, increases or decreases in the District's net position are an indicator of whether its financial health is improving or deteriorating, respectively.

The government-wide financial statements of the District include governmental activities. All of the District's basic services are included here, such as regular education, food service, maintenance and general administration. Local control formula funding and federal and state grants finance most of these activities.

FINANCIAL ANALYSIS OF THE ENTITY AS A WHOLE

Net Position

The District's net position was $9,168,395 at June 30, 2025, as reflected in the table below. Of this amount, $(1,694,883) was unrestricted. Restricted net position is reported separately to show legal constraints from debt covenants and enabling legislation that limit the Governing Board's ability to use that net position for day-to-day operations.

	Governmental Activities		
	2025	2024	Net Change
ASSETS			
Current and other assets	$ 10,258,289	$ 6,659,941	$ 3,598,348
Capital assets	10,300,541	8,747,205	1,553,336
Total Assets	20,558,830	15,407,146	5,151,684
DEFERRED OUTFLOWS OF RESOURCES	2,009,206	2,055,091	(45,885)
LIABILITIES			
Current liabilities	1,571,588	1,104,562	467,026
Long-term liabilities	10,824,931	11,194,855	(369,924)
Total Liabilities	12,396,519	12,299,417	97,102
DEFERRED INFLOWS OF RESOURCES	1,003,122	916,605	86,517
NET POSITION			
Net investment in capital assets	4,616,210	2,866,077	1,750,133
Restricted	6,247,068	3,419,478	2,827,590
Unrestricted	(1,694,883)	(2,039,340)	344,457
Total Net Position	$ 9,168,395	$ 4,246,215	$ 4,922,180

FINANCIAL ANALYSIS OF THE ENTITY AS A WHOLE (continued)

Changes in Net Position

The results of this year's operations for the District as a whole are reported in the Statement of Activities. The table below takes the information from the Statement and rearranges it slightly, so you can see our total revenues and expenses for the year.

	Governmental Activities		
	2025	2024	Net Change
REVENUES			
Program revenues			
Charges for services	$ 105,120	$ 143,203	$ (38,083)
Operating grants and contributions	6,500,174	3,564,803	2,935,371
General revenues			
Property taxes	1,463,135	1,382,377	80,758
Unrestricted federal and state aid	5,608,741	5,406,044	202,697
Other	365,443	321,091	44,352
Total Revenues	14,042,613	10,817,518	3,225,095
EXPENSES			
Instruction	4,347,175	4,840,101	(492,926)
Instruction-related services	785,802	891,743	(105,941)
Pupil services	1,349,632	1,267,369	82,263
General administration	582,517	621,970	(39,453)
Plant services	917,830	778,776	139,054
Ancillary and community services	175,539	173,166	2,373
Debt service	261,607	327,864	(66,257)
Other outgo	94,078	49,722	44,356
Depreciation and amortization	402,024	414,622	(12,598)
Total Expenses	8,916,204	9,365,333	(449,129)
Change in net position	5,126,409	1,452,185	3,674,224
Net Position - Beginning, as Restated*	4,041,986	2,794,030	1,247,956
Net Position - Ending	$ 9,168,395	$ 4,246,215	$ 4,922,180

**Beginning net position was restated for the 2025 year only.*

The cost of all our governmental activities this year was $8,916,204. The amount that our taxpayers ultimately financed for these activities through taxes was only $1,463,135 because a portion of the cost was paid by other governments and organizations who subsidized certain programs with grants and contributions.

FINANCIAL ANALYSIS OF THE ENTITY AS A WHOLE (continued)

Changes in Net Position (continued)

In the table below, we have presented the net cost of each of the District's functions. Net cost shows the financial burden that was placed on the District's taxpayers by each of these functions. Providing this information allows our citizens to consider the cost of each function in comparison to the benefits they believe are provided by that function.

	Net Cost of Services	
	2025	2024
Instruction	$ (1,254,755)	$ 2,228,683
Instruction-related services	702,753	854,818
Pupil services	709,479	541,182
General administration	519,222	556,628
Plant services	888,450	745,950
Ancillary and community services	5,369	(48,630)
Debt service	261,607	327,864
Transfers to other agencies	76,761	36,210
Depreciation and amortization	374,972	389,490
Total	$ 2,283,858	$ 5,632,195

FINANCIAL ANALYSIS OF THE DISTRICT'S MAJOR FUNDS

The financial performance of the District as a whole is reflected in its governmental funds as well. As the District completed this year, its governmental funds reported a combined fund balance of $9,132,629, which is more than last year's ending fund balance of $5,929,035. The District's General Fund had $234,129 more in operating revenues than expenditures for the year ended June 30, 2025. The District's County School Facilities Fund had $2,941,427 more in operating revenues than expenditures for the year ended June 30, 2025.

CURRENT YEAR BUDGET 2024-2025

During the fiscal year, budget revisions and appropriation transfers are presented to the Board for their approval on a periodic basis to reflect changes to both revenues and expenditures that become known during the year. In addition, the Board of Education approves financial projections included with the Adopted Budget, First Interim, and Second Interim financial reports. The Unaudited Actuals reflect the District's financial projections and current budget based on State and local financial information.

CAPITAL ASSETS AND LONG-TERM LIABILITIES

Capital Assets

By the end of 2024-2025, the District had invested $10,300,541 in capital assets, net of accumulated depreciation and amortization.

	Governmental Activities		
	2025	2024	Net Change
CAPITAL ASSETS			
Land	$ 5,180	$ 5,180	$ -
Construction in progress	1,725,112	175,112	1,550,000
Land improvements	923,806	915,867	7,939
Buildings & improvements	12,218,005	12,218,005	-
Furniture & equipment	3,147,978	2,750,557	397,421
Less: Accumulated depreciation	(7,756,012)	(7,367,514)	(388,498)
Lease assets - furniture & equipment	73,326	73,326	-
Less: Accumulated amortization	(36,854)	(23,328)	(13,526)
Total	$ 10,300,541	$ 8,747,205	$ 1,553,336

Long-Term Liabilities

At year-end, the District had $10,824,931 in long-term liabilities. This was a decrease of 5.04% from the prior year, after restatement, as shown in the table below. More detailed information about the District's long-term liabilities is presented in footnotes to the financial statements.

	Governmental Activities		
	2025	2024, as Restated	Net Change
LONG-TERM LIABILITIES			
Total general obligation bonds	$ 4,646,083	$ 4,818,108	$ (172,025)
Financed purchases	1,000,000	1,011,000	(11,000)
Leases	38,290	52,060	(13,770)
Compensated absences	160,143	254,029	(93,886)
Total OPEB liability	218,430	278,743	(60,313)
Net pension liability	5,163,710	5,314,003	(150,293)
Less: current portion of long-term liabilities	(401,725)	(328,859)	(72,866)
Total	$ 10,824,931	$ 11,399,084	$ (574,153)

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

Several factors could influence the District's financial condition in the coming year, including continued enrollment declines, uncertain federal and state revenues, high pension obligations, and a cooling California economy.

Long-Term Declining Enrollment

California's K–12 system continues to experience enrollment decline. Statewide enrollment fell another 0.5% in 2024–25 to about 5.8 million students, roughly 420,000 fewer than a decade ago. The Department of Finance projects an additional 586,000-student decline by 2033–34. Lower birth rates, high housing costs, and out-migration are key drivers, along with growing competition from charter and private schools. Because many costs—such as staffing and facilities—cannot easily adjust, revenue loss from declining ADA creates structural fiscal challenges that require multi-year planning.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET (continued)

Revenue Uncertainties

- **Status of Proposition 98:** The 2025–26 State Budget sets the Proposition 98 guarantee at $114.6 billion, slightly below earlier projections. To maintain K–12 funding commitments amid weaker tax receipts, the State relied on reserve drawdowns, internal borrowing, and limited deferrals. The outlook remains fragile since Proposition 98 revenues are highly sensitive to income-tax and capital-gains fluctuations. A market slowdown could trigger future adjustments. The Legislative Analyst's Office urges districts to budget cautiously and preserve flexibility given ongoing volatility.
- **Federal Funding Uncertainties:** Federal funding for K–12 education remains uncertain heading into 2025–26. Several large federal programs—including Title I, Title II, IDEA, and after-school and enrichment grants—face potential reductions or delays under current federal budget proposals and continuing appropriations negotiations. The U.S. Department of Education has also paused or delayed disbursement of certain previously approved formula and competitive grants, creating short-term cash-flow and planning challenges for districts. Analyses by nonpartisan agencies such as the Congressional Budget Office and the Learning Policy Institute note that up to $5–6 billion in K-12 formula funds nationwide remain at risk of reduction or deferral if congressional appropriations are not finalized. While districts are expected to continue receiving baseline allocations during temporary funding resolutions, long-term federal support levels for education could decline modestly in real terms, requiring districts to plan for possible funding interruptions or reductions in future years.

Pension Liabilities and Employer Rates

The District participates in CalSTRS and CalPERS, both of which remain underfunded and continue to exert upward pressure on budgets. For 2025–26, the CalSTRS employer rate is 19.10%, and the CalPERS Schools Pool rate is 26.81%. These elevated rates—well above pre-2014 levels—will likely persist through the decade as both systems address unfunded liabilities. Districts must continue to account for escalating pension costs in long-range projections.

Economic and Market Conditions

California's economy has cooled following its post-pandemic rebound. High interest rates, weaker venture investment, and commercial-real-estate softness have slowed growth, especially in tech-dependent regions. The UCLA Anderson Forecast (Fall 2025) expects subdued growth into 2026, with unemployment near 5%. Inflation has eased, but interest-rate uncertainty continues to constrain housing and business investment.

Because the State's tax base depends heavily on capital-gains income, stock-market volatility remains a major risk to General Fund and Proposition 98 revenues. Fiscal advisors therefore recommend that districts maintain prudent reserves and avoid long-term commitments based on one-time revenue gains.

Summary

Declining enrollment, volatile revenues, persistent pension costs, and broader economic uncertainty all contribute to a challenging fiscal environment for California school districts. The District's 2025–26 budget reflects these conditions through conservative revenue assumptions, strong reserves, and continued monitoring of State fiscal trends.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, students, and investors and creditors with a general overview of the District's finances and to show the District's accountability for the money it receives. If you have questions about this report or need any additional financial information, contact the Superintendent at 17480 Palm Avenue, Anderson, California, 96007.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
STATEMENT OF NET POSITION
JUNE 30, 2025

	Governmental Activities
ASSETS	
Cash and investments	$ 9,380,501
Accounts receivable	718,974
Inventory	4,750
Prepaid expenses	154,064
Capital assets:	
Capital assets, not depreciated	1,730,292
Capital assets, net of accumulated depreciation	8,533,777
Lease assets, net of accumulated amortization	36,472
Total Assets	20,558,830
DEFERRED OUTFLOWS OF RESOURCES	
Deferred outflows related to pensions	1,961,308
Deferred outflows related to OPEB	47,898
Total Deferred Outflows of Resources	2,009,206
LIABILITIES	
Accrued liabilities	1,164,958
Unearned revenue	4,905
Long-term liabilities, current portion	401,725
Long-term liabilities, non-current portion	10,824,931
Total Liabilities	12,396,519
DEFERRED INFLOWS OF RESOURCES	
Deferred inflows related to pensions	819,468
Deferred inflows related to OPEB	183,654
Total Deferred Inflows of Resources	1,003,122
NET POSITION	
Net investment in capital assets	4,616,210
Restricted:	
Capital projects	3,839,314
Debt service	452,004
Educational programs	1,776,990
Food service	156,129
Associated student body	22,631
Unrestricted	(1,694,883)
Total Net Position	$ 9,168,395

The accompanying notes are an integral part of these financial statements.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2025

Function/Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Net (Expenses) Revenues and Changes in Net Position: Governmental Activities
GOVERNMENTAL ACTIVITIES				
Instruction	$ 4,347,175	$ 2,041	$ 5,599,889	$ 1,254,755
Instruction-related services				
Instructional supervision and administration	107,369	111	63,110	(44,148)
Instructional library, media, and technology	60,454	-	-	(60,454)
School site administration	617,979	-	19,828	(598,151)
Pupil services				
Home-to-school transportation	440,681	-	9,081	(431,600)
Food services	521,390	-	477,794	(43,596)
All other pupil services	387,561	12,403	140,875	(234,283)
General administration				
Centralized data processing	8,834	-	-	(8,834)
All other general administration	573,683	141	63,154	(510,388)
Plant services	917,830	-	29,380	(888,450)
Ancillary services	79,684	-	4,368	(75,316)
Community services	95,855	90,319	75,483	69,947
Interest on long-term debt	261,607	-	-	(261,607)
Other outgo	94,078	105	17,212	(76,761)
Depreciation (unallocated)	388,498	-	-	(388,498)
Amortization (unallocated)	13,526	-	-	(13,526)
Total Governmental Activities	$ 8,916,204	$ 105,120	$ 6,500,174	(2,310,910)
General revenues				
Taxes and subventions				
Property taxes, levied for general purposes				1,039,416
Property taxes, levied for debt service				423,719
Federal and state aid not restricted for specific purposes				5,608,741
Interest and investment earnings				217,175
Miscellaneous				148,268
Subtotal, General Revenue				7,437,319
CHANGE IN NET POSITION				5,126,409
Net Position - Beginning, as Restated				4,041,986
Net Position - Ending				$ 9,168,395

The accompanying notes are an integral part of these financial statements.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2025

	General Fund	County School Facilities Fund	Non-Major Governmental Funds	Total Governmental Funds
ASSETS				
Cash and investments	$ 4,488,238	$ 4,109,303	$ 782,960	$ 9,380,501
Accounts receivable	608,418	-	110,556	718,974
Stores inventory	-	-	4,750	4,750
Prepaid expenditures	154,064	-	-	154,064
Total Assets	$ 5,250,720	$ 4,109,303	$ 898,266	$ 10,258,289
LIABILITIES				
Accrued liabilities	$ 632,279	$ 487,527	$ 949	$ 1,120,755
Unearned revenue	4,905	-	-	4,905
Total Liabilities	637,184	487,527	949	1,125,660
FUND BALANCES				
Nonspendable	156,564	-	4,750	161,314
Restricted	1,776,990	3,621,776	892,547	6,291,313
Assigned	181,459	-	20	181,479
Unassigned	2,498,523	-	-	2,498,523
Total Fund Balances	4,613,536	3,621,776	897,317	9,132,629
Total Liabilities and Fund Balances	$ 5,250,720	$ 4,109,303	$ 898,266	$ 10,258,289

The accompanying notes are an integral part of these financial statements.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE STATEMENT OF NET POSITION
JUNE 30, 2025

Total Fund Balance - Governmental Funds		$ 9,132,629
Amounts reported for assets and liabilities for governmental activities in the statement of net position are different from amounts reported in governmental funds because:		
Capital assets:		
In governmental funds, only current assets are reported. In the statement of net position, all assets are reported, including capital assets, lease assets, accumulated depreciation and accumulated amortization:		
Capital assets	$ 18,020,081	
Lease assets	73,326	
Accumulated depreciation	(7,756,012)	
Accumulated amortization (lease assets)	(36,854)	10,300,541
Unmatured interest on long-term debt:		
In governmental funds, interest on long-term debt is not recognized until the period in which it matures and is paid. In the government-wide statement of activities, it is recognized in the period that it is incurred. The additional liability for unmatured interest owing at the end of the period was:		(44,203)
Long-term liabilities:		
In governmental funds, only current liabilities are reported. In the statement of net position, all liabilities, including long-term liabilities, are reported. Long-term liabilities relating to governmental activities consist of:		
Total general obligation bonds	$ 4,646,083	
Financed purchases	1,000,000	
Leases	38,290	
Compensated absences	160,143	
Total OPEB liability	218,430	
Net pension liability	5,163,710	(11,226,656)
Deferred outflows and inflows of resources relating to pensions:		
In governmental funds, deferred outflows and inflows of resources relating to pensions are not reported because they are applicable to future periods. In the statement of net position, deferred outflows and inflows of resources relating to pensions are reported.		
Deferred outflows of resources related to pensions	$ 1,961,308	
Deferred inflows of resources related to pensions	(819,468)	1,141,840
Deferred outflows and inflows of resources relating to OPEB:		
In governmental funds, deferred outflows and inflows of resources relating to OPEB are not reported because they are applicable to future periods. In the statement of net position, deferred outflows and inflows of resources relating to OPEB are reported.		
Deferred outflows of resources related to OPEB	$ 47,898	
Deferred inflows of resources related to OPEB	(183,654)	(135,756)
Total Net Position - Governmental Activities		$ 9,168,395

The accompanying notes are an integral part of these financial statements.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2025

	General Fund	County School Facilities Fund	Non-Major Governmental Funds	Total Governmental Funds
REVENUES				
LCFF sources	$ 6,530,969	$ -	$ -	$ 6,530,969
Federal sources	421,807	-	243,504	665,311
Other state sources	1,053,249	4,418,746	145,936	5,617,931
Other local sources	918,124	76,619	512,649	1,507,392
Total Revenues	8,924,149	4,495,365	902,089	14,321,603
EXPENDITURES				
Current				
Instruction	4,771,198	-	-	4,771,198
Instruction-related services				
Instructional supervision and administration	105,585	-	-	105,585
Instructional library, media, and technology	59,185	-	-	59,185
School site administration	666,728	-	-	666,728
Pupil services				
Home-to-school transportation	725,602	-	-	725,602
Food services	181,263	-	440,469	621,732
All other pupil services	405,233	-	-	405,233
General administration				
Centralized data processing	8,834	-	-	8,834
All other general administration	576,667	-	144	576,811
Plant services	896,676	-	212	896,888
Facilities acquisition and construction	-	1,553,938	-	1,553,938
Ancillary services	35,678	-	44,407	80,085
Community services	93,116	-	-	93,116
Transfers to other agencies	94,078	-	-	94,078
Debt service				
Principal	24,770	-	156,455	181,225
Interest and other	45,407	-	232,364	277,771
Total Expenditures	8,690,020	1,553,938	874,051	11,118,009
NET CHANGE IN FUND BALANCE	234,129	2,941,427	28,038	3,203,594
Fund Balance - Beginning	4,379,407	680,349	869,279	5,929,035
Fund Balance - Ending	$ 4,613,536	$ 3,621,776	$ 897,317	$ 9,132,629

The accompanying notes are an integral part of these financial statements.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2025

Net Change in Fund Balances - Governmental Funds		$ 3,203,594
Amounts reported for governmental activities in the statement of activities are different from amounts reported in governmental funds because:		
Capital outlay:		
In governmental funds, the costs of capital assets, including lease assets, are reported as expenditures in the period when the assets are acquired. In the statement of activities, costs of capital assets, including lease assets, are allocated over their estimated useful lives as depreciation expense and amortization expense, respectively. The difference between capital outlay expenditures and depreciation expense and amortization expense for the period is:		
Expenditures for capital outlay:	$ 1,955,360	
Depreciation expense:	(388,498)	
Amortization expense (lease assets):	(13,526)	1,553,336
Debt service:		
In governmental funds, repayments of long-term debt are reported as expenditures. In the government-wide statements, repayments of long-term debt are reported as reductions of liabilities. Expenditures for repayment of the principal portion of long-term debt were:		324,770
Unmatured interest on long-term debt:		
In governmental funds, interest on long-term debt is recognized in the period that it becomes due. In the government-wide statement of activities, it is recognized in the period it is incurred. Unmatured interest owing at the end of the period, less matured interest paid during the period but owing from the prior period, was:		594
Accreted interest on long-term debt:		
In governmental funds, accreted interest on capital appreciation bonds is not recorded as an expenditure from current sources. In the government-wide statement of activities, however, this is recorded as interest expense for the period.		(140,208)
Compensated absences:		
In governmental funds, compensated absences are measured by the amounts paid during the period. In the statement of activities, compensated absences are measured by the amount earned. The difference between compensated absences paid and compensated absences earned, was:		93,886
Postemployment benefits other than pensions (OPEB):		
In governmental funds, OPEB expenses are recognized when employer OPEB contributions are made. In the statement of activities, OPEB expenses are recognized on the accrual basis. This year, the difference between OPEB expenses and actual employer OPEB contributions was:		(432)

(continued on the following page)

Pensions:		
In governmental funds, pension costs are recognized when employer contributions are made. In the government-wide statement of activities, pension costs are recognized on the accrual basis. This year, the difference between accrual-basis pension costs and employer contributions was:		78,636
Amortization of debt issuance premium or discount:		
In governmental funds, if debt is issued at a premium or at a discount, the premium or discount is recognized as an Other Financing Source or an Other Financing Use in the period it is incurred. In the government-wide statements, the premium or discount is amortized over the life of the debt. Amortization of premium or discount for the period is:		12,233
Change in Net Position of Governmental Activities	$	5,126,409

The accompanying notes are an integral part of these financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Financial Reporting Entity

The Happy Valley Union Elementary School District (the "District") accounts for its financial transactions in accordance with the policies and procedures of the Department of Education's *California School Accounting Manual.* The accounting policies of the District conform to generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board (GASB) and the American Institute of Certified Public Accountants (AICPA).

The District operates under a locally elected Board form of government and provides educational services to grades K-8 as mandated by the state. A reporting entity is comprised of the primary government, component units, and other organizations that are included to ensure the financial statements are not misleading. The primary government of the District consists of all funds, departments and agencies that are not legally separate from the District. For the District, this includes general operations, food service, and student-related activities.

B. Component Units

Component units are legally separate organizations for which the District is financially accountable. Component units may also include organizations that are fiscally dependent on the District in that the District approves their budget, the issuance of their debt or the levying of their taxes. In addition, component units are other legally separate organizations for which the District is not financially accountable but the nature and significance of the organization's relationship with the District is such that exclusion would cause the District's financial statements to be misleading or incomplete. The District has no such component units.

C. Basis of Presentation

Government-Wide Statements. The statement of net position and the statement of activities display information about the primary government (the District). These statements include the financial activities of the overall government. Eliminations have been made to minimize the double-counting of internal activities. Governmental activities generally are financed through taxes, intergovernmental revenue, and other non-exchange transactions.

The statement of activities presents a comparison between direct expenses and program revenue for each function of the District's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Indirect expense allocations that have been made in the funds have been reserved for the statement of activities. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting of operational or capital requirements of a particular program. Revenues that are not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program or business segment is self-financing or draws from the general revenues of the District.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Basis of Presentation (continued)

Fund Financial Statements. The fund financial statements provide information about the District's funds. Separate statements for each fund category are presented. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column. All remaining governmental funds are aggregated and reported as non-major funds.

Governmental funds are used to account for activities that are governmental in nature. Governmental activities are typically tax-supported and include education of pupils, operation of food service and child development programs, construction and maintenance of school facilities, and repayment of long-term debt.

Major Governmental Funds

General Fund: The General Fund is the main operating fund of the District. It is used to account for all activities except those that are required to be accounted for in another fund. In keeping with the minimum number of funds principle, all of the District's activities are reported in the General Fund unless there is a compelling reason to account for an activity in another fund. A District may have only one General Fund.

County School Facilities Fund: This fund is established pursuant to *Education Code Section* 17070.43 to receive apportionments from the 1998 State School Facilities Fund (Proposition 1A), the 2002 State School Facilities Fund (Proposition 47), or the 2004 State School Facilities Fund (Proposition 55) authorized by the State Allocation Board for new school facility construction, modernization projects, and facility hardship grants, as provided in the Leroy F. Greene School Facilities Act of 1998 (*Education Code Section* 17070 et seq.).

Non-Major Governmental Funds

Special Revenue Funds: Special revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes other than debt service or capital projects. The District maintains the following special revenue funds:

Student Activity Fund: This fund may be used to account for student body activities that do not meet the fiduciary criteria established in GASB Statement No. 84.

Cafeteria Fund: This fund is used to account separately for federal, state, and local resources to operate the food service program (*Education Code Sections* 38090–38093). The Cafeteria Fund shall be used only for those expenditures authorized by the governing board as necessary for the operation of the District's food service program (*Education Code Sections* 38091 and 38100).

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Basis of Presentation (continued)

Non-Major Governmental Funds (continued)

Capital Project Funds: Capital project funds are established to account for financial resources to be used for the acquisition or construction of major capital facilities.

Building Fund: This fund exists primarily to account separately for proceeds from the sale of bonds (*Education Code Section* 15146) and may not be used for any purposes other than those for which the bonds were issued. Other authorized revenues to the Building Fund are proceeds from the sale or lease-with-option-to-purchase of real property (*Education Code Section* 17462) and revenue from rentals and leases of real property specifically authorized for deposit into the fund by the governing board (*Education Code Section* 41003).

Capital Facilities Fund: This fund is used primarily to account separately for moneys received from fees levied on developers or other agencies as a condition of approving a development (*Education Code Sections* 17620–17626). The authority for these levies may be county/city ordinances (*Government Code Sections* 65970–65981) or private agreements between the District and the developer. Interest earned in the Capital Facilities Fund is restricted to that fund (*Government Code Section* 66006).

Special Reserve Fund for Capital Outlay Projects: This fund exists primarily to provide for the accumulation of General Fund moneys for capital outlay purposes (*Education Code Section* 42840).

Debt Service Funds: Debt service funds are established to account for the accumulation of resources for and the payment of principal and interest on general long-term debt.

Bond Interest and Redemption Fund: This fund is used for the repayment of bonds issued for the District (*Education Code Sections* 15125–15262). The board of supervisors of the county issues the bonds. The proceeds from the sale of the bonds are deposited in the county treasury to the Building Fund of the District. Any premiums or accrued interest received from the sale of the bonds must be deposited in the Bond Interest and Redemption Fund of the District. The county auditor maintains control over the District's Bond Interest and Redemption Fund. The principal and interest on the bonds must be paid by the county treasurer from taxes levied by the county auditor-controller.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D. Basis of Accounting – Measurement Focus

Government-Wide Financial Statements
The government-wide financial statements are reported using the economic resources measurement focus. The government-wide financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place.

Net position equals assets and deferred outflows of resources minus liabilities and deferred inflows of resources. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction or improvement of those assets. The net position should be reported as restricted when constraints placed on its use are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation. The net position restricted for other activities results from special revenue funds and the restrictions on their use.

Governmental Funds
Basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Governmental funds use the modified accrual basis of accounting.

Revenues – Exchange and Non-Exchange Transactions
Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded under the accrual basis when the exchange takes place. On a modified accrual basis, revenue is recorded in the fiscal year in which the resources are measurable and become available. "Available" means the resources will be collected within the current fiscal year or are expected to be collected soon enough thereafter to be used to pay liabilities of the current fiscal year. Generally, "available" means collectible within the current period or within 60 days after year-end. However, to achieve comparability of reporting among California school districts and so as not to distort normal revenue patterns, with specific respect to reimbursement grants and corrections to State-aid apportionments, the California Department of Education has defined available for school districts as collectible within one year.

Non-exchange transactions, in which the District receives value without directly giving equal value in return, include property taxes, grants, and entitlements. Under the accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from the grants and entitlements is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Eligibility requirements include timing requirements, which specify the year when the resources are to be used or the fiscal year when use is first permitted; matching requirements, in which the District must provide local resources to be used for a specific purpose; and expenditure requirements, in which the resources are provided to the District on a reimbursement basis. Under the modified accrual basis, revenue from non-exchange transactions must also be available before it can be recognized.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D. Basis of Accounting – Measurement Focus (continued)

Unearned Revenue

Unearned revenue arises when potential revenue does not meet both the "measurable" and "available" criteria for recognition in the current period or when resources are received by the District prior to the incurrence of qualifying expenditures. In subsequent periods, when both revenue recognition criteria are met, or when the District has a legal claim to the resources, the liability for unearned revenue is removed from the balance sheet and revenue is recognized.

Certain grants received that have not met eligibility requirements are recorded as unearned revenue. On the governmental fund financial statements, receivables that will not be collected within the available period are also recorded as unearned revenue.

Expenses/Expenditures

On the accrual basis of accounting, expenses are recognized at the time a liability is incurred. On the modified accrual basis of accounting, expenditures are generally recognized in the accounting period in which the related fund liability is incurred, as under the accrual basis of accounting. However, under the modified accrual basis of accounting, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. Allocations of cost, such as depreciation and amortization, are not recognized in the governmental funds. When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed.

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position

Cash and Cash Equivalents

The District's cash and cash equivalents consist of cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition. Cash equivalents also include cash with county treasury balances for purposes of the statement of cash flows.

Investments

Investments with original maturities greater than one year are stated at fair value. Fair value is estimated based on quoted market prices at year-end. All investments not required to be reported at fair value are stated at cost or amortized cost. Fair values of investments in county and State investment pools are determined by the program sponsor.

Inventories

Inventories are recorded using the purchases method in that the cost is recorded as an expenditure at the time the individual inventory items are requisitioned. Inventories are valued at historical cost and consist of expendable supplies held for consumption.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position

Capital Assets

The accounting and reporting treatment applied to the capital assets associated with a fund is determined by its measurement focus. Capital assets are reported in the governmental activities column of the government-wide statement of net position but are not reported in the fund financial statements.

Capital assets are capitalized at cost (or estimated historical cost) and updated for additions and retirements during the year. Donated fixed assets are recorded at their acquisition value as of the date received. The District maintains a capitalization threshold of $5,000. The District does not own any infrastructure as defined in GASB Statement No. 34. Improvements are capitalized; the costs of normal maintenance and repairs that do not add to the value of the asset or materially extend an asset's life are not capitalized. All reported capital assets, except for land and construction in progress, are depreciated. Improvements are depreciated over the remaining useful lives of the related capital assets.

Included in capital assets are right to use lease assets as a result of implementing GASB Statement No. 87. The right to use lease assets are initially measured at an amount equal to the initial measurement of the related lease liability plus any lease payments made prior to the lease term, less lease incentives, plus ancillary charges necessary to place the lease into service. The right to use lease assets are amortized on a straight-line basis over the life of the related lease.

Depreciation is computed using the straight-line method over the following estimated useful lives:

Asset Class	Estimated Useful Life
Buildings	20 – 50 years
Improvements and Infrastructure	5 – 50 years
Equipment	2 – 15 years

Interfund Balances

On fund financial statements, receivables and payables resulting from short-term interfund loans are classified as "Due from other funds/Due to other funds." These amounts are eliminated in the governmental activities columns of the statement of net position.

Compensated Absences

In accordance with GASB Statement No. 101, *Compensated Absences*, accumulated unpaid employee vacation and sick leave benefits are accrued as a liability in the government-wide financial statements as the benefits are earned, provided they accumulate and are more likely than not to be used or paid. The measurement of this liability includes estimated salary amounts and the employer's share of related taxes and benefits, as applicable, that are directly related to these compensated absences.

For governmental funds, the current portion of unpaid compensated absences is recognized upon the occurrence of relevant events such as employee resignations and retirements that occur prior to year-end that have not yet been paid with expendable available financial resources. These amounts are recorded in the fund from which the employees who have accumulated leave are paid. For accumulated sick leave benefits, a liability is recognized for the portion that employees have earned and that are more likely than not to be used or paid. The District's policy for sick leave recognition aligns with this criterion, accruing the liability based on historical usage patterns and other relevant factors.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position (continued)

Accrued Liabilities and Long-Term Obligations
All payables, accrued liabilities, and long-term obligations are reported in the government-wide financial statements. In general, governmental fund payables and accrued liabilities that, once incurred, are paid in a timely manner and in full from current financial resources are reported as obligations of the funds.

Postemployment Benefits Other Than Pensions (OPEB)
For purposes of measuring the total OPEB liability, deferred outflows of resources related to OPEB and deferred inflows of resources related to OPEB, and OPEB expense have been determined by an independent actuary. For this purpose, benefit payments are recognized when currently due and payable in accordance with the benefit terms.

Generally accepted accounting principles require the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date	June 30, 2025
Measurement Date	June 30, 2025
Measurement Period	July 1, 2024 – June 30, 2025

Gains and losses related to changes in total OPEB liability are recognized in OPEB expense systematically over time. The first amortized amounts are recognized in OPEB expense for the year the gain or loss occurs. The remaining amounts are categorized as deferred outflows and deferred inflows of resources related to OPEB and are to be recognized in future OPEB expense. The amortization period differs depending on the source of gain or loss. The difference between projected and actual earnings is amortized on a straight-line basis over five years. All other amounts are amortized on a straight-line basis over the average expected remaining service lives of all members that are provided with benefits (active, inactive, and retired) at the beginning of the measurement period.

Premiums and Discounts
In the government-wide financial statements, long-term obligations are reported as liabilities in the applicable governmental activities statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method.

Deferred Outflows/Deferred Inflows of Resources
In addition to assets, the District will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the District will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position (continued)

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the defined benefit pension plans (the Plans) of the California State Teachers' Retirement System (CalSTRS) and the California Public Employees' Retirement System (CalPERS) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by the Plans. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Fund Balance

Fund balance is divided into five classifications based primarily on the extent to which the District is bound to observe constraints imposed upon the use of the resources in the governmental funds. The classifications are as follows:

Nonspendable - The nonspendable fund balance classification reflects amounts that are not in spendable form. Examples include inventory, lease receivables (net of related deferred inflows), prepaid items, the long-term portion of loans receivable, and nonfinancial assets held for resale. This classification also reflects amounts that are in spendable form but that are legally or contractually required to remain intact, such as the principal of a permanent endowment.

Restricted - The restricted fund balance classification reflects amounts subject to externally imposed and legally enforceable constraints. Such constraints may be imposed by creditors, grantors, contributors, or laws or regulations of other governments, or may be imposed by law through constitutional provisions or enabling legislation.

Committed - The committed fund balance classification reflects amounts subject to internal constraints self-imposed by formal action of the Governing Board. The constraints giving rise to committed fund balance must be imposed no later than the end of the reporting period. The actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements. In contrast to restricted fund balance, committed fund balance may be redirected by the government to other purposes as long as the original constraints are removed or modified in the same manner in which they were imposed, that is, by the same formal action of the Governing Board.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position (continued)

Fund Balance (continued)

Assigned - The assigned fund balance classification reflects amounts that the government *intends* to be used for specific purposes. Assignments may be established either by the Governing Board or by a designee of the governing body and are subject to neither the restricted nor committed levels of constraint. In contrast to the constraints giving rise to committed fund balance, constraints giving rise to assigned fund balance are not required to be imposed, modified, or removed by formal action of the Governing Board. The action does not require the same level of formality and may be delegated to another body or official. Additionally, the assignment need not be made before the end of the reporting period, but rather may be made any time prior to the issuance of the financial statements.

Unassigned - In the General Fund only, the unassigned fund balance classification reflects the residual balance that has not been assigned to other funds and that is not restricted, committed, or assigned to specific purposes. However, deficits in any fund, including the General Fund that cannot be eliminated by reducing or eliminating amounts assigned to other purposes are reported as negative unassigned fund balance.

The District applies restricted resources first when expenditures are incurred for purposes for which either restricted or unrestricted (committed, assigned and unassigned) amounts are available. Similarly, within unrestricted fund balance, committed amounts are reduced first followed by assigned, and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

F. Interfund Activity

Exchange transactions between funds are reported as revenues in the seller funds and as expenditures/expenses in the purchaser funds. Flows of cash or goods from one fund to another without a requirement for repayment are reported as interfund transfers. Interfund transfers are reported as other financing sources/uses in governmental funds. Repayments from funds responsible for particular expenditures/expenses to the funds that initially paid for them are not presented in the financial statements. Interfund transfers are eliminated in the governmental activities columns of the statement of activities.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

G. Estimates

The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

H. Budgetary Data

The budgetary process is prescribed by provisions of the California Education Code and requires the governing board to hold a public hearing and adopt an operating budget no later than July 1 of each year. The District governing board satisfied these requirements. The adopted budget is subject to amendment throughout the year to give consideration to unanticipated revenue and expenditures primarily resulting from events unknown at the time of budget adoption with the legal restriction that expenditures cannot exceed appropriations by major object account.

The amounts reported as the original budgeted amounts in the budgetary statements reflect the amounts when the original appropriations were adopted. The amounts reported as the final budgeted amounts in the budgetary statements reflect the amounts after all budget amendments have been accounted for. For purposes of the budget, on-behalf payments have not been included as revenue and expenditures as required under generally accepted accounting principles.

I. Property Tax

Secured property taxes attach as an enforceable lien on property as of January 1. Taxes are payable in two installments on November 1 and February 1 and become delinquent on December 10 and April 10, respectively. Unsecured property taxes are payable in one installment on or before August 31. The County Auditor-Controller bills and collects the taxes on behalf of the District. Local property tax revenues are recorded when received.

J. New Accounting Pronouncements

GASB Statement No. 101 – In June 2022, GASB issued Statement No. 101, *Compensated Absences*. The objective of this statement is to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures. This statement is effective for periods beginning after December 15, 2023. The District has implemented this Statement as of June 30, 2025.

GASB Statement No. 102 – In December 2023, GASB issued Statement No. 102, *Certain Risk Disclosures.* This Statement requires a government to assess whether a concentration or constraint makes the primary government reporting unit or other reporting units that report a liability for revenue debt vulnerable to the risk of a substantial impact. Additionally, this Statement requires a government to assess whether an event or events associated with a concentration or constraint that could cause the substantial impact have occurred, have begun to occur, or are more likely than not to begin to occur within 12 months of the date the financial statements are issued. This statement is effective for periods beginning after June 15, 2024. The District has implemented this Statement as of June 30, 2025.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

J. New Accounting Pronouncements (continued)

GASB Statement No. 103 – In April 2024, GASB issued Statement No. 103, *Financial Reporting Model Improvements*. The objective of this Statement is to improve key components of the financial reporting model to enhance its effectiveness in providing information that is essential for decision making and assessing a government's accountability. This Statement also addresses certain application issues. The statement is effective for periods beginning after June 15, 2025. The District has not yet determined the impact on the financial statements.

GASB Statement No. 104 – In September 2024, GASB issued Statement No. 104, *Disclosure of Certain Capital Assets*. The objective of this Statement is to provide users of government financial statements with essential information about certain types of capital assets. The statement is effective for periods beginning after June 15, 2025. The District has not yet determined the impact on the financial statements.

NOTE 2 – CASH AND INVESTMENTS

A. Summary of Cash and Investments

	Governmental Activities
Investment in county treasury	$ 9,290,326
Fair value adjustment	65,044
Cash on hand and in banks	22,631
Cash in revolving fund	2,500
Total	$ 9,380,501

B. Policies and Practices

The District is authorized under California Government Code to make direct investments in local agency bonds, notes, or warrants within the state; U.S. Treasury instruments; registered state warrants or treasury notes; securities of the U.S. Government, or its agencies; bankers acceptances; commercial paper; certificates of deposit placed with commercial banks and/or savings and loan companies; repurchase or reverse repurchase agreements; medium term corporate notes; shares of beneficial interest issued by diversified management companies, certificates of participation, obligations with first priority security; collateralized mortgage obligations; and the County Investment Pool.

Investment in County Treasury – The District maintains substantially all of its cash in the County Treasury in accordance with *Education Code Section* 41001. The Shasta County Treasurer's pooled investments are managed by the County Treasurer who reports on a monthly basis to the board of supervisors. In addition, the function of the County Treasury Oversight Committee is to review and monitor the County's investment policy. The committee membership includes the Treasurer and Tax Collector, the Auditor-Controller, Chief Administrative Officer, Superintendent of Schools Representative, and a public member. The fair value of the District's investment in the pool is based upon the District's pro-rata share of the fair value provided by the County Treasurer for the entire portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by the County Treasurer, which is recorded on the amortized cost basis.

NOTE 2 – CASH AND INVESTMENTS (continued)

C. General Authorizations

Except for investments by trustees of debt proceeds, the authority to invest District funds deposited with the county treasury is delegated to the County Treasurer and Tax Collector. Additional information about the investment policy of the County Treasurer and Tax Collector may be obtained from its website. The table below identifies the investment types permitted by California Government Code.

Authorized Investment Type	Maximum Remaining Maturity	Maximum Percentage of Portfolio	Maximum Investment in One Issuer
Local Agency Bonds, Notes, Warrants	5 years	None	None
Registered State Bonds, Notes, Warrants	5 years	None	None
U. S. Treasury Obligations	5 years	None	None
U. S. Agency Securities	5 years	None	None
Banker's Acceptance	180 days	40%	30%
Commercial Paper	270 days	25%	10%
Negotiable Certificates of Deposit	5 years	30%	None
Repurchase Agreements	1 year	None	None
Reverse Repurchase Agreements	92 days	20% of base	None
Medium-Term Corporate Notes	5 years	30%	None
Mutual Funds	N/A	20%	10%
Money Market Mutual Funds	N/A	20%	10%
Mortgage Pass-Through Securities	5 years	20%	None
County Pooled Investment Funds	N/A	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None
Joint Powers Authority Pools	N/A	None	None

D. Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The District manages its exposure to interest rate risk by investing in the County Treasury. The District maintains a pooled investment with the County Treasury with a fair value of $9,355,370. The average weighted maturity for this pool is 610 days.

E. Credit Risk

Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The investments in the County Treasury are not required to be rated.

NOTE 2 – CASH AND INVESTMENTS (continued)

F. Custodial Credit Risk – Deposits

This is the risk that in the event of a bank failure, the District's deposits may not be returned to it. The District does not have a policy for custodial credit risk for deposits. However, the California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law. The market value of the pledged securities in the collateral pool must equal at least 110 percent of the total amount deposited by the public agencies. California law also allows financial institutions to secure public deposits by pledging first trust deed mortgage notes having a value of 150 percent of the secured public deposits and letters of credit issued by the Federal Home Loan Bank of San Francisco having a value of 105 percent of the secured deposits. As of June 30, 2025, the District's bank balance was not exposed to custodial credit risk.

G. Fair Value

The District categorizes the fair value measurements of its investments based on the hierarchy established by generally accepted accounting principles. The fair value hierarchy is based on the valuation inputs used to measure an asset's fair value. The following provides a summary of the hierarchy used to measure fair value:

Level 1 - Quoted prices (unadjusted) in active markets for identical assets.

Level 2 - Observable inputs other than Level 1 prices such as quoted prices for similar assets in active markets, quoted prices for identical or similar assets in markets that are not active, or other inputs that are observable, either directly or indirectly.

Level 3 - Unobservable inputs should be developed using the best information available under the circumstances, which might include the District's own data. The District should adjust that data if reasonable available information indicates that other market participants would use different data or certain circumstances specific to the District are not available to other market participants.

Uncategorized - Investments in the Shasta County Treasury Investment Pool are not measured using the input levels above because the District's transactions are based on a stable net asset value per share. All contributions and redemptions are transacted at $1.00 net asset value per share.

The District's fair value measurement of $9,355,370 in the county treasury at June 30, 2025 is classified as uncategorized.

NOTE 3 – ACCOUNTS RECEIVABLE

Accounts receivable at June 30, 2025 consisted of the following:

	General Fund	Non-Major Governmental Funds	Governmental Activities
Federal Government			
Categorical aid	$ 216,921	$ 68,395	$ 285,316
State Government			
Apportionment	161,148	-	161,148
Categorical aid	122,338	39,333	161,671
Lottery	68,595	-	68,595
Local Government			
Other local sources	39,416	2,828	42,244
Total	$ 608,418	$ 110,556	$ 718,974

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2025 was as follows:

	Balance July 01, 2024	Additions	Deletions	Balance June 30, 2025
Governmental Activities				
Capital assets not being depreciated				
Land	$ 5,180	$ -	$ -	$ 5,180
Construction in progress	175,112	1,550,000	-	1,725,112
Total capital assets not being depreciated	180,292	1,550,000	-	1,730,292
Capital assets being depreciated				
Land improvements	915,867	7,939	-	923,806
Buildings & improvements	12,218,005	-	-	12,218,005
Furniture & equipment	2,750,557	397,421	-	3,147,978
Total capital assets being depreciated	15,884,429	405,360	-	16,289,789
Less: Accumulated depreciation				
Land improvements	477,922	37,145	-	515,067
Buildings & improvements	5,476,582	235,970	-	5,712,552
Furniture & equipment	1,413,010	115,383	-	1,528,393
Total accumulated depreciation	7,367,514	388,498	-	7,756,012
Total capital assets being depreciated, net	8,516,915	16,862	-	8,533,777
Lease assets being amortized				
Furniture & equipment	73,326	-	-	73,326
Total lease assets being amortized	73,326	-	-	73,326
Less: Accumulated amortization for lease assets				
Furniture & equipment	23,328	13,526	-	36,854
Total accumulated amortization for lease assets	23,328	13,526	-	36,854
Total lease assets being amortized, net	49,998	(13,526)	-	36,472
Governmental Activities				
Capital Assets, net	$ 8,747,205	$ 1,553,336	$ -	$ 10,300,541

NOTE 5 – ACCRUED LIABILITIES

Accrued liabilities at June 30, 2025 consisted of the following:

	General Fund	County School Facilities Fund	Non-Major Governmental Funds	District-Wide	Governmental Activities
Payroll	$ 91,033	$ -	$ -	$ -	$ 91,033
Construction	-	487,527	-	-	487,527
Vendors payable	303,184	-	949	-	304,133
Due to grantor government	238,062	-	-	-	238,062
Unmatured interest	-	-	-	44,203	44,203
Total	$ 632,279	$ 487,527	$ 949	$ 44,203	$ 1,164,958

NOTE 6 – UNEARNED REVENUE

Unearned revenue at June 30, 2025 consisted of $4,905 in federal sources in the General Fund.

NOTE 7 – LONG-TERM LIABILITIES

A schedule of changes in long-term liabilities for the year ended June 30, 2025 consisted of the following:

	Restated Balance July 01, 2024	Additions	Deductions	Balance June 30, 2025	Balance Due In One Year
Governmental Activities					
General obligation bonds	$ 4,681,202	$ 140,208	$ 300,000	$ 4,521,410	$ 325,000
Unamortized premium	136,906	-	12,233	124,673	12,233
Total general obligation bonds	4,818,108	140,208	312,233	4,646,083	337,233
Financed purchases	1,011,000	-	11,000	1,000,000	14,000
Leases	52,060	-	13,770	38,290	14,375
Compensated absences*	254,029	-	93,886	160,143	36,117
Total OPEB liability	278,743	-	60,313	218,430	-
Net pension liability	5,314,003	-	150,293	5,163,710	-
Total	$ 11,727,943	$ 140,208	$ 641,495	$ 11,226,656	$ 401,725

* The change in the compensated absences liability is presented as a net change.

- Payments for general obligation bonds are made in the Bond Interest and Redemption Fund.
- Payments for leases are made in the General Fund.
- Payments for financed purchases are made in the General Fund.

NOTE 7 – LONG-TERM LIABILITIES (continued)

A. General Obligation Bonds

The following schedule summarizes the District's outstanding general obligation bonds as of June 30, 2025:

Series	Issue Date	Maturity Date	Interest Rate	Original Issue	Bonds Outstanding July 01, 2024	Additions	Deductions	Bonds Outstanding June 30, 2025
2008 Series A	6/2/2009	8/1/2033	5.45% - 8.00%	$ 1,996,812	$ 2,421,202	$ 140,208	$ 250,000	$ 2,311,410
2014 Series A	9/10/2014	8/1/2039	2.00% - 5.25%	2,490,000	2,260,000	-	50,000	2,210,000
Total					$ 4,681,202	$ 140,208	$ 300,000	$ 4,521,410

The annual requirements to amortize the District's general obligation bonds as of June 30, 2025 were as follows:

Year Ended June 30,	Principal	Interest	Total
2026	$ 164,508	$ 248,110	$ 412,618
2027	167,351	263,586	430,937
2028	175,094	278,826	453,920
2029	184,033	297,433	481,466
2030	197,609	315,904	513,513
2031 - 2035	1,056,214	1,510,219	2,566,433
2036 - 2040	1,140,000	154,938	1,294,938
Accretion	1,436,601	(1,436,601)	-
Total	$ 4,521,410	$ 1,632,415	$ 6,153,825

B. Financed Purchases

The District entered into a private placement debt agreement to finance certain energy efficiency projects. At June 30, 2025, the District's remaining debt service payments on the energy efficiency agreement are summarized as follows:

Year Ended June 30,	Principal	Interest	Total
2026	$ 14,000	$ 39,860	$ 53,860
2027	19,000	39,240	58,240
2028	23,000	38,440	61,440
2029	45,000	37,460	82,460
2030	62,000	35,340	97,340
2031 - 2035	329,000	138,300	467,300
2036 - 2040	334,000	72,100	406,100
2041 - 2043	174,000	10,600	184,600
Total	$ 1,000,000	$ 411,340	$ 1,411,340

NOTE 7 – LONG-TERM LIABILITIES (continued)

C. Leases

The District entered into various agreements to lease certain equipment. The lease agreements qualify as other than short-term leases under GASB No. 87 and, therefore, have been recorded at the present value of the future minimum lease payments as of the date of their inception.

At the time of the initial measurement, there was no interest rate specified in the original lease agreement. The District has used estimated interest rates for borrowing ranging from 3.50% to 9.60%, which were used to discount the annual lease payments to recognize the intangible right to use of this asset and the lease liability as of the inception of the lease. Per the agreements, monthly lease payments may be adjusted based on usage of the equipment in excess of originally contracted amounts. The leases are not renewable and the District will not acquire the equipment at the end of the lease term. Annual requirements to amortize lease obligations and related interest are as follows:

Year Ended June 30,	Principal	Interest	Total
2026	$ 14,375	$ 3,043	$ 17,418
2027	15,559	1,623	17,182
2028	8,356	236	8,592
Total	$ 38,290	$ 4,902	$ 43,192

D. Compensated Absences

The restated beginning compensated absences balance was $254,029 and decreased by a net amount of $93,886 during the year ended June 30, 2025. The ending compensated absences at June 30, 2025 amounted to $160,143. This amount is included as part of long-term liabilities in the government-wide financial statements.

E. Other Postemployment Benefits

The District's beginning total OPEB liability was $278,743 and decreased by $60,313 during the year ended June 30, 2025. The ending total OPEB liability at June 30, 2025 was $218,430. See Note 9 for additional information regarding the total OPEB liability.

F. Net Pension Liability

The District's beginning net pension liability was $5,314,003 and decreased by $150,293 during the year ended June 30, 2025. The ending net pension liability at June 30, 2025 was $5,163,710. See Note 10 for additional information regarding the net pension liability.

NOTE 8 – FUND BALANCES

Fund balances were composed of the following elements at June 30, 2025:

	General Fund	County School Facilities Fund	Non-Major Governmental Funds	Total Governmental Funds
Nonspendable				
Revolving cash	$ 2,500	$ -	$ -	$ 2,500
Stores inventory	-	-	4,750	4,750
Prepaid expenditures	154,064	-	-	154,064
Total nonspendable	156,564	-	4,750	161,314
Restricted				
Educational programs	1,776,990	-	-	1,776,990
Food service	-	-	156,129	156,129
Associated student body	-	-	22,631	22,631
Capital projects	-	3,621,776	217,580	3,839,356
Debt service	-	-	496,207	496,207
Total restricted	1,776,990	3,621,776	892,547	6,291,313
Assigned				
Other assignments	181,459	-	20	181,479
Total assigned	181,459	-	20	181,479
Unassigned	2,498,523	-	-	2,498,523
Total	$ 4,613,536	$ 3,621,776	$ 897,317	$ 9,132,629

The District is committed to maintaining a prudent level of financial resources to protect against the need to reduce service levels because of temporary revenue shortfalls or unpredicted expenditures. The District's Minimum Fund Balance Policy requires a Reserve for Economic Uncertainties, consisting of unassigned amounts, equal to no less than four percent of General Fund expenditures and other financing uses.

NOTE 9 – POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB)

A. Plan Description

The Happy Valley Union Elementary School District's defined benefit OPEB plan, Happy Valley Union Elementary School District Retiree Benefit Plan (the Plan) is described below. The Plan is a single-employer defined benefit plan administered by the District. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement 75.

B. Benefits Provided

The eligibility requirements and benefits provided by the Plan are described below.

	Certificated	Classified	Management
Benefit types provided	Medical only	Medical only	Medical only
Duration of Benefits	To age 65*	To age 65	To age 65
Required Service	10 years	10 years	10 years
Minimum Age	55	60	55
Dependent Coverage	Yes	Yes	Yes
District Contribution %	100% to District cap	100% to District cap	100% to District cap
District Cap**	Varies ***	$100/month plus an additional $20 per month for each year after age 60	$700/month

* There is one retiree in the census data who receives a District contribution until age 69.

** Benefits are frozen in the year of retirement and end at age 65.

*** The annual District contribution cap is based on the following formula: (1) Divide active cap in year of retirement by 12; (2) Subtract $300; (3)Divide by 9; (4) Multiply by age at retirement less 55; (5) Add $300; (6) Multiply by 12. This formula has the effect of reproducing the entire active cap for retirement at age 64, with reduced amounts for earlier retirement ages. The active cap as of the valuation date is $11,600 per year.

C. Contributions

For the measurement period, the District contributed $21,806 to the Plan, all of which was used for current premiums. There is no actuarially determined contribution, nor any contribution requirement established by statute or contract. The District's contribution is currently based on a projected pay as-you-go funding method, that is, benefits are payable when due.

NOTE 9 – POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB) (continued)

D. Plan Membership

Membership of the Plan consisted of the following:

	Number of participants
Inactive employees receiving benefits	1
Inactive employees entitled to but not receiving benefits*	-
Participating active employees	40
Total number of participants**	41

*Information not provided
**As of the June 30, 2025 valuation date

E. Total OPEB Liability

The Happy Valley Union Elementary School District's total OPEB liability of $218,430 was measured as of June 30, 2025 and was determined by an actuarial valuation as of the same date.

F. Actuarial Assumptions and Other Inputs

The total OPEB liability as of June 30, 2025 was determined by an actuarial valuation as of the same date, using the following actuarial assumptions and other inputs, applied to all periods included in the measurement:

Economic assumptions:	
Inflation	2.50%
Salary increases	2.75%
Discount rate	5.20%
Healthcare cost trend rate	4.00%
Non-economic assumptions:	
Mortality:	
Certificated	2020 CalSTRS Mortality
Classified	2021 CalPERS Active Mortality for Miscellaneous and Schools Employees
Retirement rates:	
Certificated	2020 CalSTRS Retirement Rates Tables
Classified	2021 CalPERS Retirement Rates for School Employees Tables
Management	2021 CalPERS Retirement Rates for School Employees Tables

The actuarial assumptions used in the June 30, 2025 valuation were based on a review of plan experience during the period July 1, 2023 to June 30, 2025.

The discount rate was based on the Bond Buyer 20 Bond Index. The actuary assumed contributions would be sufficient to fully fund the obligation over a period not to exceed 22 years.

NOTE 9 – POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB) (continued)

G. Changes in Total OPEB Liability

	June 30, 2025
Total OPEB Liability	
Service cost	$ 27,023
Interest on total OPEB liability	11,057
Difference between expected and actual experience	(58,259)
Changes of assumptions	(18,328)
Benefits payments	(21,806)
Net change in total OPEB liability	(60,313)
Total OPEB liability - beginning	278,743
Total OPEB liability - ending	$ 218,430

H. Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the Happy Valley Union Elementary School District, as well as what the District's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current discount rate:

	1% Decrease (4.20%)	Valuation Discount Rate (5.20%)	1% Increase (6.20%)
Total OPEB liability	$ 232,765	$ 218,430	$ 204,858

I. Sensitivity of the Total OPEB Liability to Changes in the Healthcare Cost Trend Rate

The following presents the total OPEB liability of the Happy Valley Union Elementary School District, as well as what the District's total OPEB liability would be if it were calculated using a healthcare cost trend rate that is one percentage point lower or one percentage point higher than the current healthcare cost trend rate:

	1% Decrease (3.00%)	Healthcare Cost Trend Rate (4.00%)	1% Increase (5.00%)
Total OPEB liability	$ 196,253	$ 218,430	$ 244,172

NOTE 9 – POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB) (continued)

J. OPEB Expense and Deferred Outflows and Deferred Inflows of Resources Related to OPEB

For the year ended June 30, 2025, the Happy Valley Union Elementary School District recognized OPEB expense of $22,238. At June 30, 2025, the Happy Valley Union Elementary School District reported deferred outflows of resources related to OPEB and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	$ 39,170	$ 124,212
Changes in assumptions	8,728	59,442
Total	$ 47,898	$ 183,654

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ended June 30,	Deferred Outflows of Resources	Deferred Inflows of Resources
2026	$ 8,766	$ 24,605
2027	8,766	23,233
2028	8,042	21,704
2029	5,703	16,096
2030	5,703	16,094
Thereafter	10,918	81,922
Total	$ 47,898	$ 183,654

NOTE 10 – PENSION PLANS

Qualified employees are covered under multiple-employer contributory retirement plans maintained by agencies of the State of California. Certificated employees are members of the California State Teachers' Retirement System (CalSTRS), and classified employees are members of the California Public Employees' Retirement System (CalPERS). The District reported its proportionate share of the net pension liabilities, pension expense, deferred outflow of resources, and deferred inflow of resources for each of the above plans as follows:

	Net pension liability	Deferred outflows related to pensions	Deferred inflows related to pensions	Pension expense
CalSTRS Pension	$ 2,044,276	$ 650,175	$ 797,022	$ 147,311
CalPERS Pension	3,119,434	1,311,133	22,446	612,945
Total	$ 5,163,710	$ 1,961,308	$ 819,468	$ 760,256

A. California State Teachers' Retirement System (CalSTRS)

Plan Description

The District contributes to the California State Teachers' Retirement System (CalSTRS); a cost-sharing multiple employer public employee retirement system defined benefit pension plan administered by CalSTRS. The plan provides retirement and disability benefits and survivor benefits to beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the State Teachers' Retirement Law. CalSTRS issues a separate annual comprehensive financial report that includes financial statements and required supplementary information. Copies of the CalSTRS annual financial report may be obtained from CalSTRS, P.O. Box 15275, Sacramento, CA 95851-0275.

Benefits Provided

The CalSTRS defined benefit plan has two benefit formulas:

1. CalSTRS 2% at 60: Members first hired on or before December 31, 2012, to perform service that could be creditable to CalSTRS. CalSTRS 2% at 60 members are eligible for normal retirement at age 60, with a minimum of five years of credited service. The normal retirement benefit is equal to 2.0 percent of final compensation for each year of credited service. Early retirement options are available at age 55 with five years of credited service or as early as age 50 with 30 years of credited service. The age factor for retirements after age 60 increases with each quarter year of age to 2.4 percent at age 63 or older. Members who have 30 years or more of credited service receive an additional increase of up to 0.2 percent to the age factor, known as the career factor. The maximum benefit with the career factor is 2.4 percent of final compensation.

2. CalSTRS 2% at 62: Members first hired on or after January 1, 2013, to perform service that could be creditable to CalSTRS. CalSTRS 2% at 62 members are eligible for normal retirement at age 62, with a minimum of five years of credited service. The normal retirement benefit is equal to 2.0 percent of final compensation for each year of credited service. An early retirement option is available at age 55. The age factor for retirement after age 62 increases with each quarter year of age to 2.4 percent at age 65 or older.

NOTE 10 – PENSION PLANS (continued)

A. California State Teachers' Retirement System (CalSTRS) (continued)

Contributions

Active plan CalSTRS 2% at 60 and 2% at 62 members are required to contribute 10.25% and 10.205% of their salary for fiscal year 2025, respectively, and the District is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by CalSTRS Teachers' Retirement Board. The required employer contribution rate for fiscal year 2025 was 19.10% of annual payroll. The contribution requirements of the plan members are established by state statute. Contributions to the plan from the District were $331,357 for the year ended June 30, 2025.

On-Behalf Payments

The District was the recipient of on-behalf payments made by the State of California to CalSTRS for K-12 education. These payments consist of state general fund contributions of approximately $189,376 to CalSTRS.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2025, the District reported a liability for its proportionate share of the net pension liability that reflected a reduction for State pension support provided to the District. The amount recognized by the District as its proportionate share of the net pension liability, the related State support, and the total portion of the net pension liability that was associated with the District were as follows:

District's proportionate share of the net pension liability	$	2,044,276
State's proportionate share of the net pension liability associated with the District		937,935
Total	$	2,982,211

The net pension liability was measured as of June 30, 2024, and the total pension liability used to calculate the net pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2023 and rolling forward the total pension liability to June 30, 2024. The District's proportion of the net pension liability was based on a projection of the District's long-term share of contributions to the pension plan relative to the projected contributions of all participating school districts, actuarially determined. At June 30, 2024, the District's proportion was 0.003 percent, which was unchanged from its proportion measured as of June 30, 2023.

NOTE 10 – PENSION PLANS (continued)

A. California State Teachers' Retirement System (CalSTRS) (continued)

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (continued)

For the year ended June 30, 2025, the District recognized pension expense of $147,311. In addition, the District recognized pension expense and revenue of $(89,614) for support provided by the State. At June 30, 2025, the District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between projected and actual earnings on plan investments	$ -	$ 8,249
Differences between expected and actual experience	231,234	89,395
Changes in assumptions	8,949	139,617
Changes in proportion and differences between District contributions and proportionate share of contributions	78,635	559,761
District contributions subsequent to the measurement date	331,357	-
Total	$ 650,175	$ 797,022

The $331,357 reported as deferred outflows of resources related to pensions resulting from District contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2026. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30,	Deferred Outflows of Resources	Deferred Inflows of Resources
2026	$ 104,773	$ 323,979
2027	70,000	13,728
2028	42,673	188,195
2029	44,606	142,238
2030	43,526	105,535
2031	13,240	23,347
Total	$ 318,818	$ 797,022

NOTE 10 – PENSION PLANS (continued)

A. California State Teachers' Retirement System (CalSTRS) (continued)

Actuarial Assumptions

The total pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2023, and rolling forward the total pension liability to June 30, 2024 using the following actuarial assumptions, applied to all periods included in the measurement:

Consumer Price Inflation	2.75%
Investment Rate of Return*	7.10%
Wage Inflation	3.50%

* Net of investment expenses, but gross of administrative expenses.

CalSTRS uses custom mortality tables to best fit the patterns of mortality among its members. These custom tables are based on MP-2016 series tables adjusted to fit CalSTRS experience.

The actuarial assumptions used in the June 30, 2023 valuation were based on the results of an actuarial experience study for the period July 1, 2015 through June 30, 2018.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. The best-estimate ranges were developed using capital market assumptions from CalSTRS general investment consultant (Pension Consulting Alliance–PCA) as an input to the process. The actuarial investment rate of return assumption was adopted by the board in January 2023 in conjunction with the most recent experience study. For each current and future valuation, CalSTRS' independent consulting actuary (Milliman) reviews the return assumption for reasonableness based on the most current capital market assumptions. Best estimates of expected 20-year geometrically linked real rates of return and the assumed asset allocation for each major asset class as of June 30, 2022, are summarized in the following table:

Asset Class	Assumed Asset Allocation	Long-Term Expected Real Rate of Return*
Public Equity	38%	5.25%
Real Estate	15%	4.05%
Private Equity	14%	6.75%
Fixed Income	14%	2.45%
Risk Mitigating Strategies	10%	2.25%
Inflation Sensitive	7%	3.65%
Cash/Liquidity	2%	0.05%
	100%	

*Real return is net of assumed 2.75% inflation.

NOTE 10 – PENSION PLANS (continued)

A. California State Teachers' Retirement System (CalSTRS) (continued)

Discount Rate

The discount rate used to measure the total pension liability was 7.10 percent. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and employers will be made at statutory contribution rates in accordance with the rate increases per AB 1469. Projected inflows from investment earnings were calculated using the long-term assumed investment rate of return (7.10 percent) and assuming that contributions, benefit payments, and administrative expense occur midyear. Based on those assumptions, the Plan's fiduciary net position was projected to be available to make all projected future benefit payments to current plan members. Therefore, the long-term assumed investment rate of return was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the District's proportionate share of the net pension liability calculated using the discount rate of 7.10 percent, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.10 percent) or 1-percentage-point higher (8.10 percent) than the current rate:

	1% Decrease (6.10%)	Current Discount Rate (7.10%)	1% Increase (8.10%)
District's proportionate share of the net pension liability	$ 3,636,098	$ 2,044,276	$ 715,038

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's fiduciary net position is available in the separately issued CalSTRS financial report.

NOTE 10 – PENSION PLANS (continued)

B. California Public Employees' Retirement System (CalPERS)

Plan Description

The District contributes to the School Employer Pool under the California Public Employees' Retirement System (CalPERS); a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by CalPERS. The plan provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the Public Employees' Retirement Laws. CalPERS issues a separate annual comprehensive financial report that includes financial statements and required supplementary information. Copies of the CalPERS annual financial report may be obtained from the CalPERS Executive Office, 400 Q Street, Sacramento, CA 95811.

Benefits Provided

The benefits for the defined benefit plan are based on members' years of service, age, final compensation, and benefit formula. Benefits are provided for disability, death, and survivors of eligible members or beneficiaries. Members become fully vested in their retirement benefits earned to date after five years of credited service.

Contributions

Active plan members who entered into the plan prior to January 1, 2013, are required to contribute 7.0% of their salary. The California Public Employees' Pension Reform Act (PEPRA) specifies that new members entering into the plan on or after January 1, 2013, shall pay the higher of fifty percent of normal costs or 8.0% of their salary. Additionally, for new members entering the plan on or after January 1, 2013, the employer is prohibited from paying any of the employee contribution to CalPERS unless the employer payment of the member's contribution is specified in an employment agreement or collective bargaining agreement that expires after January 1, 2013.

The District is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by the CalPERS Board of Administration. The required employer contribution rate for fiscal year 2025 was 27.05% of annual payroll. Contributions to the plan from the District were $507,535 for the year ended June 30, 2025.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2025, the District reported a liability of $3,119,434 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2024, and the total pension liability used to calculate the net pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2023 and rolling forward the total pension liability to June 30, 2024. The District's proportion of the net pension liability was based on a projection of the District's long-term share of contributions to the pension plan relative to the projected contributions of all participating school districts, actuarially determined. At June 30, 2024, the District's proportion was 0.009 percent, which was an increase of 0.001 percent from its proportion measured as of June 30, 2023.

NOTE 10 – PENSION PLANS (continued)

B. California Public Employees' Retirement System (CalPERS) (continued)

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (continued)

For the year ended June 30, 2025, the District recognized pension expense of $612,945. At June 30, 2025, the District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between projected and actual earnings on plan investments	$ 121,172	$ -
Differences between expected and actual experience	261,519	22,326
Changes in assumptions	68,950	-
Changes in proportion and differences between District contributions and proportionate share of contributions	351,957	120
District contributions subsequent to the measurement date	507,535	-
Total	$ 1,311,133	$ 22,446

The $507,535 reported as deferred outflows of resources related to pensions resulting from District contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2026. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30,	Deferred Outflows of Resources	Deferred Inflows of Resources
2026	$ 346,430	$ 22,446
2027	380,160	-
2028	115,348	-
2029	(38,340)	-
Total	$ 803,598	$ 22,446

NOTE 10 – PENSION PLANS (continued)

B. California Public Employees' Retirement System (CalPERS) (continued)

Actuarial Assumptions

The total pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2023, and rolling forward the total pension liability to June 30, 2024 using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.30%
Discount Rate	6.90%
Salary Increases	Varies by Entry Age and Service

CalPERS uses custom mortality tables to best fit the patterns of mortality among its members. These custom tables are derived using CalPERS' membership data for all funds. The table includes 15 years of mortality improvements using the Society of Actuaries Scale 80% of scale MP 2020.

The actuarial assumptions used in the June 30, 2023, valuation were based on the results of an actuarial experience study for the period from 2000 through 2019.

The long-term expected rate of return on pension plan investments was determined using a building block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. In determining the long-term expected rate of return, both short-term and long-term market return expectations as well as the expected pension fund cash flows were taken into account. Such cash flows were developed assuming that both members and employers will make their required contributions on time and as scheduled in all future years. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11+ years) using a building block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and adjusted to account for assumed administrative expenses.

NOTE 10 – PENSION PLANS (continued)

B. California Public Employees' Retirement System (CalPERS) (continued)

Actuarial Assumptions (continued)
The table below reflects long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These geometric rates of return are net of administrative expenses.

Asset Class	Assumed Asset Allocation	Real Return Years 1 – 10*
Global Equity – cap-weighted	30.0%	4.54%
Global Equity – non-cap-weighted	12.0%	3.84%
Private Equity	13.0%	7.28%
Treasury	5.0%	0.27%
Mortgage-backed securities	5.0%	0.50%
Investment grade corporates	10.0%	1.56%
High yield	5.0%	2.27%
Emerging market debt	5.0%	2.48%
Private debt	5.0%	3.57%
Real assets	15.0%	3.21%
Leverage	(5.0)%	(0.59)%
	100.0%	

*An expected inflation of 2.30% used for this period. Figures are based on the 2021-22 CalPERS Asset Liability Management Study

Discount Rate
The discount rate used to measure the total pension liability was 6.90 percent. A projection of the expected benefit payments and contributions was performed to determine if assets would run out. The test revealed the assets would not run out. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability for the Schools Pool. The results of the crossover testing for the Schools Pool are presented in a detailed report that can be obtained at CalPERS' website.

Sensitivity of the District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate
The following presents the District's proportionate share of the net pension liability calculated using the discount rate of 6.90 percent, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.90 percent) or 1-percentage-point higher (7.90 percent) than the current rate:

	1% Decrease (5.90%)	Current Discount Rate (6.90%)	1% Increase (7.90%)
District's proportionate share of the net pension liability	$ 4,633,945	$ 3,119,434	$ 1,868,327

Pension Plan Fiduciary Net Position
Detailed information about the pension plan's fiduciary net position is available in the separately issued CalPERS financial report.

NOTE 11 – COMMITMENTS AND CONTINGENCIES

A. Grants

The District received financial assistance from federal and state agencies in the form of grants. The disbursement of funds received under these programs generally requires compliance with terms and conditions specified in the grant agreements and are subject to audit by the grantor agencies. Any disallowed claims resulting from such audits could become a liability of the General Fund or other applicable funds. However, in the opinion of management, any such disallowed claims will not have a material adverse effect on the overall financial position of the District at June 30, 2025.

B. Litigation

The District is involved in various litigation arising from the normal course of business. In the opinion of management and legal counsel, the disposition of all litigation pending is not expected to have a material adverse effect on the overall financial position of the District at June 30, 2025.

C. Construction Commitments

As of June 30, 2025, the District had commitments with respect to unfinished capital projects of $3,022,768.

NOTE 12 – PARTICIPATION IN JOINT POWERS AUTHORITIES

The District is a member of the Northern California Schools Insurance Group (NCSIG), Shasta-Trinity Schools Insurance Group (STSIG), and California Valued Trust (CVT) public entity risk pools. The District pays premium to the entities for its property and liability, workers' compensation, and employee medical benefits coverage, respectively. The relationship between the District and the pools is such that they are not component units of the District for financial reporting purposes.

These entities have budgeting and financial reporting requirements independent of member units and their financial statements are not presented in these financial statements; however, fund transactions between the entities and the District are included in these statements. Audited financial statements are generally available from the respective entities.

NOTE 13 – DEFERRED OUTFLOWS/INFLOWS OF RESOURCES

A. Pension Plans

Pursuant to GASB Statement No. 68, *Accounting and Financial Reporting for Pensions,* the District recognized deferred outflows of resources related to pensions and deferred inflows of resources related to pensions in the District-wide financial statements. Further information regarding the deferred outflows of resources and deferred inflows of resources can be found at Note 10. At June 30, 2025, total deferred outflows related to pensions was $1,961,308 and total deferred inflows related to pensions was $819,468.

B. Other Postemployment Benefits

Pursuant to GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions,* the District recognized deferred outflows of resources related to other postemployment benefits and deferred inflows of resources related to other postemployment benefits in the District-wide financial statements. Further information regarding the deferred outflows of resources and deferred inflows of resources can be found at Note 9. At June 30, 2025, total deferred outflows related to other postemployment benefits was $47,898 and total deferred inflows related to other postemployment benefits was $183,654.

NOTE 14 – RESTATEMENT OF NET POSITION

The beginning net position of the Governmental Activities has been restated due to the implementation of Governmental Accounting Standards Board (GASB) Statement No. 101, *Compensated Absences*. GASB 101 establishes recognition and measurement guidance for liabilities related to compensated absences, requiring that the liability be recognized when leave is attributable to services already rendered and it is probable that the leave will be used or paid. This standard supersedes certain provisions of GASB Statement No. 16.

The impact on beginning net position is presented as follows:

	Governmental Activities
Net Position - Beginning, as Previously Reported	$ 4,246,215
Restatement	(204,229)
Net Position - Beginning, as Restated	$ 4,041,986

REQUIRED SUPPLEMENTARY INFORMATION

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
GENERAL FUND – BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2025

	Budgeted Amounts		Actual*	Variances -
	Original	Final	(Budgetary Basis)	Final to Actual
REVENUES				
LCFF sources	$ 6,441,473	$ 6,580,298	$ 6,530,969	$ (49,329)
Federal sources	375,451	446,801	421,807	(24,994)
Other state sources	984,553	954,629	1,053,249	98,620
Other local sources	552,580	589,332	843,002	253,670
Total Revenues	8,354,057	8,571,060	8,849,027	277,967
EXPENDITURES				
Certificated salaries	2,410,805	2,211,204	2,152,779	58,425
Classified salaries	1,414,609	1,360,513	1,480,751	(120,238)
Employee benefits	1,795,631	1,726,809	1,728,725	(1,916)
Books and supplies	544,255	616,472	444,176	172,296
Services and other operating expenditures	2,232,143	2,186,737	2,132,004	54,733
Capital outlay	543,015	519,036	416,374	102,662
Other outgo				
Excluding transfers of indirect costs	151,704	151,704	164,255	(12,551)
Total Expenditures	9,092,162	8,772,475	8,519,064	253,411
NET CHANGE IN FUND BALANCE	(738,105)	(201,415)	329,963	531,378
Fund Balance - Beginning	3,350,077	4,203,053	4,203,053	-
Fund Balance - Ending	$ 2,611,972	$ 4,001,638	$ 4,533,016	$ 531,378

* The actual amounts reported on this schedule do not agree with the amounts reported on the Statement of Revenues, Expenditures, and Changes in Fund Balance for the following reasons:

- The amounts reported on the Statement of Revenues, Expenditures, and Changes in Fund Balances include the financial activity of the Deferred Maintenance Fund and the Special Reserve Fund for Postemployment Benefits, in accordance with the fund type definitions promulgated by GASB Statement No. 54.
- Audit adjustments are not reflected in the schedule above.

See accompanying notes to required supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS
FOR THE YEAR ENDED JUNE 30, 2025

	June 30, 2025	June 30, 2024	June 30, 2023	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018
Total OPEB Liability								
Service cost	$ 27,023	$ 27,300	$ 22,510	$ 26,523	$ 27,130	$ 20,515	$ 18,914	$ 19,153
Interest on total OPEB liability	11,057	9,834	11,253	7,424	21,876	11,758	12,637	11,669
Difference between expected and actual experience	(58,259)	-	(64,156)	-	67,555	(48,079)	(13,781)	(7,542)
Changes of assumptions	(18,328)	(5,262)	341	(25,879)	(35,020)	-	6,519	(4,830)
Benefits payments	(21,806)	(17,795)	(23,800)	(39,980)	(19,685)	(22,080)	(19,685)	(10,710)
Net change in total OPEB liability	(60,313)	14,077	(53,852)	(31,912)	61,856	(37,886)	4,604	7,740
Total OPEB liability - beginning	278,743	264,666	318,518	350,430	288,574	326,460	321,856	314,116
Total OPEB liability - ending	$ 218,430	$ 278,743	$ 264,666	$ 318,518	$ 350,430	$ 288,574	$ 326,460	$ 321,856
Covered-employee payroll	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*
District's total OPEB liability as a percentage of covered-employee payroll	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*

* The OPEB Plan is not administered through a trust and contributions are not made based on a measure of pay. Therefore, no measure of payroll is presented.

See accompanying notes to required supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF THE DISTRICT'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY - CALSTRS
FOR THE YEAR ENDED JUNE 30, 2025

	June 30, 2025	June 30, 2024	June 30, 2023	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016
District's proportion of the net pension liability	0.003%	0.003%	0.003%	0.004%	0.004%	0.004%	0.004%	0.004%	0.004%	0.004%
District's proportionate share of the net pension liability	$ 2,044,276	$ 2,323,333	$ 2,359,627	$ 1,714,970	$ 3,908,390	$ 3,438,912	$ 3,218,872	$ 3,239,544	$ 3,320,572	$ 2,692,960
State's proportionate share of the net pension liability associated with the District	937,935	1,113,194	1,181,692	862,906	2,014,775	1,876,156	1,842,955	1,916,487	1,890,343	931,576
Total	$ 2,982,211	$ 3,436,527	$ 3,541,319	$ 2,577,876	$ 5,923,165	$ 5,315,068	$ 5,061,827	$ 5,156,031	$ 5,210,915	$ 3,624,536
District's covered payroll	$ 1,918,482	$ 1,936,660	$ 2,002,967	$ 2,072,217	$ 2,195,778	$ 2,060,891	$ 1,915,260	$ 1,881,971	$ 2,003,747	$ 1,907,432
District's proportionate share of the net pension liability as a percentage of its covered payroll	106.56%	119.97%	117.81%	82.76%	178.00%	166.87%	168.06%	172.14%	165.72%	141.18%
Plan fiduciary net position as a percentage of the total pension liability	83.55%	80.62%	81.20%	87.21%	71.82%	72.56%	70.99%	69.46%	70.04%	74.02%

The amounts presented for each fiscal year were determined as of the year-end that occurred one year prior.

See accompanying notes to required supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF THE DISTRICT'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY - CALPERS
FOR THE YEAR ENDED JUNE 30, 2025

	June 30, 2025	June 30, 2024	June 30, 2023	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016
District's proportion of the net pension liability	0.009%	0.008%	0.008%	0.008%	0.007%	0.006%	0.006%	0.006%	0.006%	0.006%
District's proportionate share of the net pension liability	$ 3,119,434	$ 2,990,670	$ 2,730,639	$ 1,519,954	$ 2,002,731	$ 1,812,270	$ 1,455,967	$ 1,415,090	$ 1,144,118	$ 884,406
District's covered payroll	$ 1,726,990	$ 1,454,470	$ 1,216,294	$ 1,072,401	$ 941,124	$ 867,805	$ 724,004	$ 754,889	$ 693,838	$ 667,072
District's proportionate share of the net pension liability as a percentage of its covered payroll	180.63%	205.62%	224.50%	141.73%	212.80%	208.83%	201.10%	187.46%	164.90%	132.58%
Plan fiduciary net position as a percentage of the total pension liability	72.29%	69.96%	69.76%	80.97%	70.00%	70.05%	70.85%	71.87%	73.90%	79.43%

The amounts presented for each fiscal year were determined as of the year-end that occurred one year prior.

See accompanying notes to required supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF DISTRICT CONTRIBUTIONS - CALSTRS
FOR THE YEAR ENDED JUNE 30, 2025

	June 30, 2025	June 30, 2024	June 30, 2023	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016
Contractually required contribution	$ 331,357	$ 357,177	$ 369,902	$ 338,902	$ 334,663	$ 375,478	$ 335,513	$ 276,372	$ 236,752	$ 215,002
Contributions in relation to the contractually required contribution*	(331,357)	(357,177)	(369,902)	(338,902)	(334,663)	(375,478)	(335,513)	(276,372)	(236,752)	(215,002)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
District's covered payroll	$ 1,743,072	$ 1,918,482	$ 1,936,660	$ 2,002,967	$ 2,072,217	$ 2,195,778	$ 2,060,891	$ 1,915,260	$ 1,881,971	$ 2,003,747
Contributions as a percentage of covered payroll	19.01%	18.62%	19.10%	16.92%	16.15%	17.10%	16.28%	14.43%	12.58%	10.73%

*Amounts do not include on-behalf contributions

See accompanying notes to required supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF DISTRICT CONTRIBUTIONS - CALPERS
FOR THE YEAR ENDED JUNE 30, 2025

	June 30, 2025	June 30, 2024	June 30, 2023	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016
Contractually required contribution	$ 507,535	$ 460,738	$ 368,999	$ 278,653	$ 221,987	$ 185,599	$ 156,743	$ 112,445	$ 104,839	$ 82,199
Contributions in relation to the contractually required contribution*	(507,535)	(460,738)	(368,999)	(278,653)	(221,987)	(185,599)	(156,743)	(112,445)	(104,839)	(82,199)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
District's covered payroll	$ 1,876,589	$ 1,726,990	$ 1,454,470	$ 1,216,294	$ 1,072,401	$ 941,124	$ 867,805	$ 724,004	$ 754,889	$ 693,838
Contributions as a percentage of covered payroll	27.05%	26.68%	25.37%	22.91%	20.70%	19.72%	18.06%	15.53%	13.89%	11.85%

*Amounts do not include on-behalf contributions

See accompanying notes to required supplementary information.

NOTE 1 – PURPOSE OF SCHEDULES

Budgetary Comparison Schedule

This schedule is required by GASB Statement No. 34 as required supplementary information (RSI) for the General Fund and for each major special revenue fund that has a legally adopted annual budget. The budgetary comparison schedule presents both (a) the original and (b) the final appropriated budgets for the reporting period as well as (c) actual inflows, outflows, and balances, stated on the District's budgetary basis. A separate column to report the variance between the final budget and actual amounts is also presented, although not required.

Schedule of Changes in Total OPEB Liability and Related Ratios

This 10-year schedule is required by GASB Statement No. 75 for all sole and agent employers that provide other postemployment benefits (OPEB). Until a full 10-year trend is compiled, the schedule will only show those years under which GASB Statement No. 75 was applicable. The schedule presents the sources of change in the total OPEB liability, and the components of the total OPEB liability and related ratios, including the total OPEB liability as a percentage of covered-employee payroll.

Changes in Benefit Terms

There were no changes in benefit terms since the previous valuation.

Changes in Assumptions

The interest assumption changed from 3.93% to 5.20% since the previous valuation.

Schedule of the District's Proportionate Share of the Net Pension Liability

This 10-year schedule is required by GASB Statement No. 68 for each cost-sharing pension plan. The schedule presents the District's proportion (percentage) of the collective net pension liability, the District's proportionate share (amount) of the collective net pension liability, the District's covered payroll, the District's proportionate share (amount) of the collective net pension liability as a percentage of the employer's covered payroll, and the pension plan's fiduciary net position as a percentage of the total pension liability.

Changes in Benefit Terms

There were no changes in benefit terms since the previous valuations for CalSTRS or CalPERS.

Changes in Assumptions

There were no changes in economic assumptions since the previous valuations for CalSTRS or CalPERS.

Schedule of District Contributions

This 10-year schedule is required by GASB Statement No. 68 for each cost-sharing pension plan. The schedule presents the District's statutorily or contractually required employer contribution, the amount of contributions recognized by the pension plan in relation to the statutorily or contractually required employer contribution, the difference between the statutorily or contractually required employer contribution and the amount of contributions recognized by the pension plan in relation to the statutorily or contractually required employer contribution, the District's covered payroll, and the amount of contributions recognized by the pension plan in relation to the statutorily or contractually required employer contribution as a percentage of the District's covered payroll.

NOTE 2 – EXCESS OF EXPENDITURES OVER APPROPRIATIONS

For the year ended June 30, 2025, the District incurred an excess of expenditures over appropriations in individual major funds presented in the Budgetary Comparison Schedule by major object code as follows:

	Expenditures and Other Uses		
	Budget	Actual	Excess
General Fund			
Classified salaries	$ 1,360,513	$ 1,480,751	$ 120,238
Employee benefits	$ 1,726,809	$ 1,728,725	$ 1,916
Other outgo			
Excluding transfers of indirect costs	$ 151,704	$ 164,255	$ 12,551

SUPPLEMENTARY INFORMATION

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF AVERAGE DAILY ATTENDANCE (ADA)
FOR THE YEAR ENDED JUNE 30, 2025

	Second Period Report	Annual Report
SCHOOL DISTRICT		
TK/K through Third		
Regular ADA	211.16	214.14
Community Day School	1.12	1.42
Total TK/K through Third	212.28	215.56
Fourth through Sixth		
Regular ADA	145.13	147.59
Extended Year Special Education	-	0.16
Extended Year Special Education - Nonpublic Schools	0.09	0.09
Community Day School	1.34	1.45
Total Fourth through Sixth	146.56	149.29
Seventh through Eighth		
Regular ADA	96.46	97.02
Extended Year Special Education	-	0.05
Community Day School	0.70	0.88
Total Seventh through Eighth	97.16	97.95
TOTAL SCHOOL DISTRICT	456.00	462.80

See accompanying notes to supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF INSTRUCTIONAL TIME
FOR THE YEAR ENDED JUNE 30, 2025

Grade Level	Minutes Requirement	Actual Instructional Minutes	Number of Days	Status
Kindergarten	36,000	58,218	180	Complied
Grade 1	50,400	52,620	180	Complied
Grade 2	50,400	52,620	180	Complied
Grade 3	50,400	52,620	180	Complied
Grade 4	54,000	56,895	180	Complied
Grade 5	54,000	56,895	180	Complied
Grade 6	54,000	56,895	180	Complied
Grade 7	54,000	56,895	180	Complied
Grade 8	54,000	56,895	180	Complied

See accompanying notes to supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SCHEDULE OF FINANCIAL TRENDS AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2025

	2026 (Budget)	2025	2024	2023
General Fund - Budgetary Basis**				
Revenues And Other Financing Sources	$ 8,417,042	$ 8,849,027	$ 9,462,321	$ 10,524,920
Expenditures And Other Financing Uses	8,628,272	8,519,064	9,617,799	7,496,391
Net change in Fund Balance	$ (211,230)	$ 329,963	$ (155,478)	$ 3,028,529
Ending Fund Balance	$ 4,321,786	$ 4,533,016	$ 4,203,053	$ 4,597,257
Available Reserves*	$ 1,653,087	$ 2,599,462	$ 658,192	$ 613,726
Available Reserves As A Percentage Of Outgo	19.16%	30.51%	6.84%	8.19%
Long-term Liabilities	$ 10,824,931	$ 11,226,656	$ 11,523,714	$ 11,530,804
Average Daily Attendance At P-2	446	456	470	465

The General Fund ending fund balance has decreased by $64,241 over the past two years. The fiscal year 2025-26 budget projects a further decrease of $211,230. For a District this size, the State recommends available reserves of at least four percent of General Fund expenditures, transfers out, and other uses (total outgo).

The District has incurred operating surpluses in two of the past three years but anticipates incurring an operating deficit during the 2025-26 fiscal year. Total long-term obligations have decreased by $304,148 over the past two years.

Average daily attendance has decreased by 9 ADA over the past two years. A further decrease of 10 ADA is anticipated during the 2025-26 fiscal year.

*Available reserves consist of all unassigned fund balance within the General Fund.

**The actual amounts reported in this schedule are for the General Fund only, and do not agree with the amounts reported on the Statement of Revenues, Expenditures, and Changes in Fund Balances because the amounts on that schedule include the financial activity of the Deferred Maintenance Fund and the Special Reserve Fund for Postemployment Benefits, in accordance with the fund type definitions promulgated by GASB Statement No. 54. Additionally, audit adjustments are not reflected in the schedule above.

See accompanying notes to supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
RECONCILIATION OF ANNUAL FINANCIAL AND BUDGET REPORT WITH AUDITED FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2025

	General Fund	Student Activity Fund	Deferred Maintenance Fund	Special Reserve Fund for Postemployment Benefits	Bond Interest and Redemption Fund
June 30, 2025, annual financial and budget report fund balance	$ 4,533,016	$ 23,876	$ 489	$ 180,970	$ 538,728
Adjustments and reclassifications:					
Increase (decrease) in total fund balances:					
Cash in county	(100,939)	-	-	-	(42,521)
Cash in banks	-	(1,245)	-	-	-
Fund balance transfer (GASB 54)	181,459	-	(489)	(180,970)	-
Net adjustments and reclassifications	80,520	(1,245)	(489)	(180,970)	(42,521)
June 30, 2025, audited financial statement fund balance	$ 4,613,536	$ 22,631	$ -	$ -	$ 496,207

See accompanying notes to supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
COMBINING BALANCE SHEET
JUNE 30, 2025

	Student Activity Fund	Cafeteria Fund	Building Fund	Capital Facilities Fund	Special Reserve Fund for Capital Outlay Projects	Bond Interest and Redemption Fund	Non-Major Governmental Funds
ASSETS							
Cash and investments	$ 22,631	$ 46,522	$ 42	$ 217,538	$ 20	$ 496,207	$ 782,960
Accounts receivable	-	110,556	-	-	-	-	110,556
Stores inventory	-	4,750	-	-	-	-	4,750
Total Assets	$ 22,631	$ 161,828	$ 42	$ 217,538	$ 20	$ 496,207	$ 898,266
LIABILITIES							
Accrued liabilities	$ -	$ 949	$ -	$ -	$ -	$ -	$ 949
Total Liabilities	-	949	-	-	-	-	949
FUND BALANCES							
Nonspendable	-	4,750	-	-	-	-	4,750
Restricted	22,631	156,129	42	217,538	-	496,207	892,547
Assigned	-	-	-	-	20	-	20
Total Fund Balances	22,631	160,879	42	217,538	20	496,207	897,317
Total Liabilities and Fund Balances	$ 22,631	$ 161,828	$ 42	$ 217,538	$ 20	$ 496,207	$ 898,266

See accompanying notes to supplementary information.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2025

	Student Activity Fund	Cafeteria Fund	Building Fund	Capital Facilities Fund	Special Reserve Fund for Capital Outlay Projects	Bond Interest and Redemption Fund	Non-Major Governmental Funds
REVENUES							
Federal sources	$ -	$ 243,504	$ -	$ -	$ -	$ -	$ 243,504
Other state sources	-	139,980	-	-	-	5,956	145,936
Other local sources	43,162	22,606	2	16,471	-	430,408	512,649
Total Revenues	43,162	406,090	2	16,471	-	436,364	902,089
EXPENDITURES							
Current							
Pupil services							
Food services	-	440,469	-	-	-	-	440,469
General administration							
All other general administration	-	-	-	144	-	-	144
Plant services	-	212	-	-	-	-	212
Ancillary services	44,407	-	-	-	-	-	44,407
Debt service							
Principal	-	-	-	-	-	156,455	156,455
Interest and other	-	-	-	-	-	232,364	232,364
Total Expenditures	44,407	440,681	-	144	-	388,819	874,051
NET CHANGE IN FUND BALANCE	(1,245)	(34,591)	2	16,327	-	47,545	28,038
Fund Balance - Beginning	23,876	195,470	40	201,211	20	448,662	869,279
Fund Balance - Ending	$ 22,631	$ 160,879	$ 42	$ 217,538	$ 20	$ 496,207	$ 897,317

See accompanying notes to supplementary information.

NOTE 1 – PURPOSE OF SCHEDULES

Schedule of Average Daily Attendance (ADA)
Average daily attendance (ADA) is a measurement of the number of pupils attending classes of the District. The purpose of attendance accounting from a fiscal standpoint is to provide the basis on which apportionments of state funds are made to school districts. This schedule provides information regarding the attendance of students at various grade levels and in different programs.

Schedule of Instructional Time
This schedule presents information on the amount of instructional time offered by the District and whether the District complied with the article 8 (commencing with section 46200) of chapter 2 of part 26 of the *Education Code*.

Schedule of Financial Trends and Analysis
This schedule discloses the District's financial trends by displaying past years' data along with current year budget information. These financial trend disclosures are used to evaluate the District's ability to continue as a going concern for a reasonable period of time.

Reconciliation of Annual Financial and Budget Report with Audited Financial Statements
This schedule provides the information necessary to reconcile the fund balance of all funds reported on the Annual Financial and Budget Report Unaudited Actuals to the audited financial statements.

Combining Statements – Non-Major Funds
These statements provide information on the District’s non-major funds.

OTHER INFORMATION

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
LOCAL EDUCATION AGENCY ORGANIZATION STRUCTURE
JUNE 30, 2025

The Happy Valley Union Elementary School District was established in 1954 and comprises an area located in Shasta County. There were no changes in the boundaries of the District during the current year. The District operates two elementary schools and one community day school.

GOVERNING BOARD

Member	Office	Term Expires
Jodi Shearman	President	2026
Cheryl Best	Vice President	2026
Erin Ciapponi	Clerk	2028
Josh Hancock	Member	2028
Jacque Brousseau	Member	2026

DISTRICT ADMINISTRATORS

Gina Murphy
Superintendent

Larrisa Schwab
Chief Business Official

OTHER INDEPENDENT AUDITORS' REPORTS

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Independent Auditors' Report

Governing Board
Happy Valley Union Elementary School District
Anderson, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Happy Valley Union Elementary School District, as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise the Happy Valley Union Elementary School District's basic financial statements, and have issued our report thereon dated December 11, 2025.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Happy Valley Union Elementary School District's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Happy Valley Union Elementary School District's internal control. Accordingly, we do not express an opinion on the effectiveness of Happy Valley Union Elementary School District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We identified certain deficiencies in internal control, described in the accompanying schedule of findings and questioned costs as Finding #2025-001 that we consider to be significant deficiencies.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether Happy Valley Union Elementary School District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

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Happy Valley Union Elementary School District's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on Happy Valley Union Elementary School District's response to the findings identified in our audit and described in the accompanying schedule of findings and questioned costs. Happy Valley Union Elementary School District's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Christy White, Inc.

San Diego, California
December 11, 2025

REPORT ON STATE COMPLIANCE AND ON INTERNAL CONTROL OVER COMPLIANCE FOR STATE PROGRAMS

Independent Auditors' Report

Governing Board
Happy Valley Union Elementary School District
Anderson, California

Report on State Compliance

Opinion on State Compliance

We have audited Happy Valley Union Elementary School District's compliance with the requirements specified in the *2024-2025 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting* applicable to Happy Valley Union Elementary School District's state program requirements as identified in the table in the Auditor's Responsibilities for the Audit of State Compliance section of our report for the year ended June 30, 2025.

In our opinion, Happy Valley Union Elementary School District complied, in all material respects, with the laws and regulations of the applicable laws and regulations of the applicable state programs for the year ended June 30, 2025.

Basis for Opinion on State Compliance

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *2024-2025 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting* (the K-12 Audit Guide). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of State Compliance section of our report.

We are required to be independent of Happy Valley Union Elementary School District and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion. Our audit does not provide a legal determination of Happy Valley Union Elementary School District's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of the laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to Happy Valley Union Elementary School District's state programs.

Auditor's Responsibilities for the Audit of State Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the state compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Happy Valley Union Elementary School District's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the K-12 Audit Guide will always detect a material noncompliance when it exists. The risk of not detecting a material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Happy Valley Union Elementary School District's compliance with the requirements of the applicable state programs as a whole.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards,* and the K-12 Audit Guide, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit;
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Happy Valley Union Elementary School District's compliance with compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances;
- Obtain an understanding of Happy Valley Union Elementary School District's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the K-12 Audit Guide, but not for the purpose of expressing an opinion on the effectiveness of Happy Valley Union Elementary School District's internal control over compliance. Accordingly, we express no such opinion; and
- Select and test transactions and records to determine Happy Valley Union Elementary School District's compliance with the state laws and regulations applicable to the following items:

PROGRAM NAME	PROCEDURES PERFORMED
Local Education Agencies Other Than Charter Schools	
Attendance	Yes
Teacher Certification and Misassignments	Yes
Independent Study	Yes
Continuation Education	Not Applicable
Instructional Time	Yes
Instructional Materials	Yes
Ratio of Administrative Employees to Teachers	Yes
Classroom Teacher Salaries	Yes
Early Retirement Incentive	Not Applicable
Gann Limit Calculation	Yes
School Accountability Report Card	Yes
Juvenile Court Schools	Not Applicable
Middle or Early College High Schools or Programs	Not Applicable
K-3 Grade Span Adjustment	Yes
Apprenticeship: Related and Supplemental Instruction	Not Applicable
Comprehensive School Safety Plan	Yes
District of Choice	Not Applicable
Home to School Transportation Reimbursement	Yes

Auditor's Responsibilities for the Audit of State Compliance (continued)

PROGRAM NAME	PROCEDURES PERFORMED
School Districts, County Offices of Education, and Charter Schools	
Proposition 28 Arts and Music in Schools	Yes
After/Before School Education and Safety Program	Not Applicable
Proper Expenditure of Education Protection Account Funds	Yes
Unduplicated Local Control Funding Formula Pupil Counts	Yes
Local Control and Accountability Plan	Yes
Independent Study-Course Based	Not Applicable
Immunizations	Yes
Educator Effectiveness	Yes
Expanded Learning Opportunities Grant (ELO-G)	Yes
Career Technical Education Incentive Grant	Not Applicable
Expanded Learning Opportunities Program	Yes
Transitional Kindergarten	Yes
Kindergarten Continuance	Yes
Charter Schools	
Attendance; for charter schools	Not Applicable
Mode of Instruction; for charter schools	Not Applicable
Nonclassroom-Based Instruction/Independent Study; for charter schools	Not Applicable
Determination of Funding for Nonclassroom-Based Instruction; for charter schools	Not Applicable
Annual Instructional Minutes - Classroom Based	Not Applicable
Charter School Facility Grant Program	Not Applicable

The term "Not Applicable" is used above to mean either the District did not offer the program during the current fiscal year, the District did not participate in the program during the current fiscal year, or the program applies to a different type of local education agency.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identify during the audit.

Other Matters

The results of our auditing procedures disclosed instances of noncompliance, which are described in the accompanying schedule of findings and questioned costs as Finding #2025-002. Our opinion on state compliance is not modified with respect to these matters.

Government Auditing Standards requires the auditor to perform limited procedures on Happy Valley Union Elementary School District's response to the noncompliance findings identified in our audit and described in the accompanying schedule of findings and questioned costs. Happy Valley Union Elementary School District's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Report on Internal Control Over Compliance

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a compliance requirement will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of State Compliance section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the K-12 Audit Guide. Accordingly, this report is not suitable for any other purpose.

Christy White, Inc.

San Diego, California
December 11, 2025

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SUMMARY OF AUDITORS' RESULTS
FOR THE YEAR ENDED JUNE 30, 2025

FINANCIAL STATEMENTS	
Type of auditors' report issued:	Unmodified
Internal control over financial reporting:	
Material weakness(es) identified?	No
Significant deficiency(ies) identified?	Yes
Non-compliance material to financial statements noted?	No
FEDERAL AWARDS	
The District was not subject to Uniform Guidance Single Audit for the year ended June 30, 2025 because federal award expenditures did not exceed $750,000.	
STATE AWARDS	
Internal control over state programs:	
Material weaknesses identified?	No
Significant deficiency(ies) identified?	None Reported
Any audit findings disclosed that are required to be reported in accordance with *2024-25 Guide for Annual Audits of California K-12 Local Education Agencies* ?	Yes
Type of auditors' report issued on compliance for state programs:	Unmodified

FIVE DIGIT CODE	AB 3627 FINDING TYPE
20000	Inventory of Equipment
30000	Internal Control

FINDING #2025-001: INTERNAL CONTROL OVER FINANCIAL REPORTING (30000)

Criteria: Management is responsible for the design, implementation, and maintenance of internal controls to ensure the financial statements are free from material misstatement, whether due to error or fraud. Such internal controls should include a secondary review of all closing journal entries made in the preparation of the District's financial statements. The District should ensure that all applicable accounting principles are adhered to when preparing the financial statements.

Condition: During our substantive testing of balances reported in the District's financial statements, we noted several material errors in the financial statements that required adjustment. The errors impacted the following balances reported in the financial statements:

- Cash in county – General Fund, Bond Interest and Redemption Fund
- Revenues, expenditures, and cash in banks – Student Activity Fund

These errors resulted in the District not preparing financial statements in accordance with generally accepted accounting principles.

Effect: Audit adjustments were required due to material misstatements within the unaudited financial statements prepared by the District. These adjustments are outlined in the Reconciliation of Annual Financial and Budget Report with the Audited Financial Statements.

Cause: The conditions appear to be due to deficiencies in processes related to the preparation of the District's financial statements, caused by general oversight and turnover in management and staffing.

Repeat Finding: This is a partial repeat of Finding #2024-001.

Recommendation: We recommend management evaluate the internal control structure and consider changes as necessary that will ensure that the financial statements are free from potential misstatements and allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. For cash accounts, these processes should include timely and accurate preparation of monthly reconciliations. Additionally, we recommend that the District implement procedures to require a secondary review of all journal entries prior to posting to reduce the risk of errors and unauthorized adjustments.

Corrective Action Plan: General Fund - Incorrect journal entries were posted and there were journal entries that did not occur post adjustments made by the County Treasurer's Office. Corrective Journal entries will be executed to reflect the correct balances. Training was given by staff of the external business office at Shasta County Office of Education explaining how the mis-entries occurred, ensuring future journal entries are done correctly. In addition, the District will work with the County Office to ensure both parties are reflecting revenue correctly.

Bond Interest Fund - Reconciliations will be sent to the County to aid in identifying errors in entries.

Student Activity Fund - Entries indicating correct debits and credits for the ASB fund held at Tri-Counties bank were not executed. A checklist was created and shared in a district folder to ensure this step is not missed by current or future staff.

FIVE DIGIT CODE	AB 3627 FINDING TYPE
10000	Attendance
40000	State Compliance
42000	Charter School Facilities Programs
43000	Apprenticeship: Related and Supplemental Instruction
60000	Miscellaneous
61000	Classroom Teacher Salaries
62000	Local Control Accountability Plan
70000	Instructional Materials
71000	Teacher Misassignments
72000	School Accountability Report Card

FINDING #2025-002: CLASSROOM TEACHER SALARIES (61000)

Criteria: As set forth in Education Code section 41372, an elementary school district must expend a minimum of 60% of the District's current expenses of education towards salaries and benefits of classroom teachers.

Condition: For the year ended June 30, 2025, the District did not meet the minimum percentage requirement of 60%. As shown in the SACS Form CEA, the District spent only 55.94% of current education expenses on classroom teacher salaries and benefits for the year ended June 30, 2025.

Effect: The District's current expense of education for the year ended June 30, 2025, was $5,543,560 and the total salaries and benefits for classroom teachers was $3,101,060. The District was below the minimum required percentage of 60% by 4.06%, which calculates out to a deficiency of $225,069.

Cause: Administrative oversight.

Questioned Costs: The questioned costs are the deficiency of $225,069.

Repeat Finding: This is a repeat finding.

Recommendation: We recommend that the District monitor their expenses towards salaries and benefits of classroom teachers against their total current education expenses in future year to ensure compliance with the minimum requirement. The District should also consider requesting an exemption from the County Superintendent if certain criteria outlined under Education Code 41372 can be demonstrated.

Corrective Action Plan: A waiver request was approved by the District's Board in November of 2025 and has been submitted to the Shasta County Office of Education. The district will continue to look for ways to meet this requirement.

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2025

FINDING #2024-001: INTERNAL CONTROL OVER FINANCIAL REPORTING – STUDENT ACTIVITY FUND (30000)

Criteria: Management is responsible for the design, implementation, and maintenance of internal controls to ensure the financial statements are free from material misstatement, whether due to error or fraud. Such internal controls should include a review of all adjusting entries, reclassifying entries, and conversion entries used in the preparation of the District's financial statements. The District should ensure that all applicable accounting principles are adhered to when preparing the financial statements.

Condition: During our substantive testing of balances reported in the District's financial statements, we noted that the revenues and expenditures of the Student Activity Fund were not recorded in the unaudited actuals for the year ended June 30, 2024. This error resulted in the District not preparing financial statements in accordance with generally accepted accounting principles.

Effect: The potential for material misstatements with respect to the reported fund balance of the Student Activity Fund.

Cause: The conditions appear to be due to deficiencies in processes related to the preparation of the District's financial statements, caused by general oversight.

Repeat Finding: This is not a repeat finding.

Recommendation: We recommend management evaluate the internal control structure and consider changes as necessary that will ensure that the financial statements are free from potential misstatements and include the financial activity of the Student Activity Fund.

Corrective Action Plan: All funds were properly balanced and reconciled. The entry within Shasta County Treasury Fund 08 indicating the total debits and credits for the ASB Fund held at Tri-Counties bank was missed during the closing process. Checklists have been created to ensure this step is not missed in the future closing process.

Current Status: Not implemented. See Finding #2025-001.

FINDING #2024-002: CLASSROOM TEACHER SALARIES (61000)

Criteria: As set forth in Education Code section 41372, an elementary school district must expend a minimum of 60% of the District's current expenses of education towards salaries and benefits of classroom teachers.

Condition: For the year ended June 30, 2024, the District did not meet the minimum percentage requirement of 60%. As shown in the SACS Form CEA, the District spent only 56.54% of current education expenses on classroom teacher salaries and benefits for the year ended June 30, 2024.

Effect: The District's current expense of education for the year ended June 30, 2024, was $5,948,885 and the total salaries and benefits for classroom teachers was $3,363,520. The District was below the minimum required percentage of 60% by 1.06%, which calculates out to a deficiency of $865,988.

Cause: Administrative oversight.

Questioned Costs: The questioned costs are the deficiency of $205,831.

Repeat Finding: This is a repeat finding of Finding #2023-001.

Recommendation: We recommend that the District monitor their expenses towards salaries and benefits of classroom teachers against their total current education expenses in future year to ensure compliance with the minimum requirement. The District should also consider requesting an exemption from the County Superintendent if certain criteria outlined under Education Code 41372 can be demonstrated.

Corrective Action Plan: A waiver request has been submitted to Shasta County Office of Education in regards to not making the 60% required minimum. The District is also continuing to work with labor partners to close the gap in meeting this requirement.

Current Status: Not implemented. See Finding #2025-002.

FINDING #2024-003: ATTENDANCE REPORTING (10000)

Criteria: The Annual Attendance Reports submitted to the California Department of Education (CDE) should reconcile to the supporting documents that support the local education agency's Average Daily Attendance (ADA) in accordance with California Education Code Section 46000 et seq.

Condition: During the testing of average daily attendance for the District, the auditor noted misstatements in the ADA reported on the Annual Attendance Report. The reporting errors resulted in a total understatement of 0.62 ADA in the annual attendance report.

Cause: Clerical error.

Questioned Costs: There is no questioned cost for this error since the District is funded based on the ADA reported for the Second Principal (P-2) Apportionment period. The District's Annual Attendance Report has not been revised to reflect the Revised Annual column shown in the Schedule of Average Daily Attendance.

Effect: Incorrect reporting of ADA can result in noncompliance with State regulations and potential loss of funding.

Repeat Finding: This is not a repeat finding.

Recommendation: We recommend the District review attendance summaries to verify the proper divisor is used to calculate ADA. The District should then verify amounts agree with the Annual Attendance report. In addition, the District should also revise the Annual Attendance report to reflect these corrections.

Corrective Action Plan: With the changing of staff and deadline for the Annual Attendance Reporting, the 0.62 ADA for NPS students was missed. This additional ADA will be corrected during 2024-25 P1 reporting. Attendance spreadsheets have been updated to current to reflect current attendance in all programs in the event of future staff changes.

Current Status: Implemented.

FINDING #2024-004: SCHOOL ACCOUNTABILITY REPORT CARDS (72000)

Criteria: School Accountability Report Cards (SARCs), prepared on annual basis for each school site within the District and posted in February, should contain information regarding school facilities conditions, as indicated in the most recently prepared facility inspection tool (FIT) form developed by the Office of Public School Construction and approved by the State Allocation Board, or local evaluation instruments that meet the same criteria, as per Education Code Sections 33126(b)(8) and 17002(d). Additionally, the information regarding the availability of sufficient textbooks and other instructional materials included in the SARC should be properly supported by the current year sufficiency of instructional materials resolution and the determinations made pursuant to Education Code section 60119.

Condition: Additionally, information regarding the availability of sufficient textbooks and other instructional materials included in the SARC did not appear to be prepared using the current year sufficiency of instructional materials resolution and the determinations made pursuant to Education Code section 60119. In our review, it was noted that information on availability of textbooks and other instructional materials was collected in December 2020 for Happy Valley Primary, and January 2022 for Happy Valley Elementary.

Effect: The District is not in compliance with the related sections of California Education Code.

Cause: Administrative oversight in the maintenance and operations department.

Questioned Costs: None. There is no State funding source directly related to SARCs.

Repeat Finding: This is not repeat finding.

Recommendation: We recommend that the District implement procedures to ensure that all information presented on the SARCs is contemporaneous and complete. Review procedures should be implemented to ensure that SARCs are adequately supported by the appropriate documentation.

Corrective Action Plan: Within the SARC reports, dates were not updated to reflect the most recent FIT reports and the availability of textbooks. Future administrators and staff will go through all requirements of the SARC to ensure all fields have been updated to the most current data/dates to be reflected in the SARC.

Current Status: Implemented.

MANAGEMENT LETTER

Governing Board
Happy Valley Union Elementary School District
Anderson, California

In planning and performing our audit of the basic financial statements of Happy Valley Union Elementary School District for the year ended June 30, 2025, we considered its internal control structure in order to determine our auditing procedures for the purpose of expressing our opinion on the basic financial statements and not to provide assurance on the internal control structure.

However, during our audit we noted matters that are an opportunity for strengthening internal controls and operating efficiency. The following items represent conditions noted by our audit that we consider important enough to bring to your attention. This letter does not affect our report dated December 11, 2025, on the financial statements of Happy Valley Union Elementary School District.

1. Capital Assets Reporting

Observation: Based on audit procedures performed over capital assets reporting, it does not appear that the District has adequate procedures in place to ensure timely and accurate reporting of capital assets, related accumulated depreciation, and construction in progress balances.

Recommendation: In order ensure that the balances outlined above are reported in a timely and accurate manner, we recommend redesigning and implementing improved procedures to ensure that current year additions, disposals, depreciation, and construction in progress activity are accurately summarized and reported during the year-end closing process. These procedures should include timely supervision and review of reporting documents.

We will review the status of the comment above during our next audit engagement.

Christy White, Inc.

San Diego, California
December 11, 2025

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San Diego, CA
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Comprehensive School Safety Plan

2025-26
School Year

School:	Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools)
CDS Code:	45-70011
District:	Happy Valley Union Elementary School District
Address:	16300 Cloverdale Road Anderson, CA 96007-8209
Date of Adoption:	02/2026
Date of Update:	02/06/2026
Date of Review:	
- with Staff	
- with Law Enforcement	
- with Fire Authority	

Approved by:

Name	Title	Signature	Date

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California Comprehensive School Safety Plan (CSSP) Overview

The California Comprehensive School Safety Plan (CSSP) is a **mandated framework for all K-12 schools in California**. This includes public schools, public charter schools, community schools, and court schools. For school districts with fewer than 2,501 students, a single district-wide safety plan may cover all schools.

Purpose: The CSSP is designed to **identify and address potential risks on campus, prepare for emergencies, and ensure a safe and secure learning environment** for students and staff. It also aims to prevent violence and behaviors that undermine safety and security. Designated stakeholders must annually engage in a systematic planning process to develop strategies and policies for a wide range of incidents, including:

- Emergencies, natural, and other disasters
- Hate crimes and violence
- Cyberbullying, discrimination, and harassment
- Child abuse and neglect
- Discipline, suspension, and expulsion

How to write your School Safety Plan

The CSSP must be **written and developed by the school site council (SSC)** or a designated safety planning committee. This committee typically includes the principal/designee, a teacher, a parent of a child attending the school, and a classified employee. It is also recommended to include students, mental health specialists, nurses, athletic coaches, multilingual community liaisons, food staff, custodians, local businesses, and nonprofits.

Key Elements and Procedures (Required Components): Your CSSP must include, but is not limited to, the following components:

- **Assessment of current school crime status** (reviewing office referrals, attendance, suspension/expulsion data, etc.).
- **Child abuse and neglect reporting procedures**, consistent with California Penal Code. This includes clear identification of child abuse/neglect signs and mandatory reporting obligations for all school/district employees and athletic coaches who have a "reasonable suspicion".
- **Disaster procedures**, routine and emergency plans, and crisis response plans, with adaptations for students with disabilities.
- **Earthquake emergency procedures**, including a school building disaster plan, a "drop" procedure practiced quarterly in elementary schools and semiannually in secondary schools, and protective measures.
- **Fire drills** (monthly for elementary/intermediate, twice yearly for secondary).
- **School building disaster plans** for situations like bomb threats, bioterrorism, intruders, weapons, explosions, gas/fumes, and power failures.
- Procedures allowing public agencies (e.g., American Red Cross) to **use school facilities for mass care and welfare shelters** during an emergency.
- **Suspension/expulsion policies and procedures**. Note that recent legislation (SB 274) prohibits suspensions and expulsions for willful defiance in K-12, with limited exceptions. Alternatives to suspension that focus on addressing root causes and improving behavioral and academic outcomes are encouraged.
- Procedures to **notify teachers of dangerous students**.
- **Discrimination and harassment policy**, including hate crime reporting procedures.
- **Schoolwide dress code**, if it exists, including prohibition of gang-related apparel.
- Procedures for **safe ingress and egress** of pupils, parents/guardians, and employees.
- Maintenance of a **safe and orderly learning environment**.
- **Rules and procedures on school discipline**.
- Procedures for **conducting tactical responses to criminal incidents**, including individuals with guns on school campuses and at school-related functions. Procedures for active shooters or other armed assailants should be based on specific needs and context. High-intensity drills are prohibited.
- Procedures to assess and respond to **dangerous, violent, or unlawful activity**.
- Procedures to respond to incidents involving **sudden cardiac arrest or other life-threatening medical emergencies** (required by July 1, 2025).
- A **protocol for opioid overdose** for grades 7-12.
- An **Instructional Continuity Plan** to provide instruction when in-person instruction is disrupted (required by July 1, 2025).

- Collaboration with **other school site councils or safety planning committees**.
- Annual access to the CDE's **online training resources for bullying and cyberbullying prevention** for certificated staff and all other school site employees who regularly interact with students. The CDE recommends including bullying/cyberbullying prevention policies in the CSSP.

Recommended Components and Best Practices:

- **Staff Training**: Ensure all staff receive proper training on the CSSP.
- **Collaboration with First Responders**: Annually consult with local law enforcement, fire departments, and other first responders when updating the CSSP, and notify them of any changes. Establishing strong connections before an emergency is crucial.
- **Community Input**: Present the safety plan goals at a **public meeting** at the school site to allow for public opinions before adopting the plan.
- **Clear Guidelines & Roles**: Include clear guidelines for roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, and school resource officers.
- **Age-Appropriate Protocols**: Design lockdown, shelter-in-place, and evacuation procedures, and conduct drills that are age-appropriate for students.
- **Youth Suicide Prevention Policy**: Include this policy in the CSSP.
- **Pandemic and COOP Plans**: Incorporate a Pandemic Influenza Checklist and Resources, a dedicated Pandemic Plan, and a Continuity of Operations Plan (COOP).
- **Plan Protection**: Implement physical security and cybersecurity measures to protect the sensitive information within your safety plan.
- **Diversity and Communication**: Ensure reunification plans are communicated to parents/guardians in languages they understand, and safety materials are available for limited English proficient families.
- **Ongoing Task and Leadership**: Designate a school site safety leader to work with the SSC/safety planning committee.
- **Student Participation**: Encourage active student participation in SSC or School Safety Committee meetings.
- **Crisis Response Box & Emergency Supplies**: Create a centralized crisis response box with critical resources (maps, keys, emergency cards) and an emergency supplies kit.
- **Regular Safety Assessments**: Conduct safety/security site assessments regularly and after critical incidents to identify vulnerabilities.
- **Threat Assessment Team**: Partner with your district to establish or enhance a Threat Assessment Team to identify, assess, and handle threats.
- **Substitute Teacher Awareness**: Ensure substitute teachers and classified staff receive briefings and materials on school safety procedures.
- **Safety Tools**: Consider using access control systems, security cameras, burglar and fire alarms, and effective communication systems.

Safety Plan Completion Timeline

Effective school safety planning is an **ongoing process**, requiring regular review and evaluation, especially after critical incidents.

1. **Annual Update and Adoption**: Each school is required by law to **update and adopt its CSSP by March 1 every year**.
2. **District/COE Approval**: The adopted plan must then be forwarded to the school district or County Office of Education (COE) for approval. While there's no specific deadline for approval, the CDE recommends approval within a month of school adoption or as soon as practical before October 15.
3. **Notification to CDE**: Each school district or COE must annually notify the California Department of Education (CDE) **by October 15** of any schools that have not complied with the requirements. Failure to make this required report can result in an assessment of up to $2,000 against the district or COE.
4. **Public Inspection**: An updated file of all non-sensitive safety-related plans and materials must be **readily available for inspection by the public** if requested.

A copy of the Comprehensive School Safety Plan is available for review at the Happy Valley District Office.

Safety Plan Vision

To cultivate a secure and supportive learning environment where every student, staff member, and community member feels safe, valued, and empowered to succeed.

Components of the Comprehensive School Safety Plan (EC 32281)

Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) Safety Committee

Committee Composition and Responsibility
In accordance with Education Code 32281, the Happy Valley Union Elementary School District has delegated the responsibility for developing and maintaining the Comprehensive School Safety Plan to the School Site Council.

The committee is comprised of diverse stakeholders to ensure a holistic approach to campus security, emergency preparedness, and the social-emotional well-being of our students. This body is responsible for the annual evaluation of safety data, the identification of high-priority safety goals, and the systematic update of emergency protocols.

Mandated Members
The committee includes, at minimum, the following legally required representatives:

The Principal (or Designee): Leads the committee and ensures alignment with district goals.

Certificated Representative: A teacher providing insight into classroom safety and instructional continuity.

Classified Representative: A staff member (custodial, office, or support) providing insight into facility operations.

Parent Representative: A parent of a currently enrolled student, ensuring the community's voice is represented.

Community & First Responder Consultation
The School Site Council recognizes that school safety is a community-wide effort. To ensure our protocols meet the highest standards of emergency management, this committee consults annually with:

Local Law Enforcement: (e.g., Shasta County Sheriff's Office)

Local Fire Department: (e.g., CAL FIRE / Anderson Fire)

First Responders: To review evacuation routes, "Run, Hide, Fight" protocols, and site mapping.

Updates made to the CSSP throughout the school year are shared with these agencies to maintain a synchronized response during any potential crisis.

Assessment of School Safety

Assessment of School Safety
Overview of the Assessment Process
The Safety Committee conducted a comprehensive assessment of the current safety landscape for the 2025-2026 school year. This assessment moved beyond basic crime statistics to include a "Whole-Child, Whole-Campus" risk analysis. The committee met to review data trends, physical site vulnerabilities, and campus climate indicators.

Data Sources & Analysis
To form a complete picture of school safety, the committee analyzed the following metrics:
Behavioral Trends: The committee reviewed three years of suspension, expulsion, and office referral data. Key findings showed [e.g., a 10% decrease in physical altercations but an increase in verbal conflict resolution needs].
Attendance & SARB: We monitored chronic absenteeism rates to identify students who may be disengaged or facing external safety/stability issues at home.

Campus Climate: Data from the California Healthy Kids Survey (CHKS) was utilized to measure students' "Sense of Safety" and "School Connectedness."
Law Enforcement & Property Data: The committee reviewed calls for service from the Shasta County Sheriff's Office for the area surrounding our campuses and inspected internal logs for property damage or vandalism.
Facility Safety: Recent Fire Inspection Reports and maintenance "walk-throughs" were conducted to identify physical hazards (e.g., lighting, gate integrity).

Hazard & Risk Evaluation
Using a Risk Score (Probability x Vulnerability x Consequence), the committee prioritized the following hazards for the upcoming year:
Hazard Type
Risk Level
Mitigation Focus
Natural (e.g., Wildfire/Smoke)
High
Improving HVAC filtration and evacuation transport logs.
Human-Caused (e.g., Intruder)
Moderate
Enhancing perimeter control and "Run, Hide, Fight" training.
Technological (e.g., Cyber/Power)
Moderate
Securing student data and backup communication systems.

Key Findings & Conclusions
Based on the multi-disciplinary review, the committee has identified the following primary areas for improvement:
[Finding 1]:While physical security is high, CHKS data suggests students feel a need for more peer-to-peer conflict resolution support.
[Finding 2]:Current perimeter fencing at the [North/West] side of the campus requires modernization to ensure consistent single-point entry.
[Finding 3]:Traffic patterns during morning drop-off present a pedestrian safety risk that requires new signage or staffing.

Relationship to Goals
These findings serve as the direct foundation for the Goals, Objectives, and Action Steps detailed in the following sections of this CSSP. By addressing these specific vulnerabilities, the District ensures that resources are allocated where they will have the greatest impact on student and staff security.

Confidentiality Note: Sensitive tactical response data, specific floor plans, and law enforcement security vulnerabilities identified during this assessment are maintained in the Confidential Tactical Header of this plan and are not subject to public records requests per CA Gov Code.

Strategies and Programs to Provide and Maintain a High Level of Safety (EC 32281(a)1, items A-J)

Happy Valley Union Elementary School District employs a multi-layered approach to safety, integrating physical security with social-emotional support. The following programs and strategies are in place to ensure a proactive and responsive safety culture.

1. Roles and Responsibilities of Safety & Mental Health Personnel
School Counselors & Mental Health Professionals: Our counselors provide direct social-emotional support, crisis intervention, and mental health screenings. They are responsible for implementing suicide prevention protocols and providing immediate support to students who have witnessed violence, ensuring that trauma-informed care is integrated into the recovery process.

Law Enforcement Liaisons/SROs: The district maintains a collaborative relationship with the Shasta County Sheriff's Office. Officers provide a visible presence when requested, assist with safety audits, and serve as a resource for law enforcement education, focusing on building positive relationships rather than primary discipline.

2. School Climate and Behavioral Support
Positive Behavioral Interventions and Supports (PBIS): This framework establishes clear social and behavioral expectations across all campus settings. By rewarding positive behavior and using data-driven interventions, we reduce disciplinary incidents and foster a culture of mutual respect.

Restorative Practices: Rather than relying solely on punitive measures, our staff utilizes restorative circles and mediation to resolve conflicts. This approach teaches students accountability and helps repair relationships, preventing future escalations of conflict.

3. Campus Security and Physical Safety
Visitor Management System: All visitors are required to check in through a centralized system (e.g., Raptor) that screens against Megan's Law databases. This ensures that only authorized individuals have access to student areas and provides a digital log of everyone on campus.

Crime Prevention Through Environmental Design (CPTED): The district utilizes "natural surveillance" by maintaining clear sightlines, upgraded LED perimeter lighting, and secure fencing. These physical enhancements discourage unauthorized entry and allow staff to monitor the campus more effectively.

4. Emergency Preparedness and Training
Comprehensive Drill Schedule: Students and staff participate in monthly fire drills, as well as quarterly "Lockdown," "Earthquake," and "Shelter-in-Place" exercises. These drills ensure that emergency responses become "muscle memory," reducing panic and increasing efficiency during a real event.

Safety Training for Staff: All employees receive annual training on ALICE or Run-Hide-Fight protocols, mandated reporting, and bullying/cyberbullying prevention. This empowers staff to recognize early warning signs of trouble and act decisively.

5. Student Reporting and Supervision
Anonymous Reporting Tools: Students have access to anonymously report concerns regarding bullying, self-harm, or potential threats. This "see something, say something" culture provides a vital early-warning system for the administration.
Structured Supervision: We maintain high adult-to-student ratios during high-transition times, such as bus loading, recess, and before/after-school programs. Professional supervision ensures that student interactions remain safe and that site discipline is applied consistently across all hours of operation.

(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)

Policy Statement

The Happy Valley Union Elementary School District (HVUESD) adheres to the Child Abuse Reporting Procedures as outlined in California Penal Code Section 11166 and Education Code 32282. The District recognizes that child safety is a collective responsibility and maintains a zero-tolerance policy regarding the failure to report suspected abuse or neglect.

Mandated Reporters: Roles and Immunities
Definition: All district employees—including teachers, instructional aides, administrators, classified staff, and athletic coaches—are designated as Mandated Reporters.
Legal Obligation: These individuals are legally required to report all known or suspected cases of child abuse or neglect whenever there is a "reasonable suspicion." * Protection of the Reporter: Under the law, no supervisor or administrator may impede or inhibit a report. The identity of the reporter remains confidential, and mandated reporters are granted civil and criminal immunity for reports made in good faith.
Consequences of Non-Compliance: Failure to report a known or suspected instance of child abuse is a misdemeanor, punishable by fine, imprisonment, or both.

The Two-Step Reporting Process
Reporting to a principal, supervisor, or district office does not satisfy the legal obligation of a mandated reporter. The following

process must be followed:
Immediate Telephone Report: The mandated reporter must immediately, or as soon as practically possible, contact a local law enforcement agency or the Shasta County Children's Services (CPS) by telephone.

Local Law Enforcement: Shasta County Sheriff's Office or Anderson Police Department.
Written Follow-Up: A written report must be prepared and sent within 36 hours of the initial telephone report. This is typically submitted via the SS 8572 (Suspected Child Abuse Report) form.

Identification and Warning Signs
Staff are trained to identify the four primary categories of child abuse:
Physical Injury: Non-accidental trauma or unexplained bruising/burns.
Sexual Abuse: Physical indicators or age-inappropriate sexual knowledge.
Neglect: Failure to provide adequate food, clothing, shelter, or medical care.
Willful Harm/Endangerment: Situations that place a child in person-to-person danger.

Annual Training and Compliance
HVUESD ensures that 100% of staff are equipped to recognize and report abuse through the following compliance measures:
Training Method: The District utilizes [Insert Method, e.g., the CDE Online Training Module / Keenan SafeSchools] to provide comprehensive mandated reporter training.
Timeline: All employees—including certificated, classified, and substitute staff—must complete this training within the first six weeks of the school year or within six weeks of their initial hire date.
Verification: The District Human Resources department tracks completion certificates for all employees. Proof of compliance is maintained in personnel files and reported to the California Department of Education (CDE) as required.
Volunteer Outreach: While not mandated by law, HVUESD highly encourages school volunteers to complete the training and follow the same reporting procedures.

(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)

Disaster Plan

Disaster Procedures (EC 32282 [a][2][B])
1. The Standardized Emergency Management System (SEMS)
Happy Valley Union Elementary School District (HVUESD) utilizes the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) to manage response to multi-agency and multi-jurisdiction emergencies. This structure ensures that our school sites can communicate seamlessly with the Shasta County Sheriff's Office, CAL FIRE, and other emergency responders.
Under this system, the school site uses the Incident Command System (ICS), which organizes staff into five functional areas:
Command: The Principal or Site Safety Leader oversees the entire response.
Operations: Manages the "boots on the ground" (Search & Rescue, First Aid, Student Release).
Planning/Intelligence: Tracks the situation, maps the site, and documents the incident.
Logistics: Provides resources (food, water, medical supplies).
Finance/Administration: Tracks costs and personnel time for recovery.

2. Immediate Action Responses (The "Big Five")
To simplify response under pressure, the District utilizes five standard protocols:
Drop, Cover, and Hold On: Used during earthquakes. Per EC 32282, elementary students practice this once per quarter.
Lockdown: Used when there is an immediate threat inside or near the school. All doors are locked, lights turned off, and students remain out of sight.
Shelter-in-Place: Used for environmental hazards (e.g., wildfire smoke or chemical spills). All HVAC systems are shut down and windows/doors are sealed.
Evacuation: Used when the building is unsafe (e.g., fire). Students move to a pre-designated assembly area.
Secure Campus: Used for a potential threat in the community (e.g., police activity nearby). All outdoor activities cease, but instruction continues inside locked classrooms.

3. Public Agency Use of Schools
In accordance with Education Code 32282 (a)(2)(B)(ii), HVUESD agrees to allow public agencies, such as the American Red Cross or the Shasta County Office of Emergency Services, to use school buildings and grounds for mass care and welfare shelters during disasters that affect the public health and welfare of the Anderson/Happy Valley community.

4. Instructional Continuity Plan (ICP)
Beginning July 1, 2025, per SB 153: In the event that in-person instruction is disrupted due to an emergency (such as a wildfire evacuation or extended power outage), the District will implement its Instructional Continuity Plan. This includes:
Communication: Utilizing Aeries/ParentSquare to provide daily updates to families.
Instruction: Transitioning to independent study or distance learning within 10 days of the disruption. As required, Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) will provide access to in-person or remote instruction as soon as practicable, but no more than 10 instructional days following the emergency.
Support: Ensuring students with disabilities and English Learners continue to receive mandated services through remote platforms or alternative sites.

5. Tactical Response to Criminal Incidents
Confidential procedures for responding to active shooters or armed assailants are maintained in the confidential section of this plan. These protocols emphasize a trauma-informed approach, age-appropriate terminology, and pre-announced drills to minimize anxiety for our elementary students.

Adaptations for Students with Disabilities

1. Individualized Emergency Plans (IEPs)
The Happy Valley Union Elementary School District (HVUESD) recognizes that students with disabilities may require different evacuation routes, communication methods, or physical assistance during an emergency. To address this, the District implements the following:

Individual School Site Safety Plans (ISSSP): For students with significant needs, a personalized safety plan is developed and kept in the student's confidential file and the classroom "Go-Bag."

Specific Needs Identification: Our planning accounts for students with mobility impairments, visual or hearing impairments, and students with sensory-processing disorders who may be overwhelmed by emergency sirens or alarms.

2. Functional Needs & Evacuation Protocols
The District utilizes a "Buddy System" and designated staff assignments to ensure every student is accounted for:

Mobility Assistance: Students using wheelchairs or walkers are assigned a primary and secondary staff member to assist with evacuation. If the school has multiple levels, "Areas of Rescue Assistance" are identified where staff will remain with the student until first responders arrive.

Sensory Considerations: For students on the autism spectrum or with sensory sensitivities, staff are equipped with "calm-down kits" (noise-canceling headphones, fidgets) to mitigate the trauma of loud alarms and high-stress transitions.

Communication: For non-verbal students, staff utilize pre-printed communication cards or tablets to provide instructions during lockdowns or evacuations.

3. Medical Needs and Supplies
Medication Portability: The school nurse and health aides maintain "Emergency Medical Kits" that include life-sustaining medications (e.g., EpiPens, seizure rescue meds, insulin). These kits are designed to be grabbed immediately during an evacuation or "Relocation."

Power-Dependent Equipment: For students who rely on electrically powered medical devices, the District identifies backup power sources or immediate transport protocols to a facility with power.

4. Training and Drills
Inclusive Drills: Emergency drills are conducted in a way that includes students with disabilities without causing undue distress. In some cases, "quiet drills" or pre-announced drills are used for students with severe anxiety or sensory issues to build their confidence in the protocol.

Staff Training: Special education teachers, instructional aides, and bus drivers receive specific training on lifting techniques, the use of evacuation chairs (if applicable), and calming strategies for students in crisis.

Public Agency Use of School Buildings for Emergency Shelters

In accordance with Education Code 32282 (a)(2)(B)(ii), HVUESD agrees to allow public agencies, such as the American Red Cross or the Shasta County Office of Emergency Services, to use school buildings and grounds for mass care and welfare shelters during disasters that affect the public health and welfare of the Anderson/Happy Valley community.

(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines

Suspension, Expulsion, and Mandatory Expulsion Guidelines (EC 48900)
1. District Policy and Board Governance
Happy Valley Union Elementary School District adheres to Board Policy which governs the suspension and expulsion of students. The District is committed to providing a safe, supportive, and inclusive learning environment where exclusionary discipline is utilized only as a last resort for serious offenses.

2. The Multi-Tiered System of Supports (MTSS) & Alternatives
In alignment with legislative intent, HVUESD prioritizes Other Means of Correction before resorting to suspension. Our goal is to address the root cause of behavior through a research-based framework:

Tier 1 (Universal): Implementing Positive Behavioral Interventions and Supports (PBIS) school-wide to establish clear expectations.

Tier 2 (Targeted): Utilizing Restorative Justice practices, such as mediation and "Restorative Circles," to repair harm and maintain community.

Tier 3 (Intensive): Providing trauma-informed counseling, behavior intervention plans (BIPs), and referrals to community mental health resources.

3. Legal Limitations and Prohibitions
Our disciplinary procedures strictly adhere to current California Education Code protections:

Willful Defiance (EC 48900[k]): Students in grades K-12 shall not be suspended or recommended for expulsion solely for "willful defiance" or "disruption of school activities."

Attendance: No student will be suspended or expelled based on truancy, tardiness, or other attendance-related issues.

Homework Rights: Per state law, if a student is suspended for two or more days, the District will provide all required homework and assignments upon request by the parent or guardian to ensure instructional continuity.

4. Mandatory Expulsion (The "Big Five")
While the District seeks to minimize exclusion, Education Code 48915(c) mandates that a principal or superintendent must immediately suspend and recommend expulsion for the following five acts committed at school or at a school activity:

Possessing, selling, or furnishing a firearm.

Brandishing a knife at another person.

Unlawfully selling a controlled substance.

Committing or attempting to commit a sexual assault or battery.

Possession of an explosive.

5. Data-Informed Disciplinary Goals
Based on our Assessment of School Safety data (Section B), the District has identified the following trends and goals:

Trend Analysis: A review of suspension data from the past three years shows [e.g., a decrease in physical altercations but an increase in digital citizenship issues].

Action Goal: The District aims to [e.g., reduce the overall suspension rate by 5% through increased training in de-escalation for all classified and certificated staff].

(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)

1. Legal Mandate and District Compliance
In accordance with Education Code 49079, the Happy Valley Union Elementary School District (HVUESD) is committed to informing teachers of students who have engaged in, or are reasonably suspected to have engaged in, any of the acts described in Education Code 48900 (except for subdivision 'h'—tobacco use). This notification is a vital component of maintaining a safe and prepared classroom environment.

2. Notification Process and Timeline
The District ensures that information regarding a student's history of dangerous behavior is communicated through a systematic and timely process:

Information Source: The District utilizes its student information system (Aeries) and disciplinary records to track reportable incidents.

Notification Period: Administration provides notice to teachers for any student who has engaged in reportable acts within the previous three school years.

Method of Notice: 1. Annual Review: At the start of each school year, or when a student transfers into a new classroom, the site administrator or designee provides a confidential report (electronically or via hard copy) to the teacher of record. 2. Immediate Update: If a reportable incident occurs during the school year, the teacher is notified as soon as possible following the disciplinary action or the district's receipt of the information.

3. Confidentiality Requirements
The District emphasizes that this information is shared for safety and instructional planning purposes only.

Confidentiality Agreement: Any teacher or staff member receiving notice of a student's history must maintain that information in the strictest confidence.

Legal Restriction: Under the law, this information shall not be further disseminated. Unauthorized disclosure of this information is a violation of district policy and may lead to disciplinary action.

4. Staff Support and Preparation
Upon receiving notification, teachers are encouraged to collaborate with the site administrator and the School Safety Committee to:

Review the student's Behavior Intervention Plan (BIP) or 504/IEP accommodations, if applicable.

Implement proactive classroom management strategies to mitigate potential triggers.

Access support from school counselors or mental health specialists to ensure a successful integration for the student.

(E) Sexual Harassment Policies (EC 212.6 [b])

1. District Commitment and Policy Inclusion
Happy Valley Union Elementary School District (HVUESD) is committed to maintaining a learning and working environment free from sexual harassment. In accordance with Education Code 212.6 [b], the District's sexual harassment policy is integrated into its broader non-discrimination policy. The District prohibits sexual harassment of any student by any professional, employee, independent contractor, or another student.

2. Uniform Complaint Procedures (UCP)
For complaints related to discrimination, harassment, intimidation, or bullying based on a protected characteristic (including sexual harassment), the District utilizes the Uniform Complaint Procedure (UCP):

Timeline for Filing: Complaints must be filed with the Superintendent or District Compliance Officer no later than six months from the date the alleged incident occurred or the date the complainant first obtained knowledge of the facts.

Investigation and Resolution: Upon receipt of a written complaint, the District will initiate an investigation. A final written report (the Investigation Report) must be completed and sent to the complainant within 60 calendar days, unless a written extension is granted.

Equitable Redress: The process is designed to provide a prompt and equitable resolution, including supportive measures (such as counseling or changes to school schedules) to ensure the student's safety and continued access to education.

3. Intersection with Mandated Reporting (Child Abuse)
In any instance where sexual harassment involves a student and may constitute sexual abuse, sexual assault, or exploitation, the District's Mandated Reporting protocols take immediate precedence over the UCP investigation.

Mandated Reporting: Per the Child Abuse and Neglect Reporting Act (CANRA), any district employee who has a "reasonable suspicion" that sexual harassment has reached the level of child abuse must report the incident immediately to:

Shasta County Children's Services (CPS) or

Local Law Enforcement (Shasta County Sheriff/Anderson PD).

Annual Training: All HVUESD employees undergo annual Mandated Reporter training within the first six weeks of the school year to ensure they can identify indicators of sexual abuse and understand that a report to a supervisor does not satisfy their personal legal obligation to report to the authorities.

4. Policy Distribution and Accessibility
Student/Parent Notification: A copy of the District's sexual harassment policy is included in the Annual Parent Notification and is posted in all school offices and the District website.

Staff Training: Sexual harassment prevention training is provided to all staff to ensure they understand the legal definitions of harassment, the duty to intervene, and the non-retaliation protections afforded to those who file a complaint.

(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)

1. Adoption of Dress Code
Happy Valley Union Elementary School District has adopted a schoolwide dress code that prohibits pupils from wearing "gang-related apparel" pursuant to Education Code 35183. The District finds that the presence of such apparel can cause disruption to the school environment, foster intimidation among students, and potentially threaten the health and safety of the campus.

2. Definition of Gang-Related Apparel
For the purposes of this Comprehensive School Safety Plan, "gang-related apparel" is defined as:

Apparel, jewelry, accessories, notebooks, or manner of grooming which, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in or affiliation with a gang. This definition is limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment.

Because gang trends and symbols can change rapidly, the District works in consultation with the Shasta County Sheriff's Office to identify current markers of gang affiliation in the Anderson area.

3. Enforcement and Authority
The schoolwide dress code is enforced on the school campus and at all school-sponsored activities (such as field trips and sporting events).

Authority: The Principal or their designee has the final authority to determine whether a student's attire violates this policy.

Protected Speech: In accordance with Education Code 32282, apparel identified as "gang-related" is not considered a protected form of speech.

Disciplinary Process: Students found wearing prohibited apparel will be asked to change or cover the item. Parents will be notified, and the District's "Other Means of Correction" (such as counseling or restorative conversation) will be utilized to help the student understand the safety implications of the policy.

4. Board Policy and Administrative Regulations
This CSSP incorporates by reference:

Board Policy (BP) 5132: Student Dress and Grooming.

Administrative Regulation (AR) 5132: Specific guidelines for appropriate campus attire.

(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)

1. Campus Visitor Policies and Access Control
To maintain a secure environment, HVUESD operates as a closed campus. All points of entry are secured during instructional hours, with the exception of the main office.

Single Point of Entry: All students, parents, and staff are directed to enter through designated gates. During the school day, all perimeter gates are locked, and entry is funneled through the front office.

Visitor Management System: All parents and visitors must sign in at the office and present valid identification to be scanned through the [Insert System, e.g., Raptor] visitor management system. Visitors must wear a visible "Visitor" badge at all times while on campus and sign out upon departure.

2. Vehicle and Traffic Safety Measures
The District has established specific traffic patterns to minimize the risk of accidents during high-volume drop-off and pick-up times:

Designated Zones: Specific areas are marked for "Bus Loading Only" and "Parent Pick-Up/Drop-Off." Staff members are stationed at these locations to direct flow and ensure students do not walk between idling vehicles.

Speed Limits and Signage: Speed limits in school zones and parking lots are strictly enforced at 15 mph. Clear signage indicates directional flow and "No Parking" zones to ensure emergency vehicle access at all times.

3. Pedestrian and Bicycle Safety
Safe Routes to School: The District encourages parents to identify the safest walking routes, prioritizing streets with sidewalks and crossing guards.

Crossing Guard Program: The District coordinates with local law enforcement or utilizes trained staff to provide crossing guard services at Happy Valley Rd & Palm Ave during peak arrival and dismissal windows.

Bicycle and Scooter Policy: Students riding bicycles or scooters to school must wear helmets (per CA law) and must walk their equipment once they reach campus boundaries. Dedicated racks are provided in a visible, supervised area to discourage theft and tampering.

4. Ingress/Egress During Emergencies
In the event of an emergency evacuation or lockdown, standard ingress and egress procedures are suspended in favor of the Incident Command System (ICS) protocols:

Emergency Access: Law enforcement and fire departments have pre-designated access points that must remain clear of all parent and staff vehicles.

Student Release/Reunification: A specific "Reunification Gate" is identified for each site (as detailed in the confidential tactical maps). Parents are instructed to follow the Safe Release Process, which involves verifying ID before a student is escorted from the secure assembly area to the parent.

5. Staff and Employee Arrival
Staff members are provided with designated parking areas and are issued keys or electronic fobs to access secure points of entry. Staff are expected to be on-site and at their designated supervision posts (e.g., playground, bus loop) at least 15 minutes prior to the start of the school day.

(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)

Goal

HVP: Repair school wide speaker system so all rooms can hear it.

Component:

Element:

Opportunity for Improvement:

Objectives	Action Steps	Resources	Lead Person	Evaluation
Repair loud speaker at HVP	Comer to repair system	Comer	G Murphy	Comer repaired loud speaker system

(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)

Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) Student Conduct Code

School Discipline Rules and Consequences (EC 35291)

Philosophy of Discipline
The Happy Valley Union Elementary School District (HVUESD) believes that effective discipline is a learning process that teaches students to take responsibility for their actions and develop self-control. Our rules are designed to maintain a safe, orderly environment conducive to learning while protecting the rights of all students.
In accordance with Education Code 35291.5, these rules have been developed in collaboration with the School Site Council and are reviewed annually to ensure they meet the current needs of the campus.

Student Code of Conduct: "The Big Three"
To ensure clarity for our elementary learners, all school rules fall under three primary expectations:
Be Safe: Keep hands, feet, and objects to yourself; follow all playground and classroom safety procedures.
Be Respectful: Use kind language; follow the directions of all school staff; respect school property and the belongings of others.
Be Responsible: Arrive to school and class on time; complete all assignments; be an "Upstander" by reporting unsafe behavior.

Conduct Code Procedures

Progressive Discipline Framework
HVUESD utilizes a progressive discipline model. This means that the severity of the consequence is determined by the nature of the act, the student's disciplinary history, and the impact on the school community.

Other Means of Correction (OMC)
Consistent with California law, the District prioritizes restorative and instructional consequences over exclusion. Examples of OMC used at our school sites include:
Reflective Journaling: Helping the student identify the impact of their choices.
Community Service: Cleaning up a mess or helping a staff member to restore the campus environment.
Restorative Circles: Facilitated meetings where the student and the affected parties discuss the harm caused and how to repair the relationship.
Check-In/Check-Out (CICO): Providing a student with a daily staff mentor to monitor behavioral progress.

Distribution of Rules
To ensure all stakeholders are informed:
The Student Code of Conduct is included in the Student/Parent Handbook distributed at the start of each school year.
Rules are posted in classrooms, the cafeteria, and common areas.
Teachers conduct "Expectation Stations" during the first week of school to explicitly teach and practice appropriate behavior in various campus settings.

(K) Hate Crime Reporting Procedures and Policies

Hate Crime Reporting Procedures and Policies
1. Statement of Intent
The Happy Valley Union Elementary School District (HVUESD) is committed to providing a safe, inclusive environment that is free from hate-motivated acts. The District recognizes that hate crimes and hate-motivated incidents are particularly harmful, as they target a student's core identity and can create a climate of fear that impacts the entire school community. We maintain a zero-tolerance policy for any act of intimidation, harassment, or violence motivated by hate.

2. Definitions
To ensure accurate reporting and response, the District distinguishes between the following:

Hate-Motivated Incident: A non-criminal act or behavior (such as name-calling or the use of slurs) motivated by hostility toward a person's real or perceived race, religion, disability, sexual orientation, or gender.

Hate Crime: A criminal act committed, in whole or in part, because of one or more of the victim's actual or perceived characteristics as defined in Penal Code 422.55. This includes physical assault, threats of violence, or criminal vandalism (e.g., graffiti of hate

symbols).

3. Reporting Procedures
HVUESD ensures that victims and witnesses have multiple, safe avenues to report hate-motivated acts:

Initial Report: Students are encouraged to report any incident immediately to a teacher, counselor, or administrator. Reports can also be made via the District's [Insert Name of Anonymous Reporting Tool, e.g., Catapult/Say Something].

Staff Responsibility: Any staff member who witnesses or receives a report of a hate-motivated act must intervene immediately (if safe to do so) and notify the Principal within 24 hours.

Law Enforcement Notification: Per Penal Code 628, the Principal or Superintendent will immediately notify the Shasta County Sheriff's Office or Anderson Police Department if an incident is suspected to be a criminal hate crime.

4. Investigation and Response
Once a report is made, the following actions are taken:

Immediate Safety: The District will implement supportive measures (e.g., increased supervision, schedule changes) to protect the victim from further harm or retaliation.

Neutral Investigation: The [Principal/Compliance Officer] will conduct a thorough investigation under the Uniform Complaint Procedure (UCP) framework.

Consequences: Students found to have committed a hate-motivated act will face disciplinary action in accordance with Section (I), which may include suspension or a recommendation for expulsion depending on the severity and legal classification of the act.

Restorative Recovery: Because hate-motivated acts impact the school climate, the District may implement school-wide "healing" measures, such as counselor-led classroom discussions or diversity and inclusion assemblies, to restore the campus sense of safety.

5. Documentation and Data
In accordance with state law, all verified hate crimes are documented and reported to the California Department of Education (CDE) as part of the annual school crime reporting process. This data is reviewed annually by the School Site Council to inform future safety goals and staff training needs.

(J) Procedures to Prepare for Active Shooters

Procedures to Prepare for Active Shooters
1. Tactical Framework and Philosophy
Happy Valley Union Elementary School District (HVUESD) utilizes a multi-option response framework for active shooter or armed assailant incidents. Our procedures are based on the ALICE (Alert, Lockdown, Inform, Counter, Evacuate) or Run, Hide, Fight models, which empower staff and students to make life-saving decisions based on the real-time information available to them.

2. Primary Response Protocols
In the event of an armed intruder or criminal incident on campus, the following protocols are utilized:

Lockdown: This is the immediate response to a threat inside or directly adjacent to school buildings. All doors are locked, lights are turned off, and students are moved to "hard corners" out of the line of sight from windows.

Secure Campus: This is utilized when there is a potential threat in the community (e.g., police activity in a nearby Anderson neighborhood). All exterior gates are locked, and outdoor activities cease, while instruction continues normally inside the locked classroom.

Evacuation (Relocation): If it is safer to leave the campus than to stay, staff are trained to lead students to pre-designated "Off-Site

Reunification Points."

3. Collaboration with Law Enforcement
These tactical procedures have been developed in direct consultation with the Shasta County Sheriff's Office and the Anderson Police Department.

Site Mapping: Local law enforcement has been provided with up-to-date site maps, including "Tactical Headers" that identify shut-off valves, entry points, and classroom numbers.

Annual Review: Our tactical response procedures are reviewed annually by first responders to ensure alignment with local Law Enforcement Active Shooter Response protocols.

4. Training and Drills
Staff Training: All district employees receive annual training on recognizing behavioral warning signs (Leakage) and the physical execution of lockdown/barricade procedures.

Student Drills: In accordance with state law, students participate in age-appropriate drills. For our elementary students, these drills are conducted with a trauma-informed lens—using "Safety Scenario" language that minimizes fear while building "muscle memory" for the protocols.

Notification: Parents are notified in advance of any active shooter simulation or drill to allow for family discussion and to reduce anxiety.

5. Confidentiality of Tactical Information
In accordance with Education Code 32282, specific tactical details—including the locations of "Hard Corners," specific evacuation routes, site-specific floor plans, and the private cell phone numbers of the Crisis Response Team—are contained in the Confidential Tactical Appendix of this CSSP.

NOTICE: The Confidential Tactical Appendix is not subject to public records requests and is shared only with authorized district personnel and emergency first responders.

Procedures for Preventing Acts of Bullying and Cyber-bullying

Procedures for Preventing Acts of Bullying and Cyberbullying (EC 32282 & 32283.5)

1. Definition and Scope
The Happy Valley Union Elementary School District (HVUESD) defines bullying as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act (cyberbullying), that has or can be reasonably predicted to have the effect of placing a student in fear of harm, causing a substantially detrimental effect on their physical or mental health, or interfering with their academic performance.

Our policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent, including but not limited to:

While on school grounds.

While going to or coming from school.

During the lunch period (on or off campus).

During, or while going to or coming from, a school-sponsored activity.

2. Mandatory Staff Training (EC 32283.5)

In accordance with Education Code Section 32283.5, HVUESD ensures that all certificated staff and any other school site employees who have regular interaction with pupils have access to annual bullying prevention training.

Training Requirement: The District makes the California Department of Education (CDE) Online Bullying Training Module available to all employees at the beginning of each school year and PRISM for staff directly serving 7th-8th grade students.

Content: Training includes identifying different types of bullying (physical, social, verbal, and cyber), understanding the "Power Imbalance" dynamic, and learning effective intervention strategies.

Supplementary Resources: Staff are encouraged to utilize resources from StopBullying.gov, Common Sense Media (for cyberbullying specifics), and the National Alliance for Youth Sports.

3. Cyberbullying Prevention and Digital Citizenship
Recognizing that digital interactions often impact the school day, the District implements specific strategies for cyberbullying:
Digital Citizenship course- Common Sense Education annually

Digital Literacy: Students receive age-appropriate instruction on digital citizenship, emphasizing that "electronic acts" (including those on social media or gaming platforms) are subject to school discipline if they cause a substantial disruption to the school environment.

Monitoring: The District utilizes GoGuardian and other IT firewalls to monitor district-issued devices for keywords related to self-harm, threats, or severe harassment, allowing for early intervention by administration.

4. Reporting and Investigation Procedures
Anonymous Reporting: Students and parents may report bullying through a link on our website or via a physical "Reporting Box" located in the school office.

Investigation: Once a report is received, the Principal or designee shall begin an investigation within 3] school days. The investigation includes interviews with the involved parties and a review of any digital or physical evidence.

Intervention: The District utilizes Restorative Practices to address bullying. While disciplinary consequences may be applied per Section (I), the focus remains on repairing the harm and providing counseling for both the victim and the student who engaged in the behavior.

5. Education and Climate Building
To prevent bullying before it starts, HVUESD integrates the following into the school culture:

5 Peaks wellness coaches and targeted small group support

SEL Curriculum: Utilization of Character Strong (TK-8), Wonder Grove Learn (TK-3), Botvin (6th) to teach empathy, emotional regulation, and social problem-solving.

Parent Outreach: Information regarding bullying prevention and how to monitor a child’s digital footprint is shared through the Annual Parent Notification and school newsletters.

Opioid Prevention and Life-Saving Response Procedures

1. Mandate and Policy Applicability
In accordance with Education Code Section 32282(a)(2)(N) and the California Department of Education safety guidelines, the Happy Valley Union Elementary School District (HVUESD) has established this protocol to address medical emergencies involving suspected opioid overdoses. This plan was formally adopted/updated for inclusion in the CSSP on February 11, 2026.

2. Recognition of Opioid Overdose

Staff are trained annually to recognize the "Opioid Overdose Triad" and other critical symptoms, which include:

Pinpoint Pupils: Extremely small, constricted pupils.

Respiratory Depression: Slow, shallow, or stopped breathing.

Unresponsiveness: Inability to wake up or respond to voice/touch.

Cyanosis: Blue or purplish lips, fingernails, or skin.

Gurgling: Choking or "snoring" sounds (the "death rattle").

3. Emergency Response Protocol: The Life-Saving Steps
If a student is suffering or reasonably believed to be suffering from an opioid overdose, staff shall follow these steps immediately:

Call 911 Immediately: State that you have a "suspected overdose" and provide the exact location on campus.

Alert the Health Office: Notify the School Nurse or designated Naloxone (Narcan) administrator.

Administer Naloxone (Narcan): If the student is unresponsive and an overdose is suspected, administer the nasal spray. Naloxone is a life-saving medication that reverses the effects of opioids with no harmful effects if the person is not actually overdosing.

Rescue Breathing/CPR: If the student is not breathing, perform rescue breathing or CPR as trained until paramedics arrive.

Monitor: If there is no response after 2–3 minutes, a second dose of Naloxone may be administered. Remain with the student until emergency medical services (EMS) take over.

4. Naloxone Storage and Accessibility
Location: Naloxone kits are stored in clearly marked, accessible locations, including the [Insert Locations, e.g., Front Office, Health Office, and Gym].

Maintenance: The School Nurse or Health Aide is responsible for checking expiration dates quarterly and ensuring the kits are stored at the manufacturer-recommended temperatures.

5. Staff Training and Documentation
Training: Annual training is provided to volunteer staff and administrators on the administration of Naloxone and the legal protections provided by the California Good Samaritan Law.

Post-Incident Reporting: Any use of Naloxone on campus must be documented using the District's Medical Emergency Report and reported to the Superintendent and the County Health Department within 24 hours.

Response Procedures for Dangerous, Violent, or Unlawful Activities

1. Mandatory Reporting of Threats (EC 49393)
In accordance with Education Code 49393, any school official who is alerted to or observes any threat or "perceived threat" of a violent incident shall immediately report the threat to local law enforcement.
Evidence Preservation: This report must include copies of any documentary or other evidence associated with the threat (e.g., social media posts, written notes, or video recordings).
Joint Reporting: If multiple officials are aware of the threat, they may file a single joint report, provided all information is captured.
Immunity: School officials are protected by law when making these reports in good faith to ensure campus safety.

2. Multi-Disciplinary Threat Assessment Team (MD-TAT)
The District utilizes a Multi-Disciplinary Threat Assessment Team to evaluate reports of dangerous or unlawful activity. This team

moves beyond simple discipline to assess whether a student has the intent and capability to carry out a threat.
Team Members: Typically includes a Site Administrator, a School Counselor or Psychologist, and a Law Enforcement representative (SRO or Patrol Officer).
Assessment Levels: * Level 1 (Site): Immediate evaluation of the threat's transient vs. substantive nature.
Level 2 (District/County): Formalized behavioral intervention and monitoring for high-risk concerns.

3. Procedures for Dangerous or Unlawful Activities
For activities currently in progress at the school, on a school bus, or at a school-sponsored event, the following steps are mandated:
Immediate Assessment: The Principal or designee will quickly assess the situation to determine if a Lockdown, Secure Campus, or Evacuation is required.
Communication: Staff will use [Insert System, e.g., Catapult/Radios] to provide real-time updates to the District Office and First Responders.
Bus Safety: Bus drivers are trained to stop the vehicle in a safe location, secure students, and immediately radio the District's transportation department and law enforcement if an unlawful or violent act occurs on a bus.

4. Anonymous Reporting and Tip Lines
To encourage "See Something, Say Something," HVUESD provides multiple avenues for students to report suspected criminal behavior, suicidal ideation, or weapons on campus:
Anonymous Tip Line: Students can report on the anonymous tip line 24/7. This tip line can be found on the Happy Valley District website.
Digital Monitoring: The District uses [Insert Software, e.g., Bark/GoGuardian] to identify high-risk digital activity on school-issued devices.
Confidentiality: Every effort is made to protect the identity of students who report safety concerns to prevent retaliation.

5. Collaboration with Law Enforcement
These procedures have been developed in consultation with the Shasta County Sheriff’s Office. This partnership ensures that when a threat is reported, law enforcement can immediately conduct a "Threat Assessment Search" if there is reasonable suspicion that evidence of the threat is on school property.

Instructional Continuity Plan

Introduction and Purpose of the Instructional Continuity Plan (ICP)

Information about the Instructional Continuity Plan (ICP) requirements, revision and adoption dates.

This Instructional Continuity Plan (ICP) was last revised on Feb 4, 2026 and adopted by Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) on Feb 9, 2026 to ensure all students have access to instruction during a natural disaster or emergency, as mandated by Senate Bill 153, Chapter 38, Statutes of 2024 (SB 153), which adds a provision to California Education Code (EC) Section 32282.

This ICP will be included in the LEA’s Comprehensive School Safety Plan (CSSP) by July 1, 2025. Inclusion of this ICP in the CSSP will be required to obtain approval of a Form J-13A waiver request beginning in fiscal year 2026-27. This plan is intended to minimize disruptions to instruction and provide support for pupils’ social-emotional, mental health, and academic needs.

In accordance with Senate Bill 153 (SB 153), this plan is a required component of the Comprehensive School Safety Plan. It is designed to:
Minimize the loss of instructional time.
Provide immediate support for students' social-emotional and mental health needs.
Ensure academic rigor and standards-based learning continue regardless of the school’s physical status.

2. Guiding Principles

HVUESD is committed to the following principles during any instructional disruption:
Equity: Ensuring students with disabilities, English Learners, foster youth, and students experiencing homelessness receive the specific supports mandated in their IEPs or 504 plans.
Access: Providing the necessary hardware (Chromebooks/Tablets) and connectivity (Hotspots) for students to participate in remote learning.
Connection: Prioritizing the human element of schooling by maintaining daily teacher-student interaction.

3. Activation Triggers
This plan is activated when the Superintendent or County Health/Safety officials determine that in-person instruction at a school site is unsafe or impossible. Common triggers include:
Mandatory evacuation orders (e.g., wildfires).
Extended power outages (Public Safety Power Shutoffs).
Significant damage to campus infrastructure.
Public health orders requiring school closures.

4. Mandatory Timeframes (SB 153 Compliance)
Per California Education Code Section 32282(a)(3), HVUESD adheres to the following statutory deadlines:
Milestone
Requirement
Two-Way Communication
Establish contact with students and families to assess safety and academic needs within 5 calendar days of the emergency.
Instructional Access
Provide access to in-person or remote instruction (via Independent Study) within 10 instructional days of the emergency.

Engagement with Pupils and Families

Protocol for Engagement

Protocol for engagement with pupils and their families.

As required, Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) will engage with pupils and their families as soon as practicable, but **no later than five calendar days** following an emergency.

1. The 5-Day Engagement Mandate
In the event of an emergency or natural disaster (e.g., wildfire, flood, or widespread power outage), the Happy Valley Union Elementary School District (HVUESD) will initiate contact with all students and families as soon as practicable, but no later than five (5) calendar days following the start of the emergency.

2. Primary Communication Channels
The District utilizes a multi-layered communication strategy to reach families, even when traditional infrastructure may be compromised:
Automated Notification System: Primary alerts via [Insert System, e.g., ParentSquare / Aeries Communications] which sends simultaneous texts, emails, and app notifications.
District and School Websites: Serving as the central "source of truth" for real-time updates on school status and instructional plans.
Direct Outreach: If digital systems are down, site-level staff (teachers and office personnel) will attempt direct phone calls to the emergency contact numbers on file.
Social Media: Updates posted to official District Facebook and Twitter accounts to reach families who may be monitoring community news.

3. Establishing Two-Way Communication

Communication is not complete until it is two-way. Within the 5-day window, the District will seek to confirm the following for every student:
Safety and Status: Is the family safe and have they been displaced?
Basic Needs: Does the student have access to food, shelter, and medical supplies?
Technology Access: Does the student have a working device and internet connectivity at their current location?
Mental Health Needs: Does the student or family require immediate social-emotional support or crisis counseling?

4. Supporting Social-Emotional and Mental Health (SEMH)
During an emergency, the District prioritizes the "human first" approach:
Crisis Counseling: School counselors will be available for virtual "check-ins" or phone consultations within the first week of a disruption.
Resource Referrals: The District will provide families with updated lists of community resources, including local shelters, food banks, and trauma-support services in the Shasta County area.
Translation Services: To ensure equitable engagement, all emergency communications will be provided in the primary languages spoken by our families (e.g., Spanish).

5. Staff Coordination
Teacher/Staff Check-ins: The Superintendent or Principal will establish a "Staff Communication Tree" to ensure all employees are safe and informed of their roles in the transition to remote or alternative instruction.
Internal Communication: Staff will utilize [Finalsite] for rapid coordination of instructional materials and student wellness updates.

Methods of Two-Way Communication

Methods for two-way engagement.

The protocol for engagement with pupils and their families is designed to establish two-way communication. Current existing methods include:

- Short messaging service (SMS)
- Phone Calls
- Email
- School Portal
- Social Media
- Flyers

Plans for Unforeseen Events

Plans to address unforeseen events such as power outages and damage to infrastructure and how they may impact methods for two-way communication.

The school has established procedures to maintain reliable two-way communication during unforeseen events, including power outages, damage to facilities, or disruptions to communication systems. These procedures are designed to ensure timely coordination among staff, students, families, and emergency responders.

Power Outages

In the event of a power outage:

Battery-powered devices (cell phones, two-way radios, and emergency lighting where available) will be used to maintain internal communication.

Administrators and designated staff will use district-issued cell phones or personal devices, as appropriate, to communicate with

staff and emergency services.

If internet-based systems are unavailable, communication will shift to voice calls and in-person coordination.

Families will be notified as soon as feasible through available methods once systems are restored.

Damage to Infrastructure

If school facilities or infrastructure are damaged (e.g., earthquakes, storms, fire, or flooding):

The Incident Commander (or designee) will assess the impact on communication systems and identify alternative methods.

Staff will follow established emergency protocols, including face-to-face communication, runners, or radios if electronic systems are compromised.

Emergency responders will be contacted using available communication methods.

Parents/guardians will be informed of student status and next steps as soon as it is safe and practical to do so.

Communication System Failures

If primary communication systems (e.g., phones, internet, PA system) are not functioning:

Backup systems such as radios, mobile phones, or written notices will be used.

Staff will be directed to report to predetermined locations for briefings and updates.

The district will utilize multiple platforms, when available, to ensure redundancy and increase the likelihood that messages are received.

Continuity and Training

Staff are trained annually on emergency communication procedures and the use of alternative communication methods.

Emergency contact information for staff and families is reviewed and updated regularly.

The school will review and revise communication protocols after any significant incident to improve preparedness and response.

Support for Unique Needs

Plans designed to identify and provide support for pupils' social-emotional, mental health, and academic needs.

Plans to identify and provide support for pupils' social-emotional, mental health, and academic needs

The school is committed to identifying and supporting the unique social-emotional, mental health, and academic needs of all pupils. Systems are in place to ensure early identification, timely intervention, and ongoing monitoring of student progress and well-being.

Identification of Student Needs

Staff use multiple measures to identify student needs, including classroom observations, academic assessments, attendance data, behavior referrals, and input from families and students.

Teachers, classified staff, and administrators are trained to recognize signs of academic struggle, emotional distress, trauma, or mental health concerns and to refer students for support.

Concerns may be brought forward through the Student Study Team (SST), MTSS/RTI processes, or direct communication with site administration or counseling staff.

Social-Emotional and Mental Health Supports

Students have access to school-based supports such as counseling services, behavior coaching, social-emotional learning instruction, and restorative practices.

Tiered interventions are provided based on student need and may include small-group supports, check-ins/check-outs, behavior plans, or referrals to outside agencies when appropriate.

Staff implement positive behavior supports and trauma-informed practices to create safe, supportive, and inclusive learning environments.

Family Liaison works directly with families and the Community Connect Coordinator provides additional resources.

Crisis response protocols are in place to support students experiencing acute emotional or mental health needs.

Academic Supports

Academic interventions are provided through tiered systems of support, including targeted small-group instruction, specialized interventions, and progress monitoring.

Students with identified disabilities receive services and accommodations in accordance with their IEPs or Section 504 plans.

English learners receive designated and integrated supports aligned to their language development needs.

Collaboration and Monitoring

Ongoing collaboration occurs among teachers, support staff, administrators, and families to review student progress and adjust supports as needed.

Student supports are documented and monitored to ensure effectiveness and continuity.

Transitions between grade levels or schools include the sharing of relevant information to support continuity of care and instruction

Access to Instruction

Timeline for Access to Instruction

Timeline for access to instruction no more than 10 instructional days following the emergency.

As required, Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) will provide access to in-person or remote instruction as soon as practicable, but **no more than 10 instructional days** following the emergency.

Conditions for Resuming Access to In-Person Instruction

Conditions under which in-person instruction will resume and any alternative sites or arrangements considering various aspects of recovery.

Outlined below are conditions under which in-person instruction will resume and any alternative sites or arrangements considering various aspects of recovery, including:

- Evacuation orders lifted
- Power and utilities functioning
- Healthy air quality
- Access to safe and clean water
- Campus free from debris and hazards
- Internet fiber lines connected and functioning
- Sufficient staff available
- Kitchens operational for meals

In-person instruction will resume once it has been determined that school facilities are safe, operational, and able to support student learning and well-being. Decisions regarding the resumption of in-person instruction will prioritize student and staff safety and will be made in coordination with district leadership and appropriate local agencies.

In-person instruction may resume when:

School facilities are deemed structurally safe and free from hazards by appropriate authorities or qualified professionals.

Essential utilities (e.g., electricity, water, heating/cooling, and sanitation) are restored or appropriate temporary solutions are in place.

Safety systems, including fire alarms, communication systems, and emergency equipment, are functional.

Adequate staffing levels are available to supervise students and maintain safe operations.

Transportation services, food services, and support services can be provided safely or adjusted as needed.

Health and safety guidance from local and state authorities has been reviewed and addressed.

Alternative Instructional Arrangements

If in-person instruction cannot immediately resume at the primary school site:

Instruction may be temporarily relocated to an alternative district site or approved community location, if available and appropriate.

Modified schedules, staggered attendance, or limited in-person services may be implemented during the recovery period.

Distance learning or other alternative instructional methods may be used to maintain continuity of learning until full in-person instruction can resume.

Communication and Transition Back to Campus

Families and staff will be notified as soon as possible regarding the status of school operations, anticipated timelines, and instructional arrangements.

Updates will be provided regularly through established communication channels.

A phased return to in-person instruction may be implemented to support student adjustment and operational readiness.

Review and Recovery

The district will continue to assess conditions and make adjustments as recovery progresses.

Plans will be reviewed following significant incidents to incorporate lessons learned and improve future response.

Remote Instruction

Plans for remote instruction.

As required, Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) remote instruction will align with EC sections 51747 and 51749.5, governing Independent Study instruction modalities. Remote instruction will be designed to meet instructional standards that are, at minimum, equivalent to those applicable in independent study programs.

Remote instruction will be implemented when in-person instruction is not feasible due to emergency conditions or recovery needs. Instruction will be designed to meet instructional standards that are, at minimum, equivalent to those applicable in independent study programs.

Remote Instruction Framework

Instruction will include synchronous and/or asynchronous learning opportunities, as appropriate, to support continuity of learning.

Students will be provided access to instructional materials, assignments, and learning activities aligned to grade-level standards.

Teachers will maintain regular communication with students and families to provide guidance, feedback, and academic support.

Student Engagement and Attendance

Student participation and work completion will be monitored in accordance with Education Code requirements for independent study.

Teachers will document student engagement, instructional contact, and progress toward learning objectives.

Families will receive clear expectations regarding participation, timelines, and support resources.

Supports and Accommodations

Students with disabilities will continue to receive services, accommodations, and supports in accordance with their IEPs or Section 504 plans, as feasible in a remote setting.

English learners will receive designated and integrated language development supports.

Social-emotional and mental health supports will remain available during periods of remote instruction.

Communication and Oversight

Families and staff will be informed promptly of the transition to remote instruction, including expectations, schedules, and available supports.

Remote instruction plans will be reviewed regularly and adjusted as needed to ensure effectiveness and compliance.

Access to Instructional Materials

Methods for distributing digital and non-digital materials.

As required, remote instruction offered will align with expectations of access and equity.

Digital instructional materials may be distributed through district-approved learning platforms, email, or other secure online systems.

Students will be provided access to assignments, instructional resources, and teacher communication in a consistent and organized manner.

When available, district-issued devices and connectivity support will be provided to students who need them.

Teachers will offer guidance to students and families on accessing and using digital platforms.

Non-Digital Materials

For students who are unable to access digital materials, paper-based instructional packets and printed resources will be made available.

Non-digital materials may be distributed through scheduled pick-up times, delivery through district-approved methods, or other arrangements as needed.

Materials will be designed to align with grade-level standards and instructional expectations.

Equity and Accessibility

Distribution methods will be flexible and responsive to family needs, including work schedules, transportation barriers, and language access.

Reasonable accommodations will be provided for students with disabilities in accordance with their IEPs or Section 504 plans.

English learners will receive appropriate language supports aligned to instructional content.

Communication and Support

Families will be informed of material distribution schedules, locations, and expectations through established communication channels.

Access to Schoolwork

Platforms and processes for accessing and submitting schoolwork.

As required, remote instruction offered will align with expectations of access and equity.

Staff will be available to support families in accessing materials and to address barriers to participation.

Temporary Reassignment

Procedures and agreements for temporary reassignment with neighboring LEAs.

Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) provides support to pupils and families to enroll in or be temporarily reassigned to another site, school district, county office of education, or charter school if an emergency or natural disaster disrupts in-person learning:

In such circumstances:

The district will work with families to identify available alternative educational options that best meet student needs.

Support will be provided to assist families with enrollment, transfer documentation, and communication with receiving schools or agencies.

Students with disabilities will continue to receive services and supports in accordance with their IEPs or Section 504 plans, in coordination with the receiving program.

English learners will receive appropriate language supports to ensure continuity of instruction.

The district will coordinate, as appropriate, with neighboring districts, the county office of education, or charter schools to support continuity of learning.

Families will be informed of available options, timelines, and procedures through established communication channels. The district will make reasonable efforts to minimize disruption to students' academic progress and social-emotional well-being during periods of temporary reassignment.

Instructional Continuity

Communication Protocols

Communication protocols for families, students, staff and faculty, including how information will be made available and with what frequency including methods and timelines.

Information may be shared using one or more of the following methods, depending on availability and urgency:

Automated messaging systems (voice, text, and email)

School or district websites

Family communication platforms

Direct phone calls or emails from school staff

Written notices or printed materials when digital access is limited

In-person communication when appropriate and safe

Timelines and Frequency

Initial Notification: Families and staff will be notified as soon as reasonably possible following an emergency or significant incident, once accurate information is available.

Ongoing Updates: Updates will be provided at regular intervals as new information becomes available or conditions change. Frequency may vary depending on the nature and duration of the incident.

Resolution and Follow-Up: A final communication will be sent when the situation has stabilized or normal operations have resumed, including next steps and available supports.

Audience-Specific Communication

Families and Students: Communications will include information related to school operations, instructional arrangements, student safety, and available supports.

Staff and Faculty: Communications will include expectations, reporting instructions, safety procedures, and operational updates necessary to support students and maintain continuity.

Students on Campus: Age-appropriate information will be provided through staff, announcements, or classroom communication to ensure understanding and reassurance.

Accessibility and Equity

Communications will be provided in clear, accessible language and in multiple formats when needed.

Translation and interpretation services will be utilized as appropriate to support families whose primary language is not English.

Alternative communication methods will be used to reach families with limited digital access.

Oversight and Review

The school will maintain updated contact information for families and staff.

Communication protocols will be reviewed and refined following emergencies or drills to improve clarity and effectiveness.

Technological Readiness

Technology readiness for educators and students to support a pivot from in-person to remote learning through independent study including early access to independent study program written agreements, online access to assignments and academic resources, assignment of devices, online instructional platform and access to internet and devices.

The school maintains technology readiness to support a rapid transition from in-person instruction to remote learning through independent study, including early access for families to Independent Study Program written agreements; online access to assignments, instructional materials, and academic resources through district-approved platforms; assignment and distribution of district-issued devices to students as needed; use of consistent, district-approved online instructional platforms for instruction, communication, and feedback; and reasonable efforts to support internet connectivity for families with limited access. Training and technical support are provided to educators, students, and families, and student engagement is monitored in accordance with Independent Study requirements to ensure access, equity, and continuity of learning.

Instruction and Assessment

Prioritization of essential learning, making standards-aligned learning objectives, methods for monitoring progress and additional support whenever possible, including tutoring, check-ins, virtual office hours or other methods.

The school prioritizes essential, standards-aligned learning objectives to ensure continuity of instruction during remote or alternative learning periods. Instruction focuses on core academic skills and grade-level standards, with clearly defined learning targets and expectations. Student progress is monitored through regular review of assignments, assessments, and teacher check-ins, and additional supports are provided whenever possible, including targeted tutoring, small-group or individual check-ins, virtual office hours, and other intervention strategies to address academic or social-emotional needs.

Access (Equity, Accessibility, and Inclusion)

Equity, Accessibility, and Inclusion

How all students, including those with disabilities, those experiencing homelessness, foster youth, or English learner (EL) students will continue to have equal access to instructional resources.

The school ensures that all students—including students with disabilities, students experiencing homelessness, foster youth, and English learner (EL) students—continue to have equal access to instructional resources during in-person, remote, or alternative learning. Instructional materials are provided in multiple formats to meet diverse needs, and reasonable accommodations, modifications, and services are delivered in accordance with IEPs, Section 504 plans, and language development requirements. The district provides devices, connectivity support, and non-digital materials as needed, offers targeted academic and social-emotional supports, and works collaboratively with families and partner agencies to remove barriers and promote continuity, access, and equity for every student.

Individualized Education Plans (IEP)

How will IEPs continue to be provided and maintained.

Individualized Education Program (IEP) services will continue to be provided and maintained during in-person, remote, or alternative instructional settings to the greatest extent possible. Special education services, accommodations, and supports will be implemented in accordance with each student's IEP, with adjustments made as necessary to reflect the instructional setting. The district will ensure ongoing communication with families, provide required related services through appropriate delivery methods, and convene IEP meetings as needed to review services, address student progress, and ensure compliance with state and federal special education requirements.

English Leaners (EL)

How will EL students continue to be supported in alignment with the California English Learner Roadmap Policy.

English learner (EL) students will continue to receive designated and integrated English language development instruction aligned with the California English Learner Roadmap Policy during in-person, remote, or alternative learning. Instruction will be asset-based and culturally responsive, providing access to grade-level content while supporting language development. EL students will receive appropriate instructional materials, language supports, and accommodations, and progress in English proficiency and academic achievement will be monitored regularly. The district will maintain communication with families in a language they understand and adjust supports as needed to ensure equitable access, engagement, and continuity of learning.

Professional Learning

Professional learning opportunities and resources utilized to if the need to pivot to remote instruction and assessment arises.

The district provides professional learning opportunities and resources to support educators in the event a pivot to remote instruction and assessment is required. Professional learning includes training on independent study requirements, use of district-approved instructional platforms, development of standards-aligned lessons and assessments, strategies for student engagement and progress monitoring, and implementation of accommodations and supports for diverse learners. Ongoing technical assistance, collaboration, and access to instructional resources ensure staff are prepared to deliver effective, equitable instruction and assessment in a remote or alternative learning environment.

Well-Being and Support Services

How the LEA will provide access to physical and mental health professionals, including those who speak languages other than English.

The LEA will ensure students and families have access to physical and mental health professionals during in-person, remote, or alternative learning as needed. Services may include school-based counseling, nursing services, behavioral and wellness supports, and referrals to community partners. When available, services will be provided by staff or providers who speak languages other than English, and interpretation or translation services will be offered to support effective communication with families. The LEA will work collaboratively with families and partner agencies to remove barriers to access and support student health, well-being, and continuity of care.

Plans to provide access back-up, water and medicines in the event of an emergency.

The LEA maintains plans to provide access to backup power, potable water, and essential medications in the event of an emergency. Emergency supplies, including water and basic first aid materials, are maintained on campus in accordance with safety guidelines. Procedures are in place to support the safe storage and administration of student medications, including coordination with families and health professionals when regular operations are disrupted. The LEA will work with local agencies as needed to ensure continued access to critical resources and to support student health and safety during emergency situations.

Plans to ensure continuity of other support services, including special education, counseling, after-school programs, and access to kitchens and food services, adapting these services to the online or hybrid environment when necessary.

The LEA will ensure continuity of essential support services, including special education, counseling, after-school programs, and access to kitchen and food services, during in-person, remote, or hybrid learning. Services will be adapted as necessary to the instructional setting and may include virtual or alternative service delivery, modified schedules, and coordination with community partners. The LEA will communicate service availability and access procedures to families and will make reasonable efforts to maintain equitable access to supports that promote student learning, health, and well-being.

Site-Based Collaboration

How administrators, faculty, information technology staff, students, and parents will collaborate in the development and implementation of this ICP.

The ICP is developed and implemented through collaboration among administrators, faculty, information technology staff, students, and parents. Administrators provide leadership, oversight, and coordination; faculty contribute instructional expertise and student-focused practices; information technology staff support systems, access, and technical readiness; students provide feedback on learning experiences; and parents contribute input regarding access, communication, and family needs. Ongoing collaboration occurs through meetings, surveys, and regular communication to review implementation, address challenges, and make adjustments to ensure the ICP remains responsive, effective, and equitable.

Return to Site-Based Learning

Conditions that must be met prior to returning from disruption including reopening sites.

Prior to reopening school sites and returning from a disruption, the LEA will ensure that facilities are safe, structurally sound, and free from hazards; essential utilities and safety systems are operational; adequate staffing and supervision are available; instructional, transportation, and food services can be provided safely or with appropriate modifications; and applicable guidance from local, state, and federal authorities has been reviewed and addressed. Families and staff will be notified of reopening plans, timelines, and expectations, and a phased or modified return may be implemented to support a safe and orderly transition back to in-person instruction.

Integration with Comprehensive School Safety Plan (CSSP)

Integration of this Instructional Continuity Plan (ICP) into Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools)'s Comprehensive School Safety Plan (CSSP).

This Instructional Continuity Plan (ICP) will be included as an integral component of Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools)'s Comprehensive School Safety Plan (CSSP) by July 1, 2025, as required by SB 153. The information in this ICP will be considered in relation to other aspects of the existing safety plan. A locally-adopted CSSP must include this ICP to obtain approval of a Form J-13A waiver request beginning in fiscal year 2026-27.

This Instructional Continuity Plan (ICP) will be incorporated as an integral component of Happy Valley Elementary School's Comprehensive School Safety Plan (CSSP) (operating under a Waiver for a Combined Site Council for all Happy Valley Union Elementary School District schools) no later than July 1, 2025, in accordance with Senate Bill 153. The information contained in this ICP will be reviewed and considered alongside other components of the existing CSSP to ensure alignment and coherence. A locally adopted CSSP that includes this ICP is required for approval of a Form J-13A waiver request beginning in fiscal year 2026–27.

Review and Updates of this Instructional Continuity Plan (ICP)

Frequency of review and update of this ICP.

This Instructional Continuity Plan will be reviewed and updated in collaboration with Educational Partners, considering feedback and lessons learned on the following basis:

As needed and as required.

Procedures for Immigration Enforcement Notification

Confirmation Protocol

Detail the specific process and designated staff member (e.g., principal, superintendent) responsible for confirming the presence of immigration enforcement on the schoolsite, which triggers the notification requirement.

If an individual claims to be an immigration enforcement officer seeking access to a school site, students, or records, the Principal or Superintendent (or designee) is the only designated authority responsible for confirming the presence of immigration enforcement on campus. All staff are directed to immediately refer the individual to the site administrator and must not provide access, information, or assistance. The Principal or Superintendent/designee will verify the individual's credentials, review any warrants, subpoenas, or court orders presented, and determine whether the request complies with state and federal law. Confirmation of immigration enforcement presence by the Superintendent or designee triggers required notification and reporting procedures, including timely notification to the Governing Board in a manner that protects confidentiality and privacy, consistent with Education Code 234.7 and district policy 5145.13.

Required Notification Recipients

The procedures must ensure notification is issued to the following groups:

- Parents and guardians of pupils
- Teachers
- Administrators
- School personnel

Once the presence of immigration enforcement on or near a school site is confirmed by the Superintendent or designee, the district will promptly issue notifications to the following groups, consistent with legal requirements and confidentiality protections:

Parents and Guardians of Pupils: Families will be notified as soon as practicable through established communication channels, with information regarding student rights, school operations, and available supports.

Teachers: Teachers will receive timely notification with guidance on classroom procedures, student supervision, and communication expectations.

Administrators: Site and district administrators will be notified immediately to coordinate response actions, ensure compliance with policy, and support staff and students.

School Personnel: Classified and support staff will be informed of the situation and provided direction to maintain safety, confidentiality, and continuity of school operations.

Notifications will be issued in a manner that is timely, accurate, and respectful of privacy, and will avoid the disclosure of personally identifiable information, in accordance with Education Code 234.7 and district policy 5145.13

Notification Timing

Specify the timeline for issuing notification following confirmation, ensuring it aligns with safety goals and minimizes panic.

Following confirmation of immigration enforcement presence by the Superintendent or designee, notifications will be issued as soon as practicable, and no later than the same school day whenever possible. The timing of notifications will balance the need for transparency with student and staff safety, allowing administrators to verify accurate information, coordinate with site leadership, and implement appropriate safety measures prior to communication. Notifications to administrators and school personnel will occur immediately upon confirmation, followed by notifications to teachers and parents/guardians once messaging has been prepared to ensure clarity, accuracy, and calm, and to minimize unnecessary alarm or disruption.

Safety and Well-being Standard

The content and timing of the notification shall consider the safety and well-being of the pupils, employees, and community members of the schoolsite.

The content and timing of all notifications related to immigration enforcement activity shall be carefully considered to protect the safety and well-being of pupils, employees, and school community members. Communications will be factual, measured, and limited to information that is verified and necessary, and will avoid language that could cause fear, confusion, or panic. Notifications will be issued only after appropriate safety measures and administrative coordination are in place, and will respect confidentiality and privacy while providing reassurance, guidance, and available supports to the school community.

Privacy Constraint

The notification shall not include any personally identifiable information.

All notifications related to immigration enforcement activity shall exclude any personally identifiable information of pupils, families, employees, or community members and shall be issued in a manner that protects confidentiality and privacy in accordance with applicable state and federal law.

Notification Methods

Specify the secure methods used for two-way communication to reach the required recipients, such as mass communication systems, email, or school portals, and detail how these methods are maintained.

The LEA uses secure, district-approved communication systems to provide timely two-way communication with parents/guardians, students, staff, and administrators. These methods may include mass notification platforms (voice, text, and email), district email systems, and secure school or parent portals. Communication tools are selected to ensure message control, confidentiality, and the ability for recipients to respond or seek clarification when appropriate. Systems are maintained through regular updates, access controls, password protections, and periodic testing to ensure functionality during emergencies. Contact information is reviewed and updated regularly, and staff receive guidance on proper use of communication systems to ensure messages are accurate, secure, and delivered efficiently while protecting privacy.

Resource Provision (Optional but Encouraged)

The notification may include a hyperlink to additional resources for families regarding:

- Educational rights
- State laws that protect parents' and students' privacy and confidentiality
- Counseling or support services (including services that support families impacted by immigration enforcement and model policies adopted by the LEA).

Notifications may include a hyperlink to additional resources for families, as appropriate, including information on students' educational rights, applicable state laws that protect the privacy and confidentiality of parents and students, and available counseling or support services. Resources may also include information on services that support families impacted by immigration enforcement and references to relevant model policies adopted by the LEA. All linked resources will be provided in a manner that is accessible, culturally responsive, and supportive of family understanding and well-being.

Annual Evaluation

This plan will be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year.

Public Availability

An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

State Guidance

Compliance with this plan should align with the checklist for developing a comprehensive school safety plan, which the Department of Education is required to maintain and conspicuously post on its internet website

Procedures Regarding Pupil Smartphone Use During Emergencies

Mandatory Policy Adoption and Review Requirements

The date the policy was adopted/last updated, a summary of the policy's goal, and documentation of stakeholder involvement.

Policy Adoption and Review Date:
The district's policy governing pupil smartphone and mobile communication device use, Board Policy 5131.8 – Mobile Communication Devices, was originally adopted on December 17, 2019, and was last reviewed on December 17, 2019

Policy 5131.8 Mobile Communications

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Summary of Policy Goal:
The goal of Board Policy 5131.8 is to balance student safety, communication needs, and the integrity of the instructional environment. The policy permits limited use of smartphones while generally restricting use during instructional time, with explicit allowances for emergency situations or perceived threats of danger, health needs, IEP requirements, or administrative permission. During emergencies, the policy supports student safety and communication while maintaining orderly response procedures and protecting the privacy rights of students and staff.

Stakeholder Involvement:
The policy was adopted by the Governing Board and developed in alignment with applicable state law, including Education Code sections governing mobile communication devices and student rights. Implementation and review involve district administrators, school staff, and Board oversight. The policy is communicated to students and families through district handbooks and administrative guidance, and its application during emergencies is coordinated with site administrators to ensure student safety, clarity of communication, and consistency with the Comprehensive School Safety Plan.

Non-Prohibitable Circumstances for Pupil Smartphone Use

Confirm procedures for recognizing and respecting these exceptions:

1. When a teacher or administrator grants permission, subject to any reasonable limitation imposed by that teacher or administrator.
2. When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.
3. When the possession or use of a smartphone is required in a pupil's individualized education program (IEP).

The LEA recognizes and respects the non-prohibitable circumstances for pupil smartphone use as required by law and Board Policy 5131.8 – Mobile Communication Devices

Policy 5131.8 Mobile Communic…

. The following procedures ensure these exceptions are implemented consistently, respectfully, and without unnecessary barriers.

Teacher or Administrator Permission

Teachers or administrators may grant permission for a pupil to possess or use a smartphone for instructional, safety, or other approved purposes.

Any limitations (e.g., duration, location, purpose) will be clearly communicated to the pupil.

Staff will respect granted permission and will not confiscate or restrict use when permission has been provided in accordance with

policy.

Health or Well-Being Determination by a Licensed Physician or Surgeon

When a licensed physician or surgeon determines that smartphone possession or use is necessary for a pupil's health or well-being, the school will allow such use.

Documentation will be maintained as appropriate, and relevant staff will be informed on a need-to-know basis to ensure the pupil's health needs are supported.

Use will be accommodated in a manner that protects the pupil's privacy and dignity.

Requirement in a Pupil's Individualized Education Program (IEP)

When smartphone possession or use is required by a pupil's IEP, the accommodation will be implemented as written.

Staff will receive appropriate notice to ensure consistent compliance across instructional settings and school activities.

The smartphone will be treated as an assistive or required support and will not be restricted or confiscated in violation of the IEP.

All staff are trained to recognize these non-prohibitable circumstances and to ensure that pupil rights, safety, and privacy are upheld at all times.

Safety Plan Review, Evaluation and Amendment Procedures

This will be completed annually.

Emergency Contact Numbers

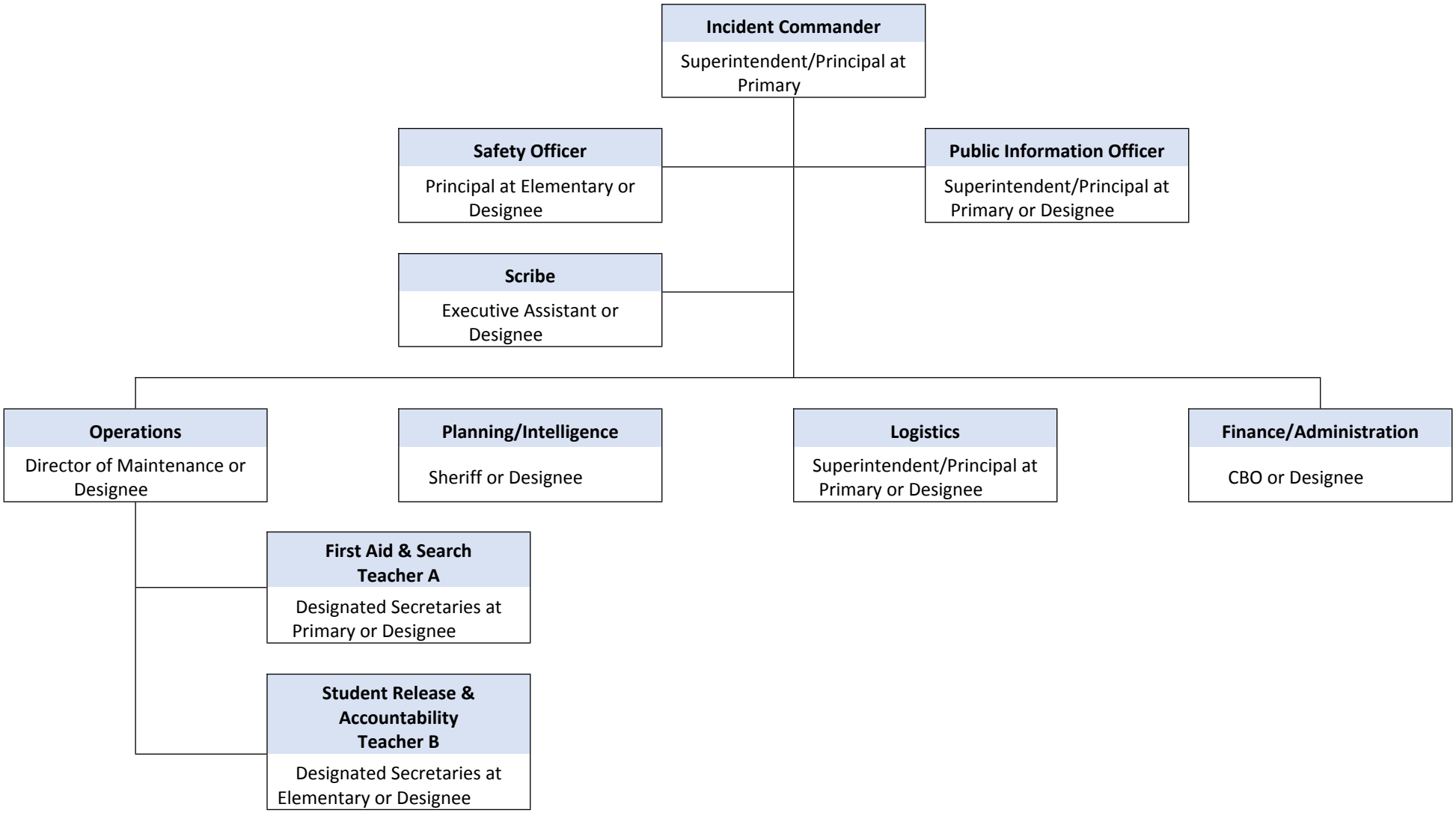
Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Law Enforcement/Fire/Paramedic	Shasta County Sheriff's Office	911 or (530) 245-6025	
Law Enforcement/Fire/Paramedic	Cal Fire	911 or (530) 225-2418	
Public Utilities	PG & E	(800) 743-5000	
Local Hospitals	Mercy Hospital (Dignity Health)	(844) 274-8497.	
City Services	Clear Creek Water District	(530) 357-2121	
Law Enforcement/Fire/Paramedic	Happy Valley Volunteer Fire Dept	(530) 357-2345	

Safety Plan Review, Evaluation and Amendment Procedures

Activity Description (i.e. review steps, meetings conducted, approvals, etc)	**Date and Time**	**Attached Document** (description and location)
School Site Council	Feb. 9, 2026	
Governance Board	Feb. 11, 2026	

Happy Valley Elementary School (Waiver for Combined Site Council for all Happy Valley Union Schools) Incident Command System



Incident Command Team Responsibilities

Standardized Emergency Response Management System Overview
The California Standardized Emergency Management System (SEMS) is designed to centralize and coordinate emergency response through the use of standardized terminology and processes. This greatly facilitates the flow of information and resources among the agencies participating in response to an emergency. SEMS consists of five functions:

Management
During an emergency, the Incident Commander directs response actions from a designated Command Post. To effectively do this, the Incident Commander must constantly assess the situation, and develop and implement appropriate strategies. The Incident Commander must be familiar with the available resources, accurately document all response actions, and effectively communicate response strategies to others participating in the response. This function is typically filled by the school principal. The principal is assisted in carrying out this function by a Public Information & Liaison Officer and Safety Officer.

Planning & Intelligence
Planning and Intelligence involves the use of various methods to efficiently gather information, weigh and document the information for significance, and actively assess the status of the emergency. This understanding and knowledge about the situation at hand is vital to the effective management of a response. These activities are performed by a single person who reports directly to the Incident Commander.

Operations
All response actions are implemented under by Operations. This includes staff performing first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students.

Logistics
Logistics supports the response by coordinating personnel; assembling and deploying volunteers; providing supplies, equipment, and services; and facilitating communications among emergency responders.

Finance & Administration
Finance & Administration involves the purchasing of all necessary materials, tracking financial records, timekeeping for emergency responders, and recovering school records following an emergency. These activities are performed by a single person who reports directly to the Incident Commander.

Emergency Response Guidelines

Step One: Identify the Type of Emergency

Upon notification of an incident or disruption, the first step is to identify the type and scope of the emergency to determine the appropriate response. Administrators or designated staff will assess available information to classify the situation, which may include but is not limited to natural disasters, public health emergencies, utility failures, facility damage, or other unforeseen events impacting school operations or instruction.

Accurate identification of the emergency will guide immediate safety actions, communication protocols, instructional continuity decisions, and coordination with local agencies. Information will be reviewed and updated as conditions evolve to ensure an appropriate and timely response.

Step Two: Identify the Level of Emergency

Once the type of emergency has been identified, administrators or designated staff will determine the level of emergency based on the severity, scope, and anticipated duration of the impact on school operations and instruction. Factors considered may include the safety of students and staff, extent of facility damage, availability of utilities and services, and guidance from local or state authorities.

Emergency levels may range from minor disruptions that can be managed on-site to significant incidents requiring partial or full closure of school facilities or a transition to remote or alternative instruction. Identifying the level of emergency will inform decision-making related to communication frequency, staffing, instructional continuity, and recovery actions.

Step Three: Determine the Immediate Response Action

Based on the identified type and level of emergency, administrators or designated staff will determine and implement the appropriate immediate response actions to protect the safety and well-being of students and staff. Actions may include activating emergency procedures, securing facilities, coordinating with emergency responders, initiating communication protocols, and determining whether to continue, modify, or suspend in-person instruction.

Immediate response actions will be clearly communicated to staff, students, and families as appropriate, and will be adjusted as new information becomes available. The response will prioritize safety, clarity, and continuity while preparing for short-term recovery and instructional decision-making.

Step Four: Communicate the Appropriate Response Action

Once the appropriate response action has been determined, the school will promptly communicate clear, accurate, and consistent information to students, families, staff, and relevant partners. Communication will include the nature of the emergency, actions being taken, expectations for students and staff, and any changes to school operations or instruction.

Information will be shared using established communication channels and updated regularly as conditions evolve. Efforts will be made to ensure communications are accessible, timely, and provided in languages and formats appropriate to the school community, supporting understanding, reassurance, and coordinated response.

Types of Emergencies & Specific Procedures

Aircraft Crash

Aircraft Crash — Emergency Response Checklist

Call 911 and notify emergency services immediately

Activate the school emergency response plan and designate Incident Commander

Initiate lockdown or shelter-in-place if debris, fire, fuel, or hazardous materials are present; evacuate if directed

Move students and staff away from windows, exterior walls, and hazards

Provide first aid as needed until responders arrive

Communicate instructions to staff and students

Notify district administration

Account for all students and staff; report injuries or missing persons

Communicate with families regarding safety, school status, and reunification

Provide counseling and mental health supports following the incident

Review response and update procedures as needed

Animal Disturbance

Animal Disturbance

This procedure should be implemented when the presence of a dog, coyote, mountain lion, or any other wild animal threatens the safety of students and staff.

Procedure:
1. The School Administrator will initiate appropriate Immediate Response Actions, which may include Shelter in Place or On-Campus Evacuation procedures, as described in Section B.
2. Upon discovery of an animal, school staff should isolate students from the animal, if it is safe to do so. If the animal is outside, students will be kept inside. If the animal is inside, students will be kept outside in an area away from the animal. It is best to close doors and lock gates as a means to isolate the animal.
3. If additional outside assistance is needed, the School Administrator will call 9-1-1 and provide the location of the animal and nature of the emergency.
4. If a staff member or student is injured, school medical personnel should immediately be notified. The parent or emergency contact of the injured person should also be immediately notified.
5. The School Administrator will initiate Off-Campus Evacuation procedures, as described in Section B, if deemed necessary by changes in conditions at the school campus.
6. In the event that students need to be released from the school site, refer to Family Reunification procedures.

Armed Assault on Campus

An Armed Assault on Campus involves one or more individuals who attempt to take hostages or cause physical harm to students and staff. This type of incident may involve assault by an individual with a deadly weapon including a gun, knife, or another harmful device.

Procedure
Alert, Lockdown, Inform, Counter, Evacuate (ALICE) protocol will be used.
1. If an armed assault occurs on or near the campus, personnel who observe the assault should immediately notify the School Administrator and call 911.
2. The School Administrator will initiate the appropriate Immediate Response Actions, which may include Shelter-in-Place, Lock Down, On-Campus Evacuation, or Off-Campus Evacuation, as described in Section B.
3. The School Administrator should also call 9-1-1 and provide the exact location, description, and nature of the incident. A designated person should remain on the phone line with the Redding Police Department (RPD) until law enforcement personnel arrive on the scene.
4. If it is safe to do so, school staff should attempt to isolate and secure students away from the perpetrator(s). Staff should take steps to calm and control students.
5. School staff and students should remain in secured areas until local authorities arrive and are able to neutralize the perpetrator(s). Once the perpetrator(s) are taken into law enforcement custody, the School Administrator must conduct a headcount of all students and staff and notify law enforcement personnel of any missing persons.
6. School medical personnel will work with local authorities to provide medical care to injured students and staff. If possible, photographs should be taken of any injuries.
7. The School Administration will work with law enforcement to control all points of entry to the school.
8. Once students are safe and the situation is stable, the School Administrator will share an Incident Report (describe what happened and when) for school record keeping and provide a copy to the responding police officer.
9. The School Administrator must prepare a verified list of all victims and the locations to which they were transported. If possible, staff members should accompany student victims. The School Administrator must ensure that parents and/or emergency contacts are immediately notified.
10. All media inquiries should be referred to Administration.
11. Refer to Family Reunification Procedures- as outlined in the Functional Annexes.
In the event the perpetrator(s) is inside a classroom:
12. Staff should take a leadership role and perform the following actions:
- Refer to ALICE strategies
- Staff actions will influence others.

Biological or Chemical Release

Call 911 and notify emergency services immediately

Activate the school emergency response plan and designate Incident Commander

Initiate shelter-in-place procedures; shut down HVAC systems if directed

Secure classrooms; close doors and windows and limit movement

Keep students and staff indoors and away from suspected release area

Provide first aid only if safe to do so; avoid contact with unknown substances

Follow directions from emergency responders and public health officials

Communicate clear instructions to staff and students

Notify district administration as soon as practicable

Account for all students and staff; report concerns to responders

Communicate with families once accurate information is available

Provide mental health and medical supports as needed after the incident

Review response and update procedures following the event

Bomb Threat/ Threat Of violence

A Bomb Threat may result from the discovery of a suspicious package on or near school grounds or receipt of a threatening phone call that may indicate the risk of an explosion.

Procedure:
1. If the threat is received by telephone, the person receiving the call should attempt to keep the caller on the line as long as possible and alert someone else to call 9-1-1 and inform the police dispatcher of the name of the school and that there has been a threat made on another line. If possible, the number of the phone line should be provided to the dispatcher.
2. The person answering the threat call should attempt to ask the following questions, record the answers, and then immediately notify the School Administrator:
- Where is the bomb?
- When is the bomb going to explode?
- What kind of bomb is it?
- Why are you doing this?
- What can we do to prevent you from letting the bomb explode?
- How can we contact you?

3. The School Administrator should immediately assess the threat and initiate appropriate emergency response actions; Shelter in Place, Off-Campus Evacuation, etc.
4. Upon the arrival of law enforcement, the School Administrator will advise all students and staff to turn off all cell phones.
5. If a suspicious object is identified, law enforcement or other emergency responders will attempt to secure the immediate area around the object.
6. If Emergency workers determine danger is imminent, the School Administrator will work with law enforcement to determine the immediate Response Action(s) to take, which may include: Drop, Cover, and Hold; Lock Down; On-Campus Evacuation; or Off-Campus Evacuation, as described in Section B.
7. In the event an evacuation is necessary, approval for student release or relocation from the Incident Commander or ordered by appropriate on-scene law enforcement. All school staff members must bring their student rosters and take attendance at the Assembly Area to account for all students. Staff will immediately notify the School Administrator of missing students.
8. In the event that students need to be released from the school site, refer to Family Reunification Procedures
9. School activities must not be resumed until the affected buildings have been inspected by law enforcement and determined to be safe.

Bus Disaster

Call 911 and notify emergency services immediately

Activate the school emergency response plan and designate Incident Commander

Ensure student safety; follow directions from emergency responders at the scene

Provide first aid as needed until responders arrive

Secure the area and keep students away from hazards

Account for all students and staff involved; document injuries

Notify district administration as soon as practicable

Communicate with families regarding student status and reunification procedures

Arrange alternative transportation if needed

Provide counseling and mental health supports following the incident

Review response and transportation procedures after the event

Cardiac Arrest

Call 911 immediately and report a suspected cardiac arrest

Activate the school emergency response plan and designate Incident Commander

Retrieve and use an AED as soon as possible
HVP: Staff Lunchroom
HVE: Office, gym, baseball field

Begin CPR by trained staff until emergency responders arrive

Clear the area to allow responders access and maintain privacy

Assign staff to guide emergency personnel to the scene

Account for students in the area and provide supervision

Notify district administration as soon as practicable

Communicate with families as appropriate once accurate information is available

Provide counseling and mental health supports following the incident

Document the incident and review response procedures

Disorderly Conduct

Disorderly Conduct/Threats/Domestic Violence Situation

Disorderly Conduct may involve a student, staff member, or other school stakeholder exhibiting threatening or irrational behavior. If the perpetrator is armed, refer to Armed Intruder on Campus.

Procedure:

1. Upon witnessing disorderly conduct, staff should take steps to calm and control the situation and attempt to isolate the perpetrator from other students and staff, if it is safe to do so.
2. Staff will immediately notify the School Administrator of the situation.
3. The School Administrator will call 9-1-1 and provide the exact location and nature of the incident.
4. The School Administrator will initiate the appropriate Immediate Response Actions, which may include Shelter-in-Place, Lock Down, On-Campus Evacuation, or Off-Campus Evacuation.
5. If there is no clear evidence of a threat, the School Administrator or a staff member may attempt to diffuse the situation. The perpetrator should be approached in a calm, non-confrontational manner and asked to please leave the campus. If the situation is considered to be hostile, the School Administrator should wait for the Shasta County Sheriff to arrive on the scene.
6. If the perpetrator is a student, an attempt should be made to notify the family. Family members may be able to provide useful information on handling the situation.

Earthquake

Earthquake

Earthquakes are considered one of the most likely and serious threats to the Northern California Area. Earthquakes generally occur without warning and may cause minor to serious ground shaking, damage to buildings, and injuries. It is important to note that even a mild tremor can create a potentially hazardous situation, and the following procedures should be implemented in response to all earthquakes regardless of magnitude.

Procedures:
Important: Keep calm and remain where you are. Assess the situation, and then act. Remember, most injuries or deaths are the direct cause of falling or flying debris.
1. Upon the first indication of an earthquake, staff should immediately direct students to Drop, Cover, and Hold.
2. Staff and students should move away from windows and overhead hazards to avoid glass and falling objects.
3. Once the shaking stops, the School Administrator will initiate the On-Campus Evacuation action. Staff and students will evacuate the buildings using pre-designated routes or other safe routes and convene at the Assembly Area.
4. In the event of an evacuation, all school staff must bring their student rosters and take attendance at the Assembly Area to account for all students. Staff members must notify the School Administrator of any missing students.
5. The School Administrator with the assistance of Maintenance and/or office staff will ensure that students and staff are positioned a safe distance away from building entrances to prevent access.
6. Assigned operations section teams will notify the School Administrator of fallen electrical wires and instruct them to avoid any areas with fallen wires. Facilities personnel will also notify the appropriate utility companies (i.e., gas, power, water, and sewer) of damages.
7. Staff and school medical personnel will assess student injuries and provide appropriate first aid.
8. If the area appears safe, staff will make an initial inspection of school buildings to identify any injured or trapped students.
9. The School Administrator / Incident Commander will determine additional actions that may be necessary.
10. The School Administrator will work with Emergency Personnel to obtain an assessment of the damage. School staff and students should not return to the buildings until damage assessment teams provide clearance and the School Administrator gives the authorization to do so.
11. The School Administrator will issue an Off-Campus Evacuation, as described in the Functional Annexes Section of the EOP if warranted by changes in conditions at the school.
12. In the event that students need to be released from the school site, refer to Family Reunification

In the event that an earthquake occurs during non-school hours:

1. The School Administrator, Emergency Planning Coordinator, and facilities & maintenance staff will assess damages to determine any necessary corrective actions. The School Administrator should request Redding Fire Dept. or other Emergency Teams to participate in the assessment.
2. The School Administration Team will determine if the school should be closed.
3. If school will be closed, The School Administrator will coordinate with administration and office teams to disseminate pertinent information to families.

Explosion or Risk Of Explosion

Call 911 and notify emergency services immediately

Activate the school emergency response plan and designate Incident Commander

Evacuate the area immediately if safe to do so; avoid potential secondary devices

Do not use radios or cell phones near a suspected explosive device if advised

Keep students and staff away from the hazard and establish a safe perimeter

Provide first aid as needed once the area is deemed safe

Follow directions from emergency responders at all times

Account for all students and staff; report injuries or missing individuals

Notify district administration as soon as practicable

Communicate with families regarding student safety and reunification

Provide counseling and mental health supports following the incident

Review response procedures and update plans as needed

Fire in Surrounding Area

Fire in Surrounding Area

The following procedure addresses actions that should be taken in the event that a fire is discovered in an area nearby campus grounds. The initiated response actions should take into consideration the location and size of the fire, its proximity to the school, and the likelihood that the fire may affect the school.

Procedure:
1. The School Administrator will initiate the appropriate Immediate Response Actions, which may include Shelter-in-Place, Lock Down, On-Campus Evacuation, or Off-Campus Evacuation.
2. The School Administrator will call 9-1-1 and facilities & maintenance staff and provide the location and nature of the incident.
3. The School Administrator will act to prevent students from approaching the fire and keep routes open for emergency vehicles.
4. The School Administrator will work with responding emergency personnel to determine if school grounds are threatened by fire, smoke, or other hazardous conditions.
5. If the School Administrator issues the On-Campus Evacuation procedure, staff and students will evacuate the affected building(s) using pre-designated routes or other safe routes and convene at the

Assembly Area.
6. All school staff members must bring their student rosters and take attendance at the Assembly Area to account for all students. Staff will notify the School Administrator of any missing students.
7. The School Administrator should monitor local radio stations for emergency information.
8. Administration will work with the appropriate office staff to disseminate pertinent information.
9. If necessary, the School Administrator will request busses for staff and student evacuation.
10. The School Administrator will initiate Off-Campus Evacuation procedures
11. In the event that students need to be released from the school site, refer to Family reunification.

Fire on School Grounds

Fire on Campus

The following procedure addresses the necessary actions that should be taken in the event that a fire is discovered on school grounds. A timely response to this situation is critical to prevent injuries and further property damage.

Procedure:
1. If a fire is discovered on campus, school staff will immediately signal the fire alarm and direct students out of the building.
2. The School Administrator will call 9-1-1 or Fire Department and provide the location and nature of the incident.
3. The School Administrator will immediately initiate the Off-Campus Evacuation procedures.
Staff and students will evacuate buildings using pre-designated routes or other safe routes and convene at the Assembly Area.
4. School staff members must bring their student rosters and take attendance at the Assembly Area to account for all students. Staff will notify the School Administrator of any missing students.
5. If safe to do so, staff will use fire extinguishers to suppress the fire until the local fire department arrives. All fires, regardless of size, which are extinguished by school personnel, require a call to our local fire department to indicate “the fire is out.”
6. The Facility and Maintenance crew will secure the area to prevent unauthorized entry and keep access roads clear for emergency vehicles.
7. The school Administration Team will work with the Office Staff to disseminate pertinent information.
8. In the event that students need to be released from the school site, refer to Family Reunification
9. Any affected areas will not be reopened until Emergency Workers or another appropriate agency provides clearance and the School Administrator issues authorization to do so.
10. For fires during non-school hours, the School Administrator and the Superintendent of schools will determine if the school will open the following day.

Flooding

Flooding/Dam Failure

Some areas of the community are susceptible to local flooding. Closure of highways can result in isolating areas of the community. Students may be unable to return home or may have to be evacuated to an alternate location. Some floods develop slowly during an extended period of rain or in a warming trend following heavy snow. Flash floods can occur quickly, without any visible sign of rain. Catastrophic floods are associated with burst dams, hurricanes, storm surges, and earthquakes. The purpose of this annex is to ensure that there are procedures in place to protect staff/students and school property in case of a flood.

Procedure:
1. Upon being notified of eminent danger of flooding on or nearby campus, staff should notify the principal and/or incident commander who will activate the EOP and issue appropriate responses based

on specific incidents and information from Fire, Law or Emergency officials.
2). In consultation with local officials, the Principal/Incident commander will implement off-site evacuation procedures if directed to do so by First Responders. If the decision is made to evacuate the school site; inform police and fire officials of any missing people. Plan possible evacuation routes away from the campus if the default off-site evacuation route is not feasible; inform the police, and fire your route and destination.
3.) Establish a Command Post away from the danger area; activate needed emergency management personnel or field teams; co-locate school Command Post with fire/police. Have the building custodian report to the Command Post.
4.) Provide the following information to the police/fire officials:

- Floor plans, and location of utility controls.
- Information on Staff in the area.
- Information on Students in the area.
- Pre-Fire plan

5.) Initiate Family Reunification response at new command post away from danger areas.
6.) Resume school activities only after buildings have been inspected and determined safe by proper authorities.

Dam Failure:

If a dam failure occurs, HVUSD may be used as a place of refuge. Recent Dam Failure maps indicate that HVUSD would remain out of the flood zone. It will be necessary to obtain emergency workers' assessment of the hazard and directives before initiating specific EOP procedures.

1.) Office Staff will monitor communication sources (phone, radio, and Internet) for flood information and report any developments to the Incident Commander.

2.) Upon direction given by county emergency workers, the principal or incident commander would activate appropriate emergency responses and procedures in the event of a dam failure as listed below:

- Shelter In Place
- Off-Campus Evacuation
- Family Reunification
- Continuity of Operations (COOP)
- Recovery Procedures
- Crisis Intervention/Care Team

3.) Establish a Command Post; activate needed emergency management personnel or field teams; co-locate school Command Post with fire/police. Have the building custodian report to the Command Post.

4.) Resume school activities only after buildings have been inspected and determined safe by proper authorities.

Drinking water shall be regularly tested for lead and remediated as provided.

Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

Mercury Exposure:
The Superintendent or designee shall identify any products containing mercury that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Loss or Failure Of Utilities

Public Safety Power Shutoff (PSPS) or Power Failure

During any given year, HVUSD schools may experience a power failure at various locations ranging from a few minutes to several days. Typically, we do not close schools unless there are compelling reasons to do so.

Classrooms are equipped with emergency supplies, including lanterns, flashlights, and walkie-talkies. In most short-term power outage situations, there is adequate light from windows and emergency lighting, as well as warm enough conditions for instruction to continue. Teachers are prepared to cope with a short-term power failure and will continue their regular curriculum and/or appropriate substitute assignments.

In the case of a power failure at the school site, we will follow these procedures:

1) Information about Public Safety Power Shut-offs will be communicated no later than 6:00 PM and, if necessary, at 6:00 AM with additional changes.

- School lunches will still be provided and lunch will be held in the cafeteria.

2) If the power is not on by 7:00 A.M. on the second consecutive day, the Superintendent will consider whether closing the school site is necessary. Only the Superintendent can order the closing of a school site.

- If school is closed, the Superintendent's office will communicate the information to the community via:

- The Districts current notification system the day before by 6 PM and/or the morning of by 6 AM
- Local Radio and TV station
- Notices posted at the school sites

Motor Vehicle Crash

Call 911 and notify emergency services immediately

Activate the school emergency response plan and designate Incident Commander

Secure the area and keep students and staff away from traffic and hazards

Provide first aid as needed until emergency responders arrive

Do not move injured individuals unless necessary for safety

Account for all students and staff involved

Notify district administration as soon as practicable

Communicate with families regarding student status and reunification procedures

Arrange alternative transportation if needed

Provide counseling and mental health supports following the incident

Document the incident and review response procedures

Pandemic

Activate the school emergency response plan and designate Incident Commander

Follow guidance from local, state, and federal public health authorities

Implement health and safety mitigation measures as directed

Determine need for modified schedules, cohorting, or transition to remote instruction

Communicate clearly and regularly with staff, students, and families

Ensure access to instructional materials, devices, and connectivity

Maintain continuity of special education, EL services, counseling, and other supports

Coordinate food services and essential support programs

Monitor attendance, engagement, and student well-being

Provide mental health supports for students and staff

Review and adjust procedures as conditions evolve

Plan for phased reopening when permitted by health authorities

Psychological Trauma

Ensure immediate safety of students and staff

Activate the school emergency response plan and designate Incident Commander

Identify students and staff impacted by the traumatic event

Provide immediate emotional support and reassurance

Refer students and staff to school-based mental health professionals

Implement trauma-informed response strategies

Communicate appropriately with families while maintaining confidentiality

Coordinate with district and community mental health partners as needed

Monitor affected individuals for ongoing needs

Provide follow-up counseling and support services

Review response and update support plans as necessary

Suspected Contamination of Food or Water

Stop use of suspected food or water sources immediately

Call 911 or notify appropriate local health authorities as directed

Activate the school emergency response plan and designate Incident Commander

Isolate and secure contaminated items or areas

Provide medical attention as needed

Follow guidance from public health officials regarding testing, disposal, and sanitation

Communicate instructions to staff and students

Notify district administration as soon as practicable

Communicate with families regarding health concerns and next steps

Arrange for safe alternative food and water sources

Monitor students and staff for symptoms

Provide counseling and health supports as needed

Review response and update procedures following the incident

Tactical Responses to Criminal Incidents

This page has been removed for public viewing

Unlawful Demonstration or Walkout

Assess the situation and ensure the safety of students and staff

Activate the school emergency response plan and designate Incident Commander

Maintain supervision of students at all times

De-escalate when possible and avoid physical confrontation

Contact local law enforcement if safety concerns arise

Secure campus entrances and restrict access as needed

Communicate clear expectations and instructions to staff and students

Notify district administration as soon as practicable

Communicate with families regarding student safety and school status

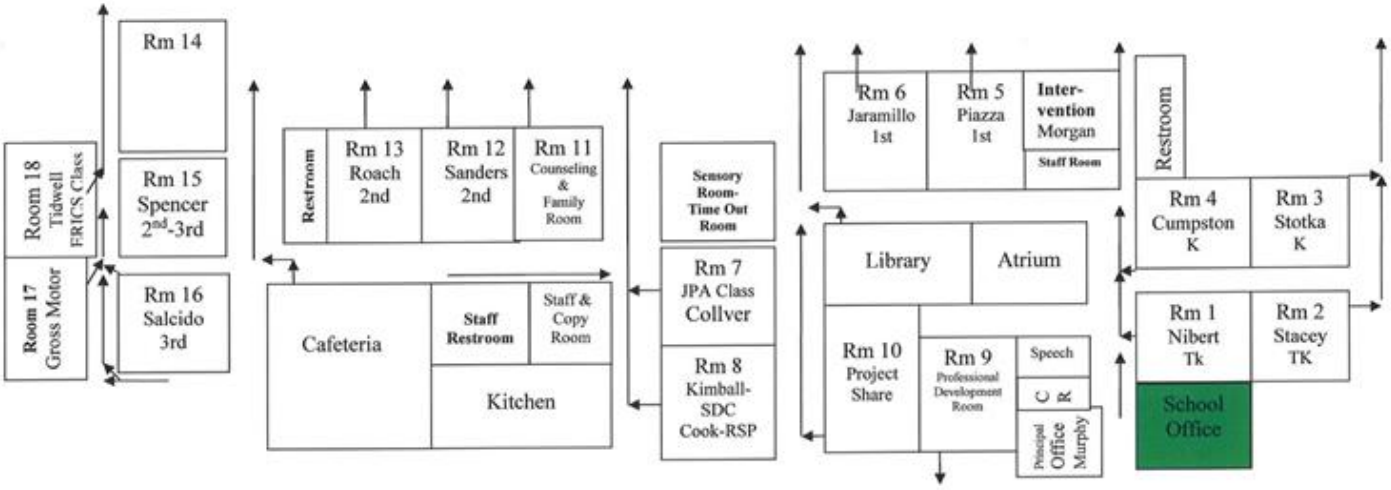
Account for all students and document attendance

Provide counseling or restorative supports following the incident

Review response and update procedures as needed

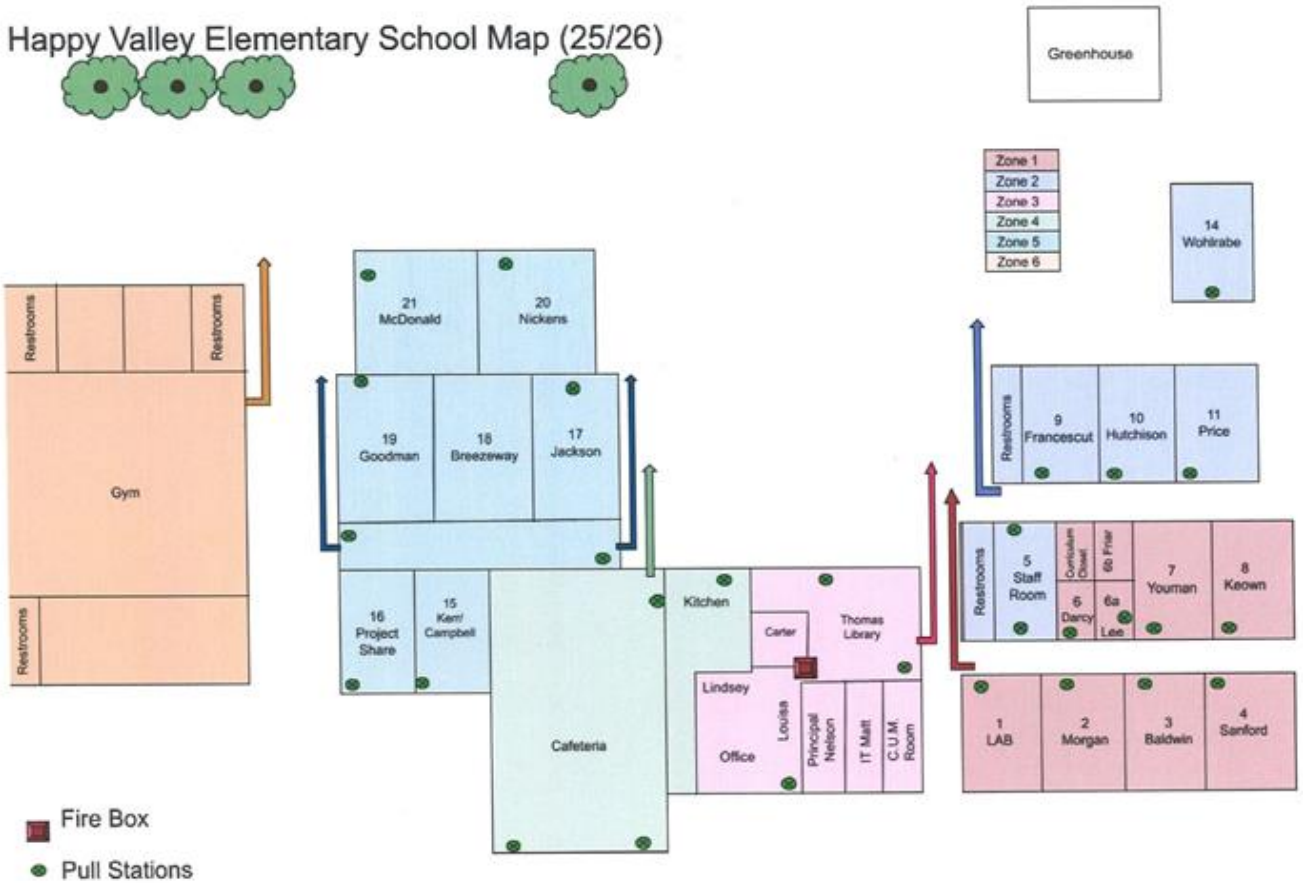
Emergency Evacuation Map

Happy Valley Primary School
16300 Cloverdale Road
Anderson, CA 96007
357-2131
Gina Murphy – Superintendent/Principal



Curriculum: TK-K Room 3
1st-Library
2nd-Staff/Copy Room West Wing
3rd- Room 9

Emergency Exits



Subject

Request by the **Happy Valley Union Elementary School District** to retroactively waive portions of California *Education Code* Section 48663(a) relating to community day school minimum instructional minutes.

Summary of the Issue(s)

Request by the Happy Valley Union Elementary School (HVUESD) for a waiver of portions of California *Education Code* (*EC*) Section 48663(a), relating to the minimum instructional minutes for the Happy Valley Community Day School (HVCDS) for purposes of implementing collaborative professional learning communities (PLCs). This includes the Happy Valley Primary School, Happy Valley Elementary School and Happy Valley Community School.

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Minimum School Day

Ed Code Section: 48663(a)

Ed Code Authority: 33050

Education Code or *CCR* to Waive: California *Education Code* Section 48663. (a) The minimum school day in a community day school is [360 minutes of classroom instruction] provided by a certified employee of the district reporting the attendance of the pupils for apportionment funding.

Outcome Rationale: All HVUESD schools have minimum days to allow for teacher collaboration, except Happy Valley Community Day School. Happy Valley Community Day teachers and the HV Educators Association have asked that the district look into the waiver process. We would like HV Community Day School to have minimum Mondays plus 4 others throughout the school year for teacher collaboration. We have started reviewing data and are looking for ways to improve instruction. We have received PBIS training and are working on establishing additional training. However, the only time teachers are able to meet is after school. Each month the principal holds a meeting to discuss PBIS, student achievement, remediation, and instructional strategies. All other school sites are able to have minimum days for these activities.

Student Population: 8

District Population: 490

Summary of Key Issues

EC Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes. The HVUESD is requesting this waiver to be able to include the HVCDS teachers, administrator, and other school staff in regularly scheduled PLC discussions and district-wide professional development and planning. The district maintains that this will support consistency and better quality in instructional strategies. According to the district, staff will have more collaborative time to discuss student progress, challenges, and plans. HVCDS staff would also be able to participate with other district staff in professional learning regarding behavior, social-emotional, and trauma-informed practices, district-wide planning, and to support collaborative discussion with staff from the traditional schools regarding educational placement options and educational practices that best support the full range of students. The HVUESD states that this is extremely valuable for the HVCDS as students often arrive with significant challenges, as well as strengths which can be identified and utilized to address these challenges.

The HVCDS is operated by the HVUESD both reduced the instructional minutes provided to students below the statutory 360 minute minimum to 300 minutes one day per week (Monday) plus four other minimum days for parent conferencing and professional development. 380 minutes for all other days starting in February 2025 for purposes of implementing collaborative PLCs.

Policy 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 06/19/2013 | **Last Revised Date:** 10/08/2019 | **Last Reviewed Date:** 10/08/2019

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

If a school nurse is employed by the school or district, he/she shall be involved in planning and implementing the school health services as appropriate.

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but are not limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

Consent and Confidentiality

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

Payment/Reimbursement for Services

The Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but are not necessarily limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; measures of school climate; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

Regulation 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 06/19/2013 | **Last Revised Date:** 10/08/2019 | **Last Reviewed Date:** 10/08/2019

Types of Health Services

In accordance with student and community needs and available resources, school health services offered by the district may include, but are not limited to:

1. Health screenings, evaluations, and assessments of students' need for health services
2. Physical examinations, immunizations, and other preventive medical services
3. First aid and administration of medications
4. Diagnosis and treatment of minor injuries and acute medical conditions
5. Management of chronic medical conditions
6. Basic laboratory tests
7. Emergency response procedures
8. Nutrition services
9. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

   The Superintendent or designee shall notify all parents/guardians of the opportunity pursuant to Health and Safety Code 104830-104865 for their child to receive the topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth during the school year. Such application of fluoride or other decay-inhibiting agent shall only be provided to a student whose parent/guardian returns the notification with an indication consenting to the treatment. (Health and Safety Code 104830, 104850, 104855)
10. Mental health services, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs
11. Substance abuse prevention and intervention services
12. Vision and audiology services
13. Speech therapy
14. Occupational therapy
15. Physical therapy
16. Reproductive health services
17. Specialized health care services for students with disabilities
18. Medical transportation
19. Targeted case management
20. Referrals and linkage to services not offered on-site
21. Public health and disease surveillance
22. Individual and family health education

23. School or districtwide health promotion

Medi-Cal Billing

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a Medi-Cal-eligible student under age 22 and/or a member of the student's family a covered service specified in 22 CCR 51190.4 or 51360. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

The district shall maintain records and supporting documentation including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270, 51476)

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in approved services for students and their families. The Superintendent or designee shall consult with a local school-linked services collaborative group regarding decisions on reinvestment of federal funds. (22 CCR 51270)

The Superintendent or designee shall submit an annual report to DHCS to identify participants in the community collaborative, provide a financial summary including reinvestment expenditures, and describe service priorities for the future. (22 CCR 51270)

Medi-Cal Administrative Activities

The district shall apply for reimbursement for activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to, outreach, translation for Medi-Cal services, facilitation of applications, arrangement of nonemergency and nonmedical transportation of eligible individuals, program planning and policy development, claims coordination and administration, training, and general administration.

Appropriate staff shall receive training in administrative claiming categories and related activities.

To receive reimbursement for Medi-Cal administrative activities, the Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted.

In addition, the Superintendent or designee shall submit to the local educational consortium or local governmental agency, and shall update each quarter, a roster of all employees who perform direct Medi-Cal services or administrative activities. When notified by the local educational consortium or local governmental agency of the date and time that a random-moment time survey must be conducted by a particular employee, the Superintendent or designee shall coordinate the completion and submission of the survey in accordance with DHCS timelines and procedures.

The Superintendent or designee shall maintain an audit file containing random-moment time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

California DEPARTMENT OF EDUCATION

Senate Bill 153: Model Policy

Senate Bill 153 led the CDE to initiate the writing of this policy. The guidance is a resource for our school communities to support the behavioral wellness of our students.

Model Policy on Referral Protocols for Addressing Pupil Behavioral Health Concerns

Issued by the California Department of Education (CDE)

Legal Notification: Pursuant to California *Education Code* (*EC*) Section 49428.2(b)(2)(6), and to assist local education agencies in developing policies on referral protocols, the California Department of Education has developed this Model Policy in accordance with *EC* Section 49428.1 to serve as a guide. The policy developed by the governing board or body of a local educational agency pursuant to *EC* Section 49428.2(b)(1) shall either be based on the model policy developed by the California Department of Education or be consistent with *EC* Section 49428.1(b).

Model Policy

Governing Board Policy Statement (*EC* Section 49428.2(b)(1))

The Governing Board, at its regularly scheduled meeting held on [date], hereby adopts the following policy on referral protocols for addressing pupil behavioral health concerns in grades 7–12. This policy has been developed in consultation with school and community stakeholders and school-linked behavioral health professionals and establishes the adopted procedures relating to referrals to behavioral health professionals and support services.

Addressing the Needs of High-Risk Groups (*EC* Section 49428.2(b)(3))

The Governing Board recognizes the importance of ensuring equitable access to behavioral health supports for all students. The Governing Board hereby adopts this policy to address the needs of high-risk pupil groups, which include but are not limited to the following:

- Pupils with disabilities, mental illness, or substance use disorders.
- Foster youth and youth placed in out-of-home settings.
- Homeless youth.
- Pupils experiencing bereavement or loss of a close family member or friend.
- Pupils for whom there is a concern due to behavioral health disorders, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse.
- Lesbian, gay, bisexual, transgender, or questioning pupils.

The District staff who oversees the mental and behavioral health needs of students is responsible for coordinating implementation of these group-specific referral protocols, in collaboration with the Director of Special Education (IEP/504), Foster Youth Liaison, Homeless Liaison, and Schoolsite administrators.

District leadership may also identify additional pupil groups at local discretion, such as English learners or recently immigrated students, if local data or partner input show increased behavioral health risks.

Student Privacy

The [LEA] recognizes and agrees to abide by the variety of federal and state student data privacy laws and regulations (including but not limited to the Family Educational Rights and Privacy Act [FERPA], *EC* Section 49073, et seq., etc.) with which the [LEA] must comply in connection with its policy on referral protocols for addressing pupil behavioral health concerns and in connection with implementation of its policy and protocols, including but not limited to any of subsets of its policy, such as those listed below.

Referral Protocols and Procedures

The Governing Board hereby adopts the following referral protocols and procedures relating to referrals to behavioral health professionals and support services:

Needs Assessment

- The Superintendent or designee shall conduct an annual needs assessment to:
  - Identify behavioral health trends;
  - Review available resources; and
  - Detect service gaps within the school community.

- Each schoolsite shall review referral volume, response times, and outcomes on a quarterly basis and shall submit findings to the [LEA] for continuous improvement.

Capacity Building

- The [LEA] shall:
  - Provide professional development on referral pathways and staff roles;
  - Clarify responsibilities among certificated and classified staff; and
  - Maintain partnerships with school-linked behavioral health professionals and community providers

Planning

- The Superintendent or designee shall:
  - Define referral pathways for crisis and non-crisis concerns;
  - Establish goals and assign responsible roles for each step in the referral process; and

- Enter into memoranda of understanding with external partners, where appropriate, to support referral handoffs and information-sharing.

Implementation

- The [LEA] shall establish step-by-step procedures to:
  - Initiate referrals;
  - Document concerns;
  - Notify parents/guardians consistent with law;
  - Triage level of need;
  - Link pupils to appropriate services; and
  - Schedule follow-up checks.

Evaluation and Continuous Improvement

- The [LEA] shall conduct an annual evaluation of referral protocols that includes:
  - Data collection and analysis;
  - Input from staff, families, and community stakeholders; and
  - Targeted improvements based on results.

- Evaluation monitors outcomes such as:
  - Median time to first contact;
  - Percentage of follow-ups completed within ten school days;
  - Referral closure rates; and
  - Results for the pupil groups identified in *EC* Section 49428.2(b)(3).

- A summary of results is reported to the Governing Board annually to support transparency and continuous improvement.

Training (*EC* Section 49428.2(b)(4), (c)-(e))

The [LEA] shall ensure that teachers of pupils in grades 7–12 receive training on pupil behavioral health. Training materials approved by the [LEA] shall include:

- How to identify appropriate contacts for behavioral health evaluation, services, or both evaluation and services, at both the schoolsite and within the larger community; and

- When and how to refer pupils and their families to those services.

Optional elements may also include:

- Recognizing the signs and symptoms of youth behavioral health disorders.

Subject to *EC* Section 49428.2(d), the [LEA] shall certify, on or before July 1, 2029, to the CDE that 100 percent of its certificated employees and 40 percent of its classified employees who have direct contact with pupils in grades 7–12 have received youth behavioral health training at least once, in

accordance with *EC* Section 49428.2(c)(1)–(5). (Please note: the [LEA] may meet the requirements of *EC* Section 49428.2(c) through an alternative approach by adopting a policy that describes how this approach is consistent with the goals specified in *EC* Section 49428.2(c) but better meets the needs of pupils.)

Authorization and Scope of Practice (*EC* Section 49428.2(b)(5))

In order to ensure that all school employees act only within the authorization or scope of their credential or license, the [LEA] shall:

- Provide training and guidance to staff clarifying their roles in the referral process and the limits of their credential or license.
- Direct employees to refer pupils to appropriately credentialed or licensed professionals when behavioral health concerns are identified.
- Maintain referral protocols that specify which staff positions are authorized to act at each stage of the referral process.
- Review job descriptions and assignments to confirm they align with credentialing and licensing requirements.
- Inform staff clearly that only licensed or credentialed professionals are permitted to diagnose or treat behavioral health conditions.

Consistent with *EC* sections 49428.1(b)(8) and 49428.2(b)(5), nothing in this policy shall be construed as authorizing or encouraging school employees to diagnose or treat youth behavioral health disorders unless they are specifically licensed and employed to do so.

Questions: Office of School-Based Health Programs | OSBHP@cde.ca.gov | 916-323-6277

Last Reviewed: Tuesday, November 18, 2025

ecommended Addition to BP 5141.6

(New subsection – suggested placement after "The Superintendent or designee shall coordinate the provision of school health services...")

Add to BP

Referral Protocols for Behavioral and Mental Health Concerns

The Governing Board recognizes that early identification of and timely response to pupil behavioral and mental health concerns are essential components of comprehensive school health services. In accordance with Education Code sections 49428.1 and 49428.2, the Superintendent or designee shall establish and implement referral protocols to ensure students are connected to appropriate school-based or community behavioral health supports.

ADD to AR #10

These referral protocols shall include, but are not limited to, the following components:

1. **Defined Referral Pathways**
   Clear procedures for initiating referrals for both crisis and non-crisis behavioral or mental health concerns, including identification of responsible staff at each stage of the referral process.
2. **Documentation and Triage**
   Procedures for documenting observed concerns, determining the level of need, and prioritizing referrals based on student safety and urgency.
3. **Parent/Guardian Notification**
   Notification of parents/guardians consistent with state and federal law, including confidentiality requirements and circumstances in which a pupil may consent to services independently.
4. **Connection to Services**
   Processes for linking pupils to appropriate school-based services, school-linked behavioral health professionals, or community providers, including coordination through memoranda of understanding where applicable.
5. **Follow-Up and Monitoring**
   Procedures for follow-up after referral to support continuity of care and monitor outcomes, while maintaining student privacy.
6. **Equitable Access**
   Referral protocols shall consider the needs of pupils who may be at increased risk, including but not limited to pupils with disabilities, foster youth, homeless youth, and pupils experiencing trauma, loss, or behavioral health challenges.
7. **Staff Roles and Scope of Practice**
   The Superintendent or designee shall ensure that referral protocols clearly define staff roles and responsibilities and that employees act within the authorization and scope of their credential or license. School employees shall not diagnose or treat behavioral health conditions unless appropriately licensed to do so.
8. **Evaluation and Continuous Improvement**
   The effectiveness of referral protocols shall be reviewed periodically as part of the district's evaluation of school health services to support continuous improvement.

Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination ~~(such as discriminatory harassment, intimidation, or bullying).~~. For example, districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP~~",~~"," below.

~~The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1 and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.~~
The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process.

~~The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). Pursuant to 34 CFR 106.1-106.82, as amended by the 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving Title IX sex discrimination complaints based on conduct that occurred on or after August 1, 2024. See BP/AR 5145.7 - Sex~~

~~Discrimination and Sex-Based Harassment and AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the scope of the UCP, it is unclear whether districts would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose.~~

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/AR 1312.3 – Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with 5145.71 – Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/AR 5145.7 - Sexual Harassment, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 ~~and the accompanying administrative regulation~~.

Complaints Subject to UCP

CSBA NOTE: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

~~For further information regarding requirements for the following programs and activities, see the law cited and/or related CSBA policy and/or administrative regulation.~~

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following ~~programs and activities~~:

1. Accommodations for pregnant and parenting students (Education Code 46015)

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500~~-52617)~~ , 52616.18)

3. After School Education and Safety programs (Education Code 8482-8484.65)

4. Agricultural career technical education (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)

6. Child care and development programs (Education Code 8200-8488)

7. Compensatory education (Education Code 54400)

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)

9. Course periods without educational content (Education Code 51228.1-51228.3)

~~CSBA NOTE: As noted above, it is unclear whether districts are required to follow the UCP in addition to the Title IX grievance procedures when investigating and resolving a Title IX sex discrimination complaint based on conduct that occurred on or after August 1, 2024. As a result, Item #10 below does not list discrimination, harassment, intimidation, or bullying in district programs and activities based on sex. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to including discrimination, harassment, intimidation, or bullying in district programs and activities based on sex in Item #10. See Item #3 in the Non-UCP Complaint section.~~
CSBA NOTE: Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

10. ~~Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)~~
Discrimination, harassment, intimidation, or bullying in district programs and activities,

including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

However, the UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

~~For more information regarding instructional materials adoption, see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."~~

CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school. Additionally, pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education Code 51225.1 and 51225.2, as described above. The district may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.

~~Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)~~

~~The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)~~

~~CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, as amended by AB 714 (Ch. 342, Statutes of 2023), exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school.~~

~~12.~~ 11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)

~~13.~~ 12. Every Student Succeeds Act (Education Code 12030, 52059.5, 64000; 20 USC 6301 et seq.)

CSBA NOTE: Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 – Nondiscrimination in District Programs and Activities, BP/AR/E(1) 6161.1 – Selection and Evaluation of Instructional Materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

13. Instructional Materials and Curriculum: Diversity (Education Code 243)

A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

14. Local control and accountability plan (Education Code 52075)

15. Migrant education (Education Code 54440-54445)

16. Physical education instructional minutes (Education Code 51210, 51222, 51223)

17. Student fees (Education Code 49010-49013)

18. Reasonable accommodations to a lactating student (Education Code 222)

19. Regional occupational centers and programs (Education Code 52300-52334.7)

20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

22. State preschool programs (Education Code ~~8207-8225~~8200-8488, 33315)

CSBA NOTE: Pursuant to Education Code 8212~~,~~ and CDE's ~~2023-24~~ FPM instrument, ~~which is subject to change as the 2024-25 FPM instrument has not yet been released,~~ the district ~~must~~is required to use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs. Pursuant to 5 CCR 4610, such complaints ~~must~~are required to be addressed through the procedures described in 5 CCR 4690-4694. See ~~the section~~ "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying administrative regulations.

23. State preschool health and safety issues in license-exempt programs (Education Code 8212)

CSBA NOTE: Pursuant to Education Code 33315, as amended by AB 3074 (Ch. 665, Statutes of 2024), the district is required to use the UCP to resolve complaints related to school or athletic team names, mascots, or nicknames.

24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3

CSBA NOTE: 5 CCR 4621 ~~mandates that~~requires district policy to ensure that complainants are protected from retaliation as specified in ~~item #23~~Item #25 below.

~~24.~~ 25. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

~~25.~~ 26. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances~~,~~ (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a

student might feel pressured to "voluntarily" agree to it. Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with ~~federal,~~ state~~,~~ and ~~local~~federal laws and regulations.

CSBA NOTE: The following paragraph is ~~mandated~~required pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that districts consult ~~CSBA's~~CSBA's District and County Office of Education Legal Services or district legal counsel.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination ~~(such as discriminatory harassment, intimidation, or bullying),~~, the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services (5 CCR 4611)

~~CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. While the phrases "gender" and "gender expression" are not explicitly included, they are implied by the definitions of those terms that are explicitly included.~~

CSBA NOTE: The complaint procedures specified in the Title IX regulations (34 CFR 106.44-106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2~~

~~Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)~~

3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30

Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

~~CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination~~

~~complaints be referred to the Civil Rights Department.~~

~~However, pursuant to 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, districts are required to follow the Title IX grievance procedures when investigating and resolving employment complaints alleging sex discrimination based on conduct that occurred on or after August 1, 2024. See BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR/E(1) 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. As such a complaint may also fall within the process specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the complaint procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.~~
CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district is required to establish an impartial and prompt process for addressing such complaints. Additionally, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

~~4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department~~

~~Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department

CSBA NOTE: 5 CCR 4610 limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

7. Any ~~allegation of~~complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures (Education Code 35186)

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

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.~~2~~25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education

Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin

34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

	(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure ~~2021-22~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
~~CSBA Publication~~	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~
~~CSBA Publication~~	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~
~~CSBA Publication~~	~~Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024~~
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
~~U.S. DOJ Publication~~	~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007~~

Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
~~Website~~	~~California Civil Rights Department~~
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media

1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights

4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
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4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
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Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.~~

~~Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any Board action to ban or censor a textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction on any of the bases described above may also constitute unlawful discrimination under Education Code 220. In addition, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.~~

~~Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, or Education Code 244, as added by SB 153, may be brought under the district's UCP or~~

~~may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.~~

~~Education Code 242, as added by AB 1078, requires the California Department of Education (CDE) to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.~~

~~Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, and, as amended by AB 714 (Ch. 342, Statutes of 2023), newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.~~

~~For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.~~

CSBA NOTE: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age.

Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the district's UCP

or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, the California Department of Education (CDE) has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school, and pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024 as well as any other students participating in a newcomer program for whom the district has extended such rights; assignment of students to courses without educational content; and physical education instructional minutes. See "Complaints Subject to UCP" in the accompanying Board policy.

For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, such as the non-UCP complaints identified in the accompanying Board policy, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

~~CSBA NOTE: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.~~

~~The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sex discrimination and sex-based harassment pursuant to AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.~~

CSBA NOTE: 5 CCR 4621 requires the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying, and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of unlawful discrimination, harassment, intimidation, or bullying pursuant to AR 5145.3 – Nondiscrimination/Harassment, and complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, who is responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, and in Administrative Regulation 5145.7 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, who is responsible for handling complaints regarding ~~sex discrimination and sex-based~~sexual harassment.

_____
(title or position)
_____
(unit or office)
_____
(address)
_____
(telephone number)
_____
(email)

CSBA NOTE: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

CSBA NOTE: 5 CCR 4621 ~~mandates~~ ~~that~~ requires the district's policy ~~requires~~ to include that employees responsible for compliance and/or for investigating and resolving complaints ~~to~~ be knowledgeable about the laws and programs at issue in the complaints they are assigned. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all ~~district~~ schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

CSBA NOTE: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

CSBA NOTE: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

~~A sample of the annual notice is available through CDE's website.~~ It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include, but need not be limited to, all of the following:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such ~~persons~~person(s) will be knowledgeable about the laws and programs that they are assigned to investigate

3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred

4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the

complaint, unless this time period is extended by written agreement of the complainant

9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision

10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

11. A statement that copies of the district's UCP are available free of charge

CSBA NOTE: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, a district and ~~district school~~its schools are required to post information related to Title IX on their websites, including specified information about complaint procedures under Title IX; see AR 5145.3 - Nondiscrimination/Harassment. A school or district that does not maintain a website may comply by posting the information on the website of its district or county office of education ~~(COE), however a school, district, or COE is not required to establish a website if it does not maintain one.~~. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on ~~the~~ district and ~~district~~ school websites, published in handbooks~~,~~ or catalogs~~, announcements, bulletins, and application forms~~, and may be provided through district-supported social media, if available.

~~CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's, "2007 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law. Education Code~~

~~48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.~~
CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

~~CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, harassment, intimidation, or bullying may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sex Discrimination and Sex-Based Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.~~
CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints~~, except for those that allege sex discrimination, including sex-based harassment,~~ shall

be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR ~~4600; 34 CFR 106.2~~4600s)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

CSBA NOTE: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance (Education Code 49013, 52075)

   A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. (Education Code 49013)

CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the County Superintendent of Schools, the reviewing authority for districts, approves the district's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

   For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination (5 CCR 4630)

   The time for filing may be extended for up to 90 days by the Superintendent or

designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

CSBA NOTE: ~~Districts should~~It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the district's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action

   When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

CSBA NOTE: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the ADR method and timelines used within the district.

Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the ~~problem~~complaint within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

~~CSBA NOTE:~~CSBA NOTE: The timeline specified below may be modified to reflect district practice. 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. ~~Thus, the timeline specified below may be modified to reflect district practice.~~

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

~~CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.~~

CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint ~~because of a lack of evidence to support the allegation.~~ Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

~~CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.~~

~~Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, under certain circumstances, some of the same rights should be extended to a respondent in order to make the process equitable. For example, since the respondent to a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is usually an individual, the respondent should be notified when the complainant has agreed to an extension of timelines. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice. When questions arise as to what rights to provide to a respondent, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.~~

~~Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.~~

CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report is required to be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board.

Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. Districts may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommend that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1: (Districts that do not allow complainants to appeal to the Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

~~For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.~~

END OF OPTION 1

OPTION 2: (Districts that allow complainants to appeal to the Board)

CSBA NOTE: The remainder of this section is for use by districts that select Option 2.

Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint.

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

~~The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case~~If the Board decides not to hear the complaint, the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the

time period that has been specified in a written agreement with the complainant. ~~(5 CCR 4631)~~ (5 CCR 4631)

~~For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.~~

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to the U.S. Department of Education's Office for Civil Rights (OCR~~,~~), or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered

2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law

3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

~~CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Policy Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the respondent when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO~~

~~interprets FERPA as allowing the district to disclose that information.~~

~~Given the potential liability from improperly disclosing such information, districts are advised to consult with CSBA's District and County Office of Education Legal Services or district legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the respondent.~~

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint~~, so long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.~~.

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see ~~the section~~ "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)

2. The 60 ~~days~~-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of ~~Education,~~Education's Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

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

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school ~~policies~~practices or procedures; or school climate surveys.

~~CSBA NOTE: Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues; see AR 5131.2 - Bullying.~~
CSBA NOTE: Pursuant to Education Code 48900.5, the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues; see AR 5131.2 – Bullying.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference

3. Education regarding the impact of the conduct on others

4. Positive behavior support

5. Referral to a student success team

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. Districts that do not ~~maintain~~ ~~elementary~~

~~schools~~serve students in grades transitional kindergarten-6 should delete the reference to physical education below.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law

3. The material findings of fact in the district's investigation report are not supported by substantial evidence

4. The legal conclusion in the district's investigation report is inconsistent with the law

5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

CSBA NOTE: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the district or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist~~, including~~ such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the district ~~must~~is required to use the UCP, with modifications as

necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints ~~must~~are required to be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from ~~the CDE~~CDE's website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure

compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

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

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	Prohibition of discrimination

Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.~~2~~25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs

Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color, or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558)
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs

	/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
California Department of Education Publication	Uniform Complaint Procedure ~~2021-22~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
~~CSBA Publication~~	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~
~~CSBA Publication~~	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~
~~CSBA Publication~~	~~Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024~~
Federal Register	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
~~U.S. DOJ Publication~~	~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007~~
Website	CSBA District and County Office of Education Legal Services

Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
~~Website~~	~~California Civil Rights Department~~
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

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4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
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Regulation 4119.12: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

~~1. Treat complainants and respondents equitably~~

~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a~~

~~parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

   The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

~~CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)~~

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or

~~respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

~~.~~CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~

~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An~~

~~"impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency, the state~~

~~and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

~~Dismissal of Complaint~~

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

~~1. The district is unable to identify the respondent after taking reasonable steps to do so~~

~~2. The respondent is not participating in the district's education program or activity and is not employed by the district~~

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations

5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome

~~6. Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.~~

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

~~CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.~~

~~Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may~~

~~constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incidentSuch notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

~~1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

~~2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

~~3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

~~a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

~~If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.~~

~~b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence~~

~~c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures~~

~~4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses;~~

consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the

respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to

reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~Appeal of the Decision~~ Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

1. ~~For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

2. ~~For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

3. ~~All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

   ~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

1. ~~A record of the allegation(s)~~

2. ~~A record of the investigation procedures followed~~

3. ~~A record of the written determination~~

4. ~~A record of the corrective action implemented, if any~~

5. ~~A record of any appeals and the outcome of the same~~

6. ~~All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault

20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~

U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex ~~Discrimination~~ and ~~Sex-Based~~Sexual Harassment
4119.11	Sex ~~Discrimination~~ and ~~Sex-Based~~Sexual Harassment
4131	Staff Development

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Exhibit 4119.12-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to employees, job applicants, and employee organizations:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 – Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator~~, to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____

(name and/or title/position)

_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures , on the district's website at _____~~(~~(insert website link)_____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____~~(~~: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), decisionmaker(s), and ~~other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and~~ any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

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Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
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~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
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Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
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Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
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1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
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4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Regulation 4219.12: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

~~1. Treat complainants and respondents equitably~~

~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

   The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

~~CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX~~

Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for

~~implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~

~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or~~

~~informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who~~

~~commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

1. The district is unable to identify the respondent after taking reasonable steps to do so

2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations

5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome

6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.

Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and

~~reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR

106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incidentSuch notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

1. ~~Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

2. ~~Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

3. ~~Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

   a. ~~Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

      ~~If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.~~

   b. ~~Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence~~

c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

~~The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation
7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

1. ~~Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

2. ~~Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

   ~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~Appeal of the Decision~~ Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal

cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall

take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

1. ~~For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

2. ~~For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

3. ~~All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

   ~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

1. ~~A record of the allegation(s)~~

2. ~~A record of the investigation procedures followed~~

3. ~~A record of the written determination~~

4. ~~A record of the corrective action implemented, if any~~

5. ~~A record of any appeals and the outcome of the same~~

6. ~~All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive

measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

   The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment

4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Exhibit 4219.12-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to employees, job applicants, and employee organizations:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 – Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator~~, to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____

(name and/or title/position)

_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~ is required to provide notice to students, parents/guardians, employees, bargaining units, and ~~job~~ applicants for admission and employment of the district's grievance procedures, and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex discrimination, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX ~~Sex Discrimination and Sex-Based~~ Sexual Harassment Complaint Procedures , on the district's website at _____~~(~~(insert website link)_____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____~~(~~: (insert location/phone/email of contact person) _____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), decisionmaker(s), and ~~other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and~~ any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records

3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Regulation 4319.12: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

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~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the procedures specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult with CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 4030 - Nondiscrimination in Employment for this purpose.~~

~~See AR 4030 - Nondiscrimination in Employment. Also see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9,

2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the procedures specified in AR 4030 – Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.~~

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity, in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or against employees shall be investigated and resolved in accordance with Administrative Regulation 4030 – Nondiscrimination in Employment. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Administrative Regulation 4030 – Nondiscrimination in Employment are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

~~1. Treat complainants and respondents equitably~~

~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an information resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance procedures, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

   The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

~~CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs or activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX~~

Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for

~~implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the district for barriers to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30 the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for an employee to forward the report to the Title IX Coordinator as specified in BP 4119.11 – Sexual Harassment, and may be revised to reflect district practice.

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~

~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or~~

~~informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Additionally, Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who~~

~~commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services of district legal counsel as to the manner of imposing an emergency removal.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity, on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

1. The district is unable to identify the respondent after taking reasonable steps to do so

2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations

5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome

6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals," below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.

Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and

~~reflective of sensitive topics, districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR

106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing employment. (34 CFR 106.45)

As a part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incidentSuch notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

1. ~~Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

2. ~~Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

3. ~~Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

   a. ~~Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

      ~~If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.~~

   b. ~~Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence~~

c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.

~~The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

1. ~~Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

2. ~~Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

   ~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~Appeal of the Decision~~ Appeals

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints, such as AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeal process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall follow the appeal process as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines and appeal process established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal

cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~**Extension of Timelines**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sexual harassment or retaliation, the district shall

take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

1. ~~For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

2. ~~For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

3. ~~All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

   ~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

1. ~~A record of the allegation(s)~~

2. ~~A record of the investigation procedures followed~~

3. ~~A record of the written determination~~

4. ~~A record of the corrective action implemented, if any~~

5. ~~A record of any appeals and the outcome of the same~~

6. ~~All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive

measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

   The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)

~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3580	District Records
3580	District Records
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment

4119.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

Exhibit 4319.12-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to employees, bargaining units, and job applicants that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education, Office for Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment, the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to employees, bargaining units, and job applicants. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~ SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to employees, job applicants, and employee organizations:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 4119.11/4219.11/4319.11 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 – Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator~~, to address~~ and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____

(name and/or title/position)

Policy 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 03/01/2012 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sex discrimination and sex-based harassment. The following policy addresses sex discrimination and sex-based harassment against students in the school setting. As part of this mandate, the district should also adopt a sex discrimination and sex-based harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Moreover, this Board policy and the accompanying administrative regulation reflect the right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with one's gender identity, as specified in Education Code 221.5 and 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, and best practices based on existing state and federal law.~~

~~Both federal law, Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), and state law (Education Code 220, 231.5), prohibit sex discrimination, including sex-based harassment and require districts to establish procedures for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the uniform complaint procedures (UCP) as specified in BP/AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the process specified in BP/AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.~~

~~Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg, 33474, a district can be held liable for civil damages for sex discrimination, including sex-based harassment of students pursuant to Title IX if the district has knowledge of conduct that reasonably may constitute sex-based harassment in its education program or activity and does not respond promptly and effectively.~~

In addition to filing a private civil lawsuit, an alleged victim of sex discrimination, including sex-based harassment, may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by Title IX is interfered with, including when a person reports possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the district's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the district has information about conduct that reasonably may constitute retaliation under Title IX, including peer retaliation, the district is required to respond to such conduct using the procedures used for other forms of sex discrimination as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to student and employee reporting of sex discrimination, including sex-based harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district of its responsibility to investigate a complaint of sex discrimination, including sex-based harassment.

The district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires a district to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further

~~obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information.~~

~~The following paragraph should be revised to reflect the district's timeline.~~

~~Any employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant, and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to the respondent, as appropriate.~~

~~The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.~~

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.~~

~~The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)~~

CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 **mandate** the district to have written policies on sexual harassment. The following policy addresses sexual harassment against students in the school setting. As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the

United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Both federal law (Title IX) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is investigated and resolved through the federal Title IX complaint procedures in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, or the uniform complaint procedures in accordance with BP/AR 1312.3 – Uniform Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.44, a district is "deliberately indifferent" if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with OCR.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at district or at district-sponsored or district-related activities, sexual harassment, as defined in the accompanying administrative regulation, targeted at any student.

CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by state or federal law is interfered with. Education Code 221.8 prohibits retaliation when a person files a discrimination complaint. Additionally, Title IX prohibits retaliation when a person reports possible sex discrimination including sexual harassment, made a sex discrimination or sexual harassment complaint, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Pursuant to 34 CFR 106.71, complaints alleging retaliation may be filed in accordance with grievance procedures used for other forms of sexual harassment as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

Additionally, the Board prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1, 221.8; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to reporting by students and employees of sexual harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district with actual knowledge of sexual harassment of its responsibility to investigate a complaint of sexual harassment.

The district strongly encourages students who feel that they are being or have experienced sexual harassment on district grounds or at a district-sponsored or district-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program of activity, to respond promptly in a manner that is not unreasonable in light of known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

The following paragraph should be revised to reflect the district's timeline.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures or Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of this policy in the manner specified in the accompanying administrative regulation.

CSBA NOTE: Government Code 12950.1 requires that districts provide once every two years at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of such training to all nonsupervisory employees. 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding

prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

The Superintendent or designee shall ensure that all district staff are trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sexual Harassment. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

~~CSBA NOTE: Pursuant to Education Code 231.7, as added by AB 1071 (Ch. 65, Statutes of 2023), CDE is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.~~

~~The Superintendent or designee shall ensure that all district students receive age-appropriate information on sex discrimination and sex-based harassment. Such instruction and information shall include:~~

1. ~~What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based harassment could occur between people of the same sex and could involve sexual violence~~
2. ~~A clear message that students do not have to endure sex discrimination or sex-based harassment under any circumstance~~
3. ~~Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or harassment has not complained~~

~~CSBA NOTE: Where sex discrimination, or sex-based harassment or violence, occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sex-based harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sex discrimination and/or sex-based harassment complaint in order to encourage students to report the harassment.~~

4. ~~A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based harassment complaint will be received, investigated, or resolved~~
5. ~~A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students~~

~~6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sex discrimination and/or sex-based harassment should be made~~

~~7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sex discrimination or sex-based harassment complaint continues~~

~~8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sex discrimination or sex-based harassment and/or other students during an investigation~~

CSBA NOTE: Pursuant to Education Code 231.7, the California Department of Education is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained

CSBA NOTE: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sexual harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to the harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sex-based harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).~~

~~When there is an allegation of Title IX sex discrimination, including sex-based harassment, 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, prohibits the district from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.~~

~~Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.~~

~~Upon investigation of sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based harassment or sexual violence toward, any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.~~

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities).

Pursuant to 34 CFR 106.44 and 106.45, when there is a complaint alleging Title IX sexual harassment, the district is prohibited from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.

Upon completion of an investigation of sexual harassment, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon completion of an investigation of sexual harassment, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining

agreement.

Record-Keeping

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the district is required to keep the following records for at least seven years: (1) for each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process implemented in accordance with 34 CFR 106.44 or grievance procedures implemented in accordance with 34 CFR 106.45, (2) for each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute sex discrimination under Title IX, actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures, and (3) all materials used to train district employees; the Title IX Coordinator and designees; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.~~

~~The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the district is required to keep for at least seven years (1) each sexual harassment investigation, (2) any disciplinary sanctions imposed on a respondent, (3) any remedies provided to the complainant designed to restore of preserve equal access to the district's education program or activity, (4), any appeal and result of the appeal, (5) any informal resolution and result of the informal resolution, and (6) all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Superintendent or designee shall maintain records in accordance with law, including in accordance with Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~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 432	Student records
5 CCR 4600-4670	Uniform complaint procedures

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service, and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**

~~California Department of Education Publication~~	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~xamples of Policies and Emerging Practices for Supporting ansgender Students, May 2016~~

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

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures

~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation

5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Policy 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 03/01/2012 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sex discrimination and sex-based harassment. The following policy addresses sex discrimination and sex-based harassment against students in the school setting. As part of this mandate, the district should also adopt a sex discrimination and sex-based harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~Moreover, this Board policy and the accompanying administrative regulation reflect the right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with one's gender identity, as specified in Education Code 221.5 and 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, and best practices based on existing state and federal law.~~

~~Both federal law, Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), and state law (Education Code 220, 231.5), prohibit sex discrimination, including sex-based harassment and require districts to establish procedures for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the uniform complaint procedures (UCP) as specified in BP/AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the process specified in BP/AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.~~

~~Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg, 33474, a district can be held liable for civil damages for sex discrimination, including sex-based harassment of students pursuant to Title IX if the district has knowledge of conduct that reasonably may constitute sex-based harassment in its education program or activity and does not respond promptly and effectively.~~

In addition to filing a private civil lawsuit, an alleged victim of sex discrimination, including sex-based harassment, may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by Title IX is interfered with, including when a person reports possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the district's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the district has information about conduct that reasonably may constitute retaliation under Title IX, including peer retaliation, the district is required to respond to such conduct using the procedures used for other forms of sex discrimination as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Pursuant to Education Code 220.1, as added by AB 1955 (Ch. 95, Statutes of 2024), a district, including a Governing Board member, may not retaliate or otherwise take adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in Education Code 220.1, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to student and employee reporting of sex discrimination, including sex-based harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district of its responsibility to investigate a complaint of sex discrimination, including sex-based harassment.

The district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires a district to respond promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in its education program or activity. 34 CFR 106.44 further

~~obligates a district to require its Title IX Coordinator to monitor the district's programs and activities for barriers to reporting information of such conduct and its employees to notify the Title IX Coordinator when they have such information.~~

~~The following paragraph should be revised to reflect the district's timeline.~~

~~Any employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.~~

~~Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, when the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator is required to offer and coordinate supportive measures to the complainant, and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to the respondent, as appropriate.~~

~~The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.~~

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.~~

~~The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)~~

CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 **mandate** the district to have written policies on sexual harassment. The following policy addresses sexual harassment against students in the school setting. As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the

United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Both federal law (Title IX) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is investigated and resolved through the federal Title IX complaint procedures in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, or the uniform complaint procedures in accordance with BP/AR 1312.3 – Uniform Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.44, a district is "deliberately indifferent" if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with OCR.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at district or at district-sponsored or district-related activities, sexual harassment, as defined in the accompanying administrative regulation, targeted at any student.

CSBA NOTE: Districts are required to prohibit retaliation when a right or privilege secured by state or federal law is interfered with. Education Code 221.8 prohibits retaliation when a person files a discrimination complaint. Additionally, Title IX prohibits retaliation when a person reports possible sex discrimination including sexual harassment, made a sex discrimination or sexual harassment complaint, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Pursuant to 34 CFR 106.71, complaints alleging retaliation may be filed in accordance with grievance procedures used for other forms of sexual harassment as specified in 34 CFR 106.44 and 106.45; see AR/E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

Additionally, the Board prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1, 221.8; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to reporting by students and employees of sexual harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a school district with actual knowledge of sexual harassment of its responsibility to investigate a complaint of sexual harassment.

The district strongly encourages students who feel that they are being or have experienced sexual harassment on district grounds or at a district-sponsored or district-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program of activity, to respond promptly in a manner that is not unreasonable in light of known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

The following paragraph should be revised to reflect the district's timeline.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures or Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of this policy in the manner specified in the accompanying administrative regulation.

CSBA NOTE: Government Code 12950.1 requires that districts provide once every two years at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of such training to all nonsupervisory employees. 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding

prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

The Superintendent or designee shall ensure that all district staff are trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sexual Harassment. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

~~CSBA NOTE: Pursuant to Education Code 231.7, as added by AB 1071 (Ch. 65, Statutes of 2023), CDE is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.~~

~~The Superintendent or designee shall ensure that all district students receive age-appropriate information on sex discrimination and sex-based harassment. Such instruction and information shall include:~~

1. ~~What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based harassment could occur between people of the same sex and could involve sexual violence~~
2. ~~A clear message that students do not have to endure sex discrimination or sex-based harassment under any circumstance~~
3. ~~Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or harassment has not complained~~

~~CSBA NOTE: Where sex discrimination, or sex-based harassment or violence, occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sex-based harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sex discrimination and/or sex-based harassment complaint in order to encourage students to report the harassment.~~

4. ~~A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based harassment complaint will be received, investigated, or resolved~~
5. ~~A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students~~

~~6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sex discrimination and/or sex-based harassment should be made~~

~~7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sex discrimination or sex-based harassment complaint continues~~

~~8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sex discrimination or sex-based harassment and/or other students during an investigation~~

CSBA NOTE: Pursuant to Education Code 231.7, the California Department of Education is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained

CSBA NOTE: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sexual harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to the harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sex-based harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).~~

~~When there is an allegation of Title IX sex discrimination, including sex-based harassment, 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, prohibits the district from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.~~

~~Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.~~

~~Upon investigation of sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based harassment or sexual violence toward, any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.~~

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. For more information regarding suspension and expulsion, see AR 5144.1 - Suspension and Expulsion/Due Process and AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities).

Pursuant to 34 CFR 106.44 and 106.45, when there is a complaint alleging Title IX sexual harassment, the district is prohibited from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.

Upon completion of an investigation of sexual harassment, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon completion of an investigation of sexual harassment, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining

agreement.

Record-Keeping

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the district is required to keep the following records for at least seven years: (1) for each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process implemented in accordance with 34 CFR 106.44 or grievance procedures implemented in accordance with 34 CFR 106.45, (2) for each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute sex discrimination under Title IX, actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures, and (3) all materials used to train district employees; the Title IX Coordinator and designees; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.~~

~~The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the district is required to keep for at least seven years (1) each sexual harassment investigation, (2) any disciplinary sanctions imposed on a respondent, (3) any remedies provided to the complainant designed to restore of preserve equal access to the district's education program or activity, (4), any appeal and result of the appeal, (5) any informal resolution and result of the informal resolution, and (6) all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Superintendent or designee shall maintain records in accordance with law, including in accordance with Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~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 432	Student records
5 CCR 4600-4670	Uniform complaint procedures

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service, and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**

~~California Department of Education Publication~~	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~xamples of Policies and Emerging Practices for Supporting ansgender Students, May 2016~~

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

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures

~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation

5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Regulation 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 10/01/2014 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sex-based harassment, and mandate that the district adopt and publish complaint procedures. For more information regarding Title IX complaint procedures, see AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.~~

~~Definitions~~

~~CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Those provisions further clarify that sex-based harassment includes harassment on the basis of a sex stereotype, sex characteristic, any of the other specified bases, and when sex-based harassment may create a hostile environment.~~

~~*Sex discrimination* includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student's sex, sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or the student's association with a person or group with one or more of these actual or perceived characteristics.~~

~~Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.~~

~~CSBA NOTE: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a~~

~~reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process.~~

~~Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) "hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2.~~
CSBA NOTE: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and **mandate** that the district adopt and publish complaint procedures. For more information regarding Title IX complaint procedures, see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information related to sexual harassment by and against district employees, interns, volunteers, and job applicants, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Definitions

CSBA NOTE: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

~~*Sex-based*~~*Sexual* harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of ~~sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of:~~ ~~(34 CFR 106.2, 106.11)~~ one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. (Education Code 200, 210.2, 220, 221.51, 230, 260; Government Code 11135; 20 USC 1681-1688)

~~1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct~~

~~CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.~~

~~2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity~~

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.~~

~~3. Sexual assault, dating violence, domestic violence, or stalking as defined in 34 CFR 106.2~~

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress

2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational

environment

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

Examples of Sex Discrimination and Sex-Based Harassment

CSBA NOTE: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights (OCR) January 2001 Revised Sexual Harassment Guidance, which has been rescinded, and definitions specified in 5 CCR 4916. Some items on this list have been modified to make them applicable to sex-based harassment in general, not just sexual harassment.

Examples of types of conduct which are prohibited in the district and which may constitute sex-based harassment, under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions

2. Unwelcome sex-based slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions

3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

5. Spreading sex-based rumors

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body

8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion

~~12. Electronic communications containing comments, words, or images described above~~

Any prohibited conduct that occurs off campus or outside of district-related or district-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291).

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Title IX Coordinator/Compliance Officer

~~CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the Compliance Officer(s) for the district's uniform complaint procedures (UCP) pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions.~~

CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are required to designate an employee as the Title IX Coordinator to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the Compliance Officer specified in AR 1312.3 - Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. Districts may modify the following to designate separate district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be

responsible for oversight of the complaint process for the district; see AR 1312.3 – Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment.

~~The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:~~

The district designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 – Nondiscrimination/Harassment as the responsible employee to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator may be contacted at:

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

~~**Notifications**~~

~~CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education (CDE) is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provide notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 5145.3 - Nondiscrimination/Harassment.~~

~~To prevent unlawful sex discrimination and sex-based harassment in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment.~~

~~In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the Superintendent or designee shall ensure that a copy of the district's sex discrimination and sex-based harassment policy and regulation:~~

1. ~~Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted~~

~~(Education Code 231.5)~~

~~CSBA NOTE: Education Code 231.6 requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.~~

~~2. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school~~

~~The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)~~

~~3. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)~~

~~4. Appears in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)~~

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the district's sexual harassment policy and regulation:

1. Is included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

2. Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

CSBA NOTE: Education Code 231.6 requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified

below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school

   The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

4. Is posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)

5. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)

6. Appears in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Reports and Complaints

~~CSBA NOTE: The following paragraph relates to student and employee reporting of sex discrimination, including sex-based harassment, and should be revised to reflect the district's timeline.~~
CSBA NOTE: The following paragraph relates to student and employee reporting of sexual harassment and should be revised to reflect the district's timeline.

A student or a ~~student's~~student's parent(s)/guardian(s) who believes that the student has been subjected to ~~sex discrimination, including sex-based~~sexual harassment~~,~~ in a district program or activity or who has witnessed ~~sex discrimination, including sex-based~~sexual harassment~~,~~ is strongly encouraged to report the incident to the ~~district's~~district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes ~~sex discrimination or sex-based~~an incident of sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying ~~board~~Board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of ~~sex discrimination or sex-based~~sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with BP/AR 1312.3 – Uniform Complaint Procedures.

~~**Complaint Procedures**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the scope of the UCP as specified in BP/AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the process specified in BP/AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see AR 5145.71 - Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~All complaints and allegations of sex discrimination and sex-based harassment shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

~~**Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students**~~

~~CSBA NOTE: The terms and definitions used below are consistent with California law, case law, and generally accepted terms within academia and in publications issued by state and federal agencies such as CDE and OCR, including provisions in the California Gender Recognition Act that recognize three gender options, female, male, and nonbinary, and define "nonbinary" and other related terms such as "intersex" and "transgender". In addition to consistency with the above, the definition of~~

"gender identity" below is consistent with the Resolution Agreement between the Arcadia Unified School District, OCR, and the U.S. Department of Justice, Civil Rights Division, which defines "gender identity" as "one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity."

The following section is also consistent with OCR's fact sheet "Supporting Intersex Students: A Resource for Students, Families, and Educators," issued in October 2021 and CDE's "Update FLASH #158, Guidance for Changing a Student's Gender in CALPADS," which provides guidance on changing a student's gender and/or legal name on the student's mandatory permanent record.

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

CSBA NOTE: 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that discrimination on the basis of sex for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; sexual orientation; gender identity; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status.

Starting in the 2025-26 school year through the 2029-2030 school year, Education Code 218.3, as added by AB 5 (Ch. 220, Statutes of 2023), requires a district serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support lesbian, gay bisexual, transgender, queer, and questioning (LGBTQ) cultural competency. The district is required

to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training; see AR 5145.3 - Nondiscrimination/Harassment.

Pursuant to Education Code 219, as added by SB 857 (Ch. 228, Statutes of 2023), the State Superintendent of Public Instruction has established the LGBTQ Statewide Advisory Task Force (LGBTQ SAT) to identify the needs of LGBTQ students and to make recommendations to assist in implementing supportive policies and initiatives including: (1) mental health and feelings of safety and support, (2) inclusive and safe access to school facilities, (3) inclusive instructional material and school curriculum, (4) prevention of, response to, and oversight of, bullying and harassment to determine the effectiveness of policies and programs, and (5) inclusive participation in school activities. For more information on the LGBTQ SAT, see CDE's website.

Districts with questions about the rights of transgender and gender-nonconforming students should consult CSBA's District and County Office of Education Legal Services or district legal counsel. For more information on the rights of transgender students, see CSBA's, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools."

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct that are prohibited in the district and which may constitute sex-based hostile environment harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity

2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the restroom that corresponds to the student's gender identity

4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent

6. Using gender-specific slurs

7. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the

district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

CSBA NOTE: Timelines included in Items #1–2 below may be modified to reflect district practice.

Pursuant to state and federal law, a district has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, or gender non-conforming students. As part of its obligation, the district must keep a student's private information, including a student's gender, gender identity, or gender expression, confidential. CDE's "School Success and Opportunity Act (Assembly Bill 1266) Frequently Asked Questions," available on its website, references a transgender student's informational privacy right under Article I, Section I of the California Constitution as protecting the student's gender identity from disclosure. However, CDE specifies that, pursuant to 34 CFR 99.36, disclosure of such information to appropriate parties is permitted in connection with an emergency, as necessary to protect the health or safety of the student or other individuals.

Education Code 220.3 and 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), clarify that under existing law a district, including a Governing Board member, may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same, without the student's consent unless otherwise required by state or federal law.

Therefore, a district is required to take measures such as those specified in the following paragraph, to prevent unintentional release of students' private information and should contact CSBA's District and County Office of Education Legal Services or district legal counsel before disclosing a student's gender identity without the student's consent.

1. Right to privacy: A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information

   The district shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.

   The district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

   The district shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. Any district employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the Compliance Officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the

student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Compliance Officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the Compliance Officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender, or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and request assistance in doing so.

2. Determining a Student's Gender Identity: The Compliance Officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

3. Addressing a Student's Transition Needs: The Compliance Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records. Additionally, 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, provides that a district (1) may not exclude a student from participation in, deny a student the benefits of, or otherwise subject a student to discrimination on the basis of sex in any education program or activity, (2) that in the limited circumstances in which different treatment or separation on the basis of sex is permitted, a district may not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a student to more than de minimis harm, and (3) that preventing a student from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex. In commentary accompanying the Final Rule, the U.S. Department of Education (USDOE) clarifies that Title IX protects students from sex discrimination, including sex-based harassment, when they access sex-separate facilities. This protection applies with equal force to all students, including transgender and nonbinary students, requiring districts to provide access to sex-separate facilities, including

bathrooms, in a manner that does not cause more than de minimis harm. USDOE intends to issue a separate final rule to address Title IX's application to sex-separate athletic teams which is governed by 34 CFR 106.41, rather than 34 CFR 106.31 as described above.

Beginning July 1, 2026, Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), requires each school maintaining any of grades 1-12 with more than one female student restroom and more than one male student restroom to provide and maintain at least one all-gender restroom for student use that meets the requirements of law.

For more information on the rights of transgender students, see CSBA's updated, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools."

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

   To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

   Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

CSBA NOTE: Education Code 49062.5 and 49070 require districts to update a former student's records to change the student's name and/or gender as specified below. See AR 5125 - Student Records. Pursuant to 5 CCR 432, a district is required to maintain for each student a mandatory permanent student record that includes the student's legal name, sex, and other specified details. While 5 CCR 4910 refers to "sex" as the "biological condition or quality of being a female or male human being," it also defines "gender" to mean "sex," which includes "a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." When responding to a request to change the gender or legal name of intersex, nonbinary, transgender, or gender non-conforming students, districts should be mindful of laws prohibiting gender-based discrimination. In "Update FLASH #158, Guidance for Changing a Student's Gender in CALPADS," CDE distinguishes the process for updating a student's legal name from the process for updating a student's gender. According to CDE, a district must receive formal documentation that a student's name has been legally changed before the student's recorded legal name may be changed in the student's mandatory permanent student record (official record). When documentation is not provided, CDE states the district should nonetheless update all other school records (unofficial records such as attendance sheets, report cards, and school identification) to reflect the name change. On the other hand, to change a student's gender in the student's official records, CDE states that there is no specific requirement regarding formal documentation or

process that a district should review or require in determining the gender to be recorded in the official records. Pursuant to Education Code 49061, only a parent/guardian may authorize a change to a student's gender in the student's official record. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel in developing a policy in this regard.

5. Student Records: Upon each student's enrollment, the district is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name

   A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

   However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record

   However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying board policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Boardboard 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 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or /guardian for act of willful misconduct by a minor

Civ. Code 51.9	Liability for sexual harassment; business, service, and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	~~Prohibition of disclosure of~~No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**
~~California Department of Education Publication~~	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~xamples of Policies and Emerging Practices for Supporting ansgender Students, May 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education

Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3580	District Records
3580	District Records
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4119.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4131	Staff Development

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4219.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
~~4319.12-E(1)~~	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention

5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	~~Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures~~Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Regulation 5145.71: Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 07/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sex-based harassment, and mandates that the district adopt and publish complaint procedures. The following administrative regulation reflects the Title IX grievance procedures detailed in 34 CFR 106.44-106.45, as amended by 89 Fed. Reg. 33474.~~

~~Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state and federal law. Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 1312.3 - Uniform Complaint Procedures, it is unclear whether districts would additionally be required to follow the procedures specified in AR 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the procedures specified in AR 1312.3 - Uniform Complaint Procedures for this purpose.~~

~~See AR 1312.3 - Uniform Complaint Procedures. Also see AR 5145.3 Nondiscrimination/Harassment and BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment for information about prohibited conduct, training and instruction, required notifications, and processes for reporting sex discrimination and sex-based harassment.~~

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district student, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.~~

~~Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and **mandates** that the district adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this administrative regulation to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that districts with questions about specific complaints consult CSBA's District and County Office of Education Legal Service or district legal counsel.

See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the

context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44).

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedures to use.

All other complaints alleging sexual harassment brought by or on behalf of students shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

The Title IX Coordinator shall ensure that all requirements and timelines for Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures are concurrently met while implementing the Title IX procedure.

Basic Requirements

~~CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the district's grievance procedures follow specified basic requirements, which are reflected below.~~

~~When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)~~

~~1. Treat complainants and respondents equitably~~

~~2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent~~

~~The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.~~

~~3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures~~

~~4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any~~

~~5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.~~

~~Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)~~

~~If either party is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.~~

CSBA NOTE: 34 CFR 106.45 requires that the district's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

   Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness

3. Ensure that the Title IX Coordinator, investigator, or decisionmaker, or any person that facilitates an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process

5. Include reasonably prompt timeframes for the conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment

8. Include the procedures and permissible bases for the complainant and respondent to appeal

9. Describe the range of supportive measures available to complainants and respondents

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

~~**Filing a Complaint**~~

~~Upon receiving information from an allegation of sex discrimination, include sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, a "complaint" is defined as an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.~~

~~A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.21)~~

~~Complaints of sex discrimination and sex-based harassment may only be brought by a student, or former student, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, a parent/guardian or other authorized legal representative with the legal right to act on behalf of the student, or the Title IX Coordinator or designee. (34 CFR 106.45)~~

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including sex-based harassment, promptly and effectively, the Title IX Coordinator or designee should file a complaint even when the victim chooses not to do so, when, based on the considerations described below, the Title IX Coordinator or designee determines that a health or safety threat exists or when the district would be prevented from ensuring equal access based on sex in its programs and activities. In such cases, the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an information resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.

CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator or designee is required to take the steps described below upon initiating a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint, as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, in addition to Title IX Coordinators or designees, investigators, and decisionmakers, persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures may not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent, and are required to receive specified training.~~

~~The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the Title IX Coordinator is required to monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, as specified below.~~

~~The Title IX Coordinator shall monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)~~

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30, the timeline for resolving a sexual harassment complaint begins when the district has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for any employee to forward the report to the Title IX Coordinator as specified in AR 5145.7 - Sexual Harassment, and may be revised to reflect district practice.

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 5145.7 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

CSBA NOTE: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint

requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect district practice.

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, shall file a formal complaint. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process

Supportive Measures

~~CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires districts to offer and coordinate supportive measures as described below. Pursuant to 34 CFR 106.2, as amended by 89 Fed. Reg. 33474, "supportive measures" are defined as individualized measures offered as appropriate, reasonably available and without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without charging a fee to the complainant or respondent to (1) restore or preserve the party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment, or (2) provide support during the recipients' grievance procedures specified in 34 CFR 106.45 or during any informal resolution process as specified in 34 CFR 106.44.~~

~~Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course-related adjustments; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class schedules; mutual restrictions on contact; changes in class locations; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district's provision of supportive measures does not require the district, its employees, or any other persons authorized to provide aid, benefit, or service on the district's behalf to alter the alleged discriminatory conduct for the purpose of providing the supportive measures unless there is an allegation of sex-based harassment or retaliation.~~

~~Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)~~
~~Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the district is required to provide both parties for whom supportive measures have been implemented with the~~

~~opportunity to challenge, to an impartial employee, the implementation of such measures. An "impartial employee" must be someone other than the employee who made the decision to provide the supportive measures which are being challenged, but who has the authority to modify or reverse the decision if the employee determines that the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with the definition of supportive measures as specified in 34 CFR 106.2.~~

~~The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)~~

~~The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)~~

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

~~CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process. 34 CFR 106.44 allows a student to be removed in emergency situations as described below, but 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that a student not be "disciplined" prior to a finding being made pursuant to the Title IX grievance process. Due to this inconsistency in state and federal law, districts are advised to consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.~~

~~A student shall not be disciplined for alleged sex discrimination, including sex-based harassment, under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

~~If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)~~

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the district may remove the student from the district's education program or activity on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

~~CSBA NOTE: The following section describes when the Title IX Coordinator or designee may dismiss a Title IX complaint and actions the Title IX Coordinator or designee is required to take when a complaint is dismissed pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~
~~The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)~~

~~1. The district is unable to identify the respondent after taking reasonable steps to do so~~

2. The respondent is not participating in the district's education program or activity and is not employed by the district

3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The following paragraph should be revised to reflect the timeline established by the district.

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within _____ days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome

2. New evidence that would change the outcome and that was not reasonably available when dismissal was made

3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent

2. Implement appeal procedures equally for the parties

3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations

~~5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome~~

~~6. Notify the parties of the result of the appeal and the rationale for the result~~

~~If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

~~If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures as applicable.~~
The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, the Title IX Coordinator shall dismiss a formal complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States. In addition, the Title IX Coordinator may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable.

Informal Resolution Process

~~CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, criteria for the facilitator of the informal resolution process, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.44, as amended by 89 Fed. Reg. 33474.~~

~~Additionally, 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, provides potential terms that may be included in an informal resolution agreement. Because such agreements will be fact-specific and reflective of sensitive topics, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when drafting informal resolution agreements.~~

~~At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)~~

~~The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of participation in the district's education program or activity, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)~~

~~The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)~~

1. ~~Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~

2. ~~Obtains the parties' voluntary consent to the informal resolution process~~

3. ~~Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student~~

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)~~

~~If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects when the district may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44, which prohibits the district from imposing discipline on a respondent for sexual harassment until the full investigation process is complete. Also see "Stipulated Expulsion" in AR 5144.1 - Suspension and Expulsion/Due Process.

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing enrollment or employment. (34 CFR 106.45)

As part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~**Notice of Allegations**~~

~~CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

~~1. The district's complaint process, including any informal resolution process~~

~~2. Sufficient information, available at the time, to allow parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident~~

~~Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.~~

~~If, during the course of the investigation, new Title IX allegations arise about the~~

~~complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.~~

~~3. A statement that retaliation is prohibited~~

~~4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified~~

~~CSBA NOTE: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.~~

~~The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~

Written Notice

CSBA NOTE: The following section reflects the notice districts are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the district provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Consolidation of Complaints

~~CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sex discrimination, including sex-based harassment, as specified in 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.~~

~~The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)~~

CSBA NOTE: The following section reflects the district's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

~~CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.~~

~~The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)~~

~~During the investigation process, the district's designated investigator shall: (34 CFR 106.45)~~

1. ~~Provide an equal opportunity for the parties to present fact witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible~~

2. ~~Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance~~

3. ~~Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:~~

   a. ~~Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence~~

      ~~If an accurate description is provided, the district shall, upon request of any party,~~

provide the parties with an equal opportunity to access the relevant and permissible evidence.

b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence

c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

CSBA NOTE: The following paragraph should be amended to reflect district practice regarding the process established to enable the decisionmaker to question parties and witnesses adequately to assess a party's or witness's credibility.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

CSBA NOTE: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The investigator shall complete the investigation within ____ days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

CSBA NOTE: It is recommended that districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or district legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements

Written Decision

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the person designated as the decisionmaker of the determination of responsibility may be the same person designated as the Title IX Coordinator or designee and/or investigator, so long as there is no conflict of interest or bias. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decisionmaker and designate the Superintendent as the person to consider appeals.~~

~~The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)~~

~~Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)~~

~~1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred~~

~~2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred~~

~~The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The district should revise the following paragraph to reflect the timeline established by the district.~~

~~The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, it is recommended that the district, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect district practice.

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 60-day period in order to align with the requirements of the UCP, which are simultaneously triggered when a complaint of sexual harassment is received. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The district may extend the timeline for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires the district's complaint procedures to state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the district consult with CSBA's District and County Office of Education Legal Services or district counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

~~**Appeal of the Decision**~~

~~CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision, and requires the district to offer the parties an appeal process that at a minimum is the same as it offers in all other comparable proceedings, if any, including proceedings related to other discrimination complaints, such as AR 1312.3 - Uniform Complaint Procedures and AR 4030 - Nondiscrimination in Employment. The district may revise the following section to reflect applicable timelines and appeals process established by the district.~~

~~The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~

~~Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)~~

~~When conducting an appeal, the district shall permit a final appeal to the Governing Board using a process that is in accordance with law and otherwise consistent with the appeal process as specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures.~~

~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.~~

~~The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.~~

Appeals

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. It is recommended that the Superintendent serve as the decisionmaker for appeals.

34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision based on any of the reasons specified in the following paragraph, or if the district has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect district practice.

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

CSBA NOTE: The following paragraph is consistent with requirements under Education Code 262.3, 5 CCR 4622, and the California Department of Education's Federal Program Monitoring instrument to provide notice regarding civil law remedies in the annual UCP notice and in the final written decision in the UCP process.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

~~Extension of Timelines~~

~~CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the district is required to establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.~~

~~Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)~~

~~Remedies~~ Remedies

~~When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary actions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)~~

CSBA NOTE: 34 CFR 106.45 requires the district's Title IX complaint process to list or describe the range of possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

~~The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)~~

~~For students in grades 4-12, discipline for sexual harassment may include suspension and/or~~

~~expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)~~

~~Other actions that may be taken with a student who is determined to be responsible for sex discrimination and/or sex-based harassment include, but are not limited to:~~

1. ~~Transfer from a class or school as permitted by law~~
2. ~~Parent/guardian conference~~
3. ~~Education of the student regarding the impact of the conduct on others~~
4. ~~Positive behavior support~~
5. ~~Referral of the student to a student success team~~
6. ~~Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law~~

~~When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.~~

~~The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)~~

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion in accordance with Board Policy and Administrative Regulation 5144.1 – Suspension/Expulsion and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities). (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Conference with parent/guardian
3. Educating the student regarding the impact of the student's conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

~~CSBA NOTE: The following paragraph reflects Title IX record-keeping requirements pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474.~~

~~The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)~~

~~1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures~~

~~2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented~~

~~3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process~~

~~The district shall make such training materials available upon request by members of the public.~~

~~For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):~~

~~1. A record of the allegation(s)~~

~~2. A record of the investigation procedures followed~~

~~3. A record of the written determination~~

~~4. A record of the corrective action implemented, if any~~

~~5. A record of any appeals and the outcome of the same~~

~~6. All training materials addressing the prohibition and investigation of childhood sexual assault~~

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

   The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1)

1. A record of the allegation(s)

2. A record of the investigation procedures followed

3. A record of the written determination

4. A record of the corrective action implemented, if any

5. A record of any appeals and the outcome of the same

6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the ~~Governing Board~~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 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination

Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~

Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~

~~CSBA Publication~~	~~Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Justice, Federal Bureau of Investigation

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination in Employment
~~4030~~	~~Nondiscrimination In Employment~~
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting

5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6159	Individualized Education Program
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504

Exhibit 5145.71-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2020 | **Last Revised Date:** ~~07~~06/01/~~2024~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to students, parents/guardians, or other authorized legal representatives of elementary and secondary school students, that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education, Office of Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sex discrimination, including sex-based harassment; the district's grievance procedures that provide for the prompt and equitable resolution of sex discrimination, including sex-based harassment complaints; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements.~~

~~Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to students, parents/guardians, or other authorized legal representative of students. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, state law, Education Code 231.5, 231.6, 234.6, and 48980, require distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.~~

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator

and/or the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for employees, bargaining units, and applicants for employment, see E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook for students or parents/guardians.

Additionally, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.

NOTICE OF TITLE IX ~~NONDISCRIMINATION~~SEXUAL HARASSMENT POLICY

The ~~Code of Federal Regulations, Title 34, Section 106.8 requires the~~ district ~~to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative:~~

~~The district does~~shall not discriminate on the basis of sex ~~and prohibits sex discrimination, including sex-based harassment,~~ in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The district ~~is required, as specified in Title IX, to~~shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - ~~Sex Discrimination and Sex-Based~~Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the Compliance Officer specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The ~~district has designated and authorized the~~ following employee~~(s)~~ serves as the district's Title IX Coordinator ~~to address~~and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including ~~sex-based~~sexual harassment:

_____
(name and/or title/position)
_____
(address)
_____
(telephone number)
_____
(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district ~~must~~is required to provide notice to students, parents/guardians, ~~or other authorized legal representatives of students,~~employees, bargaining units, and applicants for admission and employment of the district's grievance procedures and process, including how to report ~~conduct that may constitute sex discrimination, including sex-based harassment,~~ or file a formal complaint of sex discrimination~~, including sex-based~~ and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including ~~sex-based~~sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of ~~sex harassment, including sex-based~~sexual harassment, the Title IX Coordinator ~~will~~shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on ~~sex discrimination, including sex-based~~sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 5145.7 ~~- Sex Discrimination and Sex-Based~~– Sexual Harassment and Administrative Regulation 5145.71 - Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures on the district's website at _____~~((~~insert website link~~)~~_____.) _____.

To inspect or obtain a copy of the district's ~~sex discrimination and sex-based~~sexual harassment policies and administrative regulations, please contact~~:~~_____(: (insert location/phone/email of contact person) _____._____.

Materials used to train ~~employees;~~ the Title IX Coordinator~~;~~, investigator(s), ~~decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures;~~decisionmakers, and any person(s) who facilitates an informal resolution process~~,~~ are also publicly available on the district's website or at the district office upon request.

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State	Description
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Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-~~270~~262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
~~U.S. DOJ, FBI Publication~~	~~National Incident-Based Reporting System~~
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (~~2000~~2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
~~CSBA Publication~~	~~Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011~~
~~Federal Register~~	~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System (https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Sexual Harassment: It's Not Academic, September 2008~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 (https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001~~

~~U.S. DOE, Office for Civil Rights Publication~~	~~Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016~~
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Justice, Federal Bureau of Investigation

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination in Employment
~~4030~~	~~Nondiscrimination In Employment~~
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action

4218	Dismissal/Suspension/Disciplinary Action
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4317.7	Employment Status Reports
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.11	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.7	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.9	Hate-Motivated Behavior
~~5146~~	~~Married/Pregnant/Parenting Students~~
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6159	Individualized Education Program

6164.5 Student Success Teams

6164.5 Student Success Teams

6164.6 Identification And Education Under Section 504

6164.6 Identification And Education Under Section 504

CSBA POLICY GUIDE SHEET
January 2026

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

Board Policy 0450 - Comprehensive Safety Plan

Policy updated in conjunction with the accompanying administrative regulation.

Administrative Regulation 0450 - Comprehensive Safety Plan

Regulation updated to reflect **NEW LAW (SB 848, 2025)** which (1) expands the list of persons who may cooperate in the review of the comprehensive school safety plan (CSSP) to include the district's public entity risk pool joint powers authority or insurance provider, (2) adds child neglect to the reporting procedures required to be included in the CSSP, (3) requires, when the CSSP is next reviewed and updated, or by no later than July 1, 2026, that the CSSP includes procedures specifically designed to address the supervision and protection of children from child abuse or neglect or sex offenses, (4) adds a sex offense that has occurred on campus to acts that the principal is authorized to notify parents/guardians and employees of, and (5) expands the definition of "violent crime." Additionally, regulation updated to reflect **NEW LAW (SB 98, 2025)**, which requires, when a CSPP is next reviewed and updated, but no later than March 1, 2026, to include procedures specifically designed to notify parents/guardians and district staff when the school confirms the presence of immigration enforcement on a school site. In addition, regulation updated to reflect **NEW LAW (AB 962, 2025)** which authorizes districts to prohibit a student from possessing or using a smartphone in the case of an emergency or in response to a perceived threat of danger, if the prohibition is explicitly addressed in the district's CSSP.

Board Policy 1340 - Access to District Records

Policy reviewed in conjunction with the accompanying administrative regulation.

Administrative Regulation 1340 - Access to District Records

Regulation updated to reflect **NEW LAW (AB 1004, 2025)** which provides that any record that contains financial information provided by an Indian tribe to a public agency as a condition of or requirement for receiving financial assistance is confidential, not considered to be a public record, and not be open to public inspection. Additionally, regulation updated to provide that an individual's immigration status may only be disclosed in accordance with Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement. In addition, regulation updated to reflect **NEW LAW (AB 370, 2025)** which includes, in the definition of "unusual circumstances" whereby the Superintendent or designee may extend the 10-day limit to initially respond to a request for public records, (1) the inability to access electronic servers or systems due to a cyberattack, but only until the district regains its ability to search for and obtain electronic records, and (2) the need to search for, collect, and examine records when a state of emergency, in addition to currently affecting the district's ability to timely respond, directly affects this ability.

NEW - Board Policy 1445 - Response to Immigration Enforcement

New policy includes a significant amount of material that was formerly in Board Policy/Administrative Regulation 5145.13 - Response to Immigration Enforcement, and addresses a district's response to immigration enforcement including **NEW LAW (AB 495, 2025)** which requires districts to update their policies by March 1, 2026, with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes." Additionally, new policy includes list of actions that district staff are prohibited from undertaking, unless an exception applies, related to (1) citizenship or immigration status of a student or the student's family members, (2) education records of or any information about a student or a student's family or household, (3) personnel records, personal information, or any other confidential information of an employee, and (4) permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus or other transportation provided by the district, a nonpublic

area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring. In addition, new policy reiterates the prohibition against obstructing, interfering with, or otherwise impeding an officer or employee of an agency conducting immigration enforcement who nonetheless enters district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring. New policy also includes that (1) the Superintendent or designee is required to report to the Governing Board any requests by an officer or employee of an agency conducting certain immigration enforcement actions, (2) students may not be denied equal rights and opportunities, or be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district'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, (3) resources and data collected by the district are prohibited from being used 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, and (4) the Superintendent or designee is required to provide parents/guardians with specified information and notifications related to immigration status or religious beliefs and their rights related to immigration enforcement. Additionally, new policy provides that complaints alleging discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status be filed in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures and that the Superintendent or designee provide to the California Department of Education copies of this policy, any associated administrative regulation, and any other Board policies and administrative regulations required by Education Code 234.7.

NEW - Administrative Regulation 1445 - Response to Immigration Enforcement

New regulation includes a significant amount of material that was formerly in Board Policy/Administrative Regulation 5145.13 - Response to Immigration Enforcement, and addresses a district's response to immigration enforcement including **NEW LAW (AB 495, 2025)** which requires districts to update their policies by March 1, 2026, with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes." Additionally, new regulation provides direction on responding to (1) requests by an officer or employee of an agency conducting immigration enforcement for information about a student, a student's family or household, or a district employee, (2) requests by an officer or employee of an agency conducting immigration enforcement for access to a student or permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring, (3) immigration enforcement when any officer or employee of an agency conducting immigration enforcement is actually or imminently present on district property, and (4) instances when a student's parent/guardian has been detained by an agency conducting immigration enforcement or deported.

Board Policy 5125 - Student Records

Policy updated to provide that an individual's immigration status may only be disclosed in accordance with Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement, with applicable material from this policy moved to/already contained within Board Policy/Administrative Regulation 1445.

Administrative Regulation 5125 - Student Records

Regulation updated to define "district officials and employees," and, for accuracy, to use this term, rather than "school officials and employees." Additionally, regulation updated to reference **NEW LAW (AB 495, 2025)** which (1) requires districts to update their policies by March 1, 2026, with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," and (2) changes the definition of "relative", for purposes of a Caregiver's Authorization Affidavit, to include any adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand." In addition, regulation updated to (1) add that a request for student records by an officer or employee of an agency conducting immigration enforcement be denied except in accordance with Board

Policy/Administrative Regulation 1445 - Response to Immigration Enforcement, and (2) clarify that the annual parent/guardian notification includes a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will only be released in accordance with Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement.

Board Policy 5125.1 - Release of Directory Information

Policy reviewed due to **NEW LAW (AB 495, 2025)** which requires districts to update their policies by March 1, 2026, with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes."

Administrative Regulation 5125.1 - Release of Directory Information

Regulation reviewed due to **NEW LAW (AB 495, 2025)** which requires districts to update their policies by March 1, 2026, with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes." Additionally, regulation updated to reflect **NEW LAW (AB 677, 2025)** which provides an exception to the consent requirement for release of directory information for a student experiencing homelessness by authorizing disclosure to facilitate an eye examination by a nonprofit eye examination provider or a free oral health assessment hosted by a school, unless consent is not given to the physical examination.

Exhibit(1) 5125.1 - Release of Directory Information

Exhibit updated due to **NEW LAW (AB 495, 2025)** which requires districts to update their policies by March 1, 2026, with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes."

DELETE - Board Policy 5145.13 - Response to Immigration Enforcement

Policy deleted, as being too narrowly focused on students given **NEW LAW (AB 495, 2025)** which expands requirement to develop policies in response to immigration enforce to encompass protections for staff, with significant amount of material added to new Board Policy 1445 - Response to Immigration Enforcement.

DELETE - Administrative Regulation 5145.13 - Response to Immigration Enforcement

Regulation deleted, as being too narrowly focused on students given **NEW LAW (AB 495, 2025)** which expands requirement to develop policies in response to immigration enforce to encompass protections for staff, with significant amount of material added to new Administrative Regulation 1445 - Response to Immigration Enforcement.

Policy 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~06/~~01/~~2025~~01/2026 **| Last Reviewed Date:** ~~06/~~01/~~2025~~01/2026

CSBA NOTE: The following policy is optional and may be revised to reflect district practice. Pursuant to Education Code 32280-32289.5, districts are responsible for ensuring that a comprehensive school safety plan (CSSP) with specified components is in place for each district school. As required by Education Code 32282 and 32288, the California Department of Education (CDE) has posted on its website a compliance checklist for developing CSSPs and best practices for reviewing and approving the plans. CSSPs are reviewed through the annual audits required by Education Code 41020 to ensure that they are updated and approved by March 1 of each year.

Additionally, Education Code 32280.5~~, as added by AB 960 (Ch. 528, Statutes of 2024),~~ encourages each school with an enrollment of 100 students or more to, on or before, July 1, 2030, implement a web-based or app-based school safety program that includes specified components.

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for staff and student conduct, responsible behavior, and respect for others.

CSBA NOTE: Pursuant to Education Code 32281 and 32286, each school is required to adopt a CSSP (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide comprehensive safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

OPTION 1: (Districts with more than 2,500 ADA, and districts with 2,500 or less ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan (CSSP) relevant to the needs and resources of that particular school. New school campuses shall develop a CSSP within one year of initiating operations. (Education Code 32281, 32286)

The CSSP shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the school site.

OPTION 1 ENDS HERE

OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)

The Superintendent or designee shall be responsible for the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)

OPTION 2 ENDS HERE

CSBA NOTE: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the CSSP by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

~~Pursuant to~~ Education Code 32288~~,~~ requires the updated plan(s) ~~must~~to be submitted to the Governing Board for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The CSSP(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

CSBA NOTE: Pursuant to Education Code 32282, the annual evaluation of the CSSP is required to include ensuring that the plan provides appropriate adaptations for students with disabilities.

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 32280 states the legislative intent that all school staff be trained on the CSSP.

As necessary, the Superintendent or designee shall provide ~~CSSP~~ training on the CSSP to all school staff.

CSBA NOTE: Education Code 32288 requires that districts notify CDE if a school has not complied with the CSSP requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to $2,000.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

CSBA NOTE: The following section is optional. Pursuant to Education Code 32281, the Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the CSSP that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a CSSP that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure affected school premises, and apprehend criminal perpetrator(s), shall be developed by the Superintendent or designee in accordance with Education Code 32281. In developing such strategies, the Superintendent or designee shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

However, those portions of the CSSP that include tactical responses to criminal incidents need not be publicly disclosed.

The Superintendent or designee shall share the CSSPs and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

CSBA NOTE: Pursuant to Education Code 32289.5, the district is required to provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools, as specified.

~~The~~Additionally, the Superintendent or designee shall ~~also~~ provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to ~~safe schools~~Safe Schools
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms

Ed. Code 35266	Reporting of cyberattacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 44010	Sex offense; definition
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48901.7	Smartphone limitation or prohibition
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 49414.35	Emergency treatment for opioid overdose
Ed. Code 49414.6	Student possession of opioid antagonist
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 1192.7	Criminal procedures
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions
Pen. Code 667.5	Violent felony; definition

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7111-7122	Student support and academic enrichment grants
20 USC 7912	Transfers from persistently dangerous schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools

	in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
California Department of Education	Instructional Continuity Plan Guidance
CSBA Publication	Comprehensive School Safety Plans, July 2024
CSBA Publication	School Safety: Firearm Safety and Storage, May 2023
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004
National Association of Secondary School Principals Publication	The NASSP Principal Recovery Network Guide to Recovery (https://www.nassp.org/wp-content/uploads/2022/08/PRN-Guide-FINAL.pdf)
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007
U.S. Department of Homeland Security Publication	Behavioral Threat Assessment and Management in Practice 2024
Website	California Department of Education, LEA Immigration Enforcement Policy Submission (Immigration Enforcement Policy - Executive Office (CA Dept of Education)
Website	California Department of Education, School Safety Elements and Resources
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment

Website	California Department of Education, Resources to Include Immigrant Families (https://www.cde.ca.gov/ls/pf/if/immigration-toolkit.asp)
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites

1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
2210	Administrative Discretion Regarding Board Policy
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3511	Energy And Water Management
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3513.3	Tobacco-Free Schools
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3514.1	Hazardous Substances
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3515	Campus Security
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3515.2	Disruptions
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3515.3	District Police/Security Department
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3515.4	Recovery For Property Loss Or Damage
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3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.1	Fire Drills And Fires
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3516.5	Emergency Schedules
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3530	Risk Management/Insurance
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4112.41	Employee Drug Testing
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4119.11	Sexual Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
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4141.6	Concerted Action/Work Stoppage
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4157	Employee Safety
4158	Employee Security
4158	Employee Security
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing

4219.11	Sexual Harassment
4219.11	Sexual Harassment
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4258	Employee Security
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4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4319.11	Sexual Harassment
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4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
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5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
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Regulation 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** ~~06~~/01/~~2025~~01/2026 | **Last Reviewed Date:** ~~06~~/01/~~2025~~01/2026

CSBA NOTE: The following optional administrative regulation should be revised to reflect district practice.

Pursuant to Education Code 234.5, the California Department of Education (CDE) has posted on its website a list of statewide resources for youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and youth affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Additionally, schoolsafety.gov, a website developed by the federal government, provides schools with actionable recommendations to create safe and supportive learning environments and includes the Federal Clearinghouse on School Safety Evidence-Based Practices, required by 6 USC 665k, to serve as a resource to identify and publish online evidence-based practices and recommendations to improve school safety.

Development and Review of Comprehensive School Safety Plan

CSBA NOTE: The following section reflects requirements for the development of site-level comprehensive school safety plans (CSSP) pursuant to Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance of 2,500 or less that selected Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan (CSSP). When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

CSBA NOTE: The following paragraph is optional. ~~Pursuant to~~ Education Code 32280~~, as amended by AB 2887 (Ch. 419, Statutes of 2024), it is the intent of the Legislature that~~ encourages districts to develop the CSSP in cooperation with ~~local emergency medical services personnel and other~~ persons ~~who may be interested~~involved in protecting the health and safety of students and the prevention of campus crime and violence~~.~~, including, as amended by SB 848 (Ch. 460, Statutes of 2025), the district's public entity risk pool joint powers authority or insurance provider.

Additionally, the school site council may invite community leaders, local emergency medical services personnel, the district's public entity risk pool joint powers authority or insurance provider, and other persons who may be interested in the health and safety of students and the prevention of campus crime and violence to participate in the planning process. (Education Code 32280)

The school site council may delegate the responsibility for developing a CSSP to a school safety planning committee composed of the following members: (Education Code 32281)

1. The principal or designee

2. One teacher who is a representative of the recognized certificated employee organization

3. One parent/guardian whose child attends the school

4. One classified employee who is a representative of the recognized classified employee organization

CSBA NOTE: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

Before adopting the CSSP, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

1. The local mayor

2. A representative of the local school employee organization

3. A representative of each parent/guardian organization at the school, including the parent teacher association and parent teacher clubs

4. A representative of each teacher organization at the school

5. A representative of the school's student body government

6. All persons who have indicated that they want to be notified

~~In addition~~Additionally, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations

2. Local civic leaders

3. Local business organizations

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the CSSP to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee to make appropriate modifications to the CSSP during the evaluation of the CSSP. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

Content of the Comprehensive Safety Plan

CSBA NOTE: Education Code 32282, as amended by SB 848, requires districts to assess the current status of crime committed on school campuses and at school related functions in the CSSP.

Each CSSP shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In assessing the current status of ~~school~~ crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the, "California Healthy Kids Survey," or the Centers for Disease Control and Prevention's, "Youth Risk Behavior Survey."

The assessment may include, but not be limited to, ~~reports of~~law enforcement crime data, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

CSBA NOTE: Education Code 32282 requires that the following components be included in the districtwide and/or school site comprehensive safety plan. The district may expand this list to require other components at its discretion.

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

CSBA NOTE: Education Code 32282, as amended by SB 848, adds child neglect to the child abuse reporting procedures required to be included in the CSSP and requires that, by July 1, 2026, the CSSP be updated to include procedures for the supervision and protection of children from child abuse or neglect or sex offenses, as specified below.]

1. Child abuse or neglect reporting procedures consistent with Penal Code 11164-11174.3, including procedures specifically designed to address the supervision and protection of children from child abuse or neglect or sex offenses

2. Routine and emergency disaster procedures including, but not limited to:

    a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973

CSBA NOTE: Education Code 32282 requires districts to incorporate earthquake emergency procedures into the CSSP, as specified in Items #2b and #2c below. ~~See~~For further details about required components of these procedures, see BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System ~~for further details about required components of these procedures~~.

    b. An earthquake emergency procedure system as specified

    c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

CSBA NOTE: Beginning with the 2026-27 fiscal year, Education Code 32282~~, as amended by AB 2968 (Ch. 582, Statutes of 2024), adds requirements for each school in a high-risk zone to coordinate with the fire department~~ requires the district to develop a procedure to identify appropriate refuge shelters for all students and staff to be used in the event of a ~~shelter-in-place~~ an evacuation order by local authorities and notify the ~~fire department to prioritize~~ local authorities of the ~~defense of that structure in the event of a fire.~~identified refuge. Additionally, Education Code 32282~~, as amended by AB 2968, also~~ requires each school serving more than 50 students in a high or very high~~-risk zone~~ fire hazard severity zone to coordinate the procedure to identify appropriate refuge shelters with local authorities, and, as part of the CSSP, to develop a communication and evacuation plan~~,~~ which can be used in the event of an early notice evacuation warning, allowing enough time to evacuate all students and staff.

~~In addition, Education Code 32282, as amended by AB 2968, requires schools serving more than 50 students in a high or very high fire hazard severity zone, to coordinate such procedure with state emergency services organizations, and as a part of the CSSP to develop a communication and evacuation plan to be used in the event of an early notice evacuation warning.~~

    d. Commencing with the 2026-27 school year, a procedure to identify appropriate refuge shelter for all students and staff to be used in the event of an evacuation order and, for any school in a high or very high fire hazard severity zone, a communication and evacuation plan to be used in the event of an early notice evacuation warning that allows enough time to evacuate all students and staff

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

CSBA NOTE: Education Code 234.1 requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so. ~~See~~For more information regarding the prohibition of discrimination, harassment, intimidation, and bullying, see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. Additionally, the district's complaint process ~~must~~is required to include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

8. A safe and orderly school environment conducive to learning

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

CSBA NOTE: Pursuant to Education Code 32282, schools are required to include in their CSSPs procedures for conducting tactical responses to criminal incidents, as specified in Item #10. Such procedures ~~must~~are required to be based on the specific needs and context of each school and community.

Pursuant to Education Code 32281, the Board may elect to have district administrators, rather than the school site council, develop those portions of the CSSP that include tactical responses to criminal incidents that may result in death or serious bodily injury~~;~~. For more information regarding tactical response plans, see the accompanying Board policy.

10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions

Pursuant to Education Code 32282, if the district's CSSP includes procedures to prepare for active shooters or other armed assailants by conducting a drill, the district is required to comply with the requirements specified in Item #11, below.

11. If procedures to prepare for active shooters or other armed assailants by conducting a drill are included in the CSSP, the CSSP shall specify that:

a. The school will not conduct a high-intensity drill, as defined in Education Code 32282

b. Real weapons, gunfire blanks, or explosions will not be used in the conducting of the drill

c. A trauma-informed approach as specified in Education Code 32282 will be used in the design and execution of any drill

12. Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school

CSBA NOTE: Pursuant to Education Code 32282~~, as amended by AB 2887~~, the CSSP is required to include procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

13. Procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 98 (Ch. 124, Statutes of 2025), the CSSP is, by March 1, 2026, required to include procedures specifically designed to notify parents/guardians and district staff when the school confirms the presence of immigration enforcement on the school site. Districts may consult with CSBA's District and County Office of Education Legal Services or district legal counsel when developing notification procedures. For more information regarding response to immigration enforcement, see BP/AR 1445 –Response to Immigration Enforcement.

14. Procedures specifically designed to notify parents/guardians and district staff when the school confirms that an officer or employee of an agency conducting immigration enforcement is on school grounds as specified in Education Code 32282

CSBA NOTE: Item #~~13~~15 is for districts that serve students in middle school, junior high school, high school, or adult school and should be modified to reflect the students served by the district.

~~14.~~ 15. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

CSBA NOTE: Pursuant to Education Code 32282, ~~as amended by SB 153 (Ch. 38, Statutes of 2024),~~ the CSSP is required to include an instructional continuity plan to establish communication and provide instruction to students when in-person instruction is disrupted due to an emergency. For more information regarding instructional continuity plans, see CDE's, "Instructional Continuity Plan Guidance," available on its website.

~~15.~~ 16. An instructional continuity plan to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency, as specified in Education Code 32282

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 962 (Ch. 284, Statutes of 2025), a student may not be prohibited from possessing or using a smartphone in the case of an emergency or in response to a perceived threat of danger, unless explicitly addressed in the CSSP. Item #17 is for use by districts that that have prohibited student use of smartphones during emergencies or in response to a perceived threat of danger in BP 5131.8 – Mobile Communication Devices.

17. Explicit procedures to prohibit the use of smartphones in the case of an emergency or in response to a perceived threat of danger if such use is prohibited in Board Policy 5131.8 – Mobile Communication Devices (Education Code 48901.7)

CSBA NOTE: The following list reflects material previously listed on CDE's website related to Safe Schools Planning. The components are optional and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the CSSP may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

CSBA NOTE: Education Code 32261 and 32282 encourage, but do not require, all CSSPs to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

CSBA NOTE: Education Code 32261 encourages, but does not require, CSSPs to include Item #3, below.

3. Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment

4. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

5. Parent/guardian and community involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

CSBA NOTE: When providing parents/guardians with school safety materials and emergency communications, CDE encourages districts to do so in language(s) understandable to parents/guardians, as appropriate for the school site.

6. Provision of safety materials and emergency communications in language(s) understandable to parents/guardians

CSBA NOTE: CSBA's Research and Policy Fact Sheet, "School Safety: Firearm Safety and Storage," provides guidance and best practices related to the safe storage of firearms.

7. Annual notification to parents/guardians related to the safe storage of firearms

8. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

9. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

10. District policy prohibiting the possession of firearms and ammunition on school grounds

11. Measures to prevent or minimize the influence of gangs on campus

CSBA NOTE: Education Code 32281, as amended by SB 848, authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime or sex offense has occurred on the school site. ~~A~~Pursuant to Education Code 32281, as amended by SB 848, a "violent crime" is (1) any act for which a student could be expelled and which meets the definition listed in Education Code 67381, including willful homicide, forcible rape, robbery, and aggravated assault, as defined in the, "Federal Bureau of Investigation's Uniform Crime Reporting Handbook~~.~~," (2) a violent felony listed in Penal Code 667.5, and (3) a serious felony listed in Penal Code 1192.7. "Sex offense" means any offense listed in Education Code 44010. Education Code 32281 encourages that the notice be sent no later than the second workday after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

12. Procedures for receiving verification from law enforcement when a violent crime or sex offense has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

13. Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content

14. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

CSBA NOTE: Pursuant to Government Code 8586.5, the California Cybersecurity Integration Center (CSIC) serves as the central organizing hub of the state government's cybersecurity preparedness

and response activities and coordinates cyber intelligence and information sharing, and is required to coordinate information sharing, including cyber threat information, with school districts. Government Code 11549.3 authorizes districts, at district expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the district or individual district school. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' website.

Pursuant to Education Code 35266 districts that experience a cyberattack, as defined, which impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

15. Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity

CSBA NOTE: Education Code 32282.1 does not require, but encourages, that CSSPs include the strategies described in Item #16 below, to the extent the district uses the listed professionals. CDE's, "The Comprehensive School Safety Plan: Recommended Components," available on its website, includes athletic coaches in the list of professionals and specifies that community intervention professionals include those who speak languages other than English.

16. Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses

    Guidelines may include, but are not limited to, the following:

    a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement

    b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

    c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

17. Strategies for suicide prevention and intervention

CSBA NOTE: Policies and/or plans for maintaining a safe school environment during a pandemic, as described in Item #18 below, may be included in the district's comprehensive safety plan. Such policies may include BP 3516.5 - Emergency Schedules, BP 4113.5 - Working Remotely, BP 4119.41 - Employees with Infectious Disease, BP/AR 5141.22 - Infectious Diseases, and BP/AR 6158 - Independent Study.

18. District policy and/or plan related to pandemics

CSBA NOTE: Penal Code 626.8 provides that a person may be guilty of a misdemeanor for infringing with or disrupting a school activity, remaining on campus after having been asked to leave, reentering within seven days of being asked to leave, establishing a continued pattern of unauthorized entry, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school; see BP/AR 3515.2 - Disruptions.

19. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

20. Crisis prevention and intervention strategies, which may include the following:

    a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

    b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

    c. Assignment of staff members responsible for each identified task and procedure

    d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

    e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

    f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders

    g. Development of a method for the reporting of violent incidents

    h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

CSBA NOTE: Education Code 49390 and 49393 require certificated and classified employees of the district, or other school officials such as Board members, 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 school or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, to immediately report the threat or perceived threat to law enforcement in accordance with Education Code 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/guardian, student, or other individual.

21. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques

    Such training shall include preparation to implement the elements of the CSSP

CSBA NOTE: Pursuant to Education Code 32284, the CSSP may, at the discretion of the Board, include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No state funds may be used for this purpose.

22. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

23. Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to ~~safe schools~~Safe Schools
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees
Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of cyberattacks

Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 44010	Sex offense; definition
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48901.7	Smartphone limitation or prohibition
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 49414.35	Emergency treatment for opioid overdose
Ed. Code 49414.6	Student possession of opioid antagonist
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 1192.7	Criminal procedures
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions
Pen. Code 667.5	Violent felony; definition

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7111-7122	Student support and academic enrichment grants
20 USC 7912	Transfers from persistently dangerous schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools

	in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
California Department of Education	Instructional Continuity Plan Guidance
CSBA Publication	Comprehensive School Safety Plans, July 2024
CSBA Publication	School Safety: Firearm Safety and Storage, May 2023
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
~~CSBA Publication~~	~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004
National Association of Secondary School Principals Publication	The NASSP Principal Recovery Network Guide to Recovery (https://www.nassp.org/wp-content/uploads/2022/08/PRN-Guide-FINAL.pdf)
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007
U.S. Department of Homeland Security Publication	Behavioral Threat Assessment and Management in Practice 2024
Website	California Department of Education, LEA Immigration Enforcement Policy Submission (Immigration Enforcement Policy - Executive Office (CA Dept of Education)
Website	California Department of Education, School Safety Elements and Resources
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov
Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment

Website	California Department of Education, Resources to Include Immigrant Families (https://www.cde.ca.gov/ls/pf/if/immigration-toolkit.asp)
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites

1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
2210	Administrative Discretion Regarding Board Policy
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department

3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.1	Fire Drills And Fires
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3543	Transportation Safety And Emergencies
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing

4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4257	Employee Safety
4257	Employee Safety
4258	Employee Security
4258	Employee Security
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4340	Bargaining Units
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
~~5000~~	~~Concepts And Roles~~
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy

5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention

5141.52	Suicide Prevention
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6020	Parent Involvement
6020	Parent Involvement
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6153	School-Sponsored Trips
6153	School-Sponsored Trips

6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 1340: Access To District Records

Status: ADOPTED

Original Adopted Date: 02/01/1999 **| Last Revised Date:** ~~03~~/01/~~2025~~01/2026 **| Last Reviewed Date:** ~~03~~/01/~~2025~~01/2026

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

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

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

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

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

The district may charge for copies of public records or other materials requested by individuals or groups, in accordance with law and as specified in the accompanying administrative regulation.

CSBA NOTE: The following paragraph is optional.

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

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

State	Description
5 CCR 430-438	Individual student records
CA Constitution Article 1, Section 3	Right of access to governmental information
Civil Code 1798.3	Personal information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35145	Public meetings
Ed. Code 35170	Authority to secure copyrights
Ed. Code 35250	Duty to keep certain records and reports
Ed. Code 35266	Cybersecurity
Ed. Code 41020	Requirement for annual audit
Ed. Code 42103	Budget notification
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44839	Medical certificates; periodic medical examination
Ed. Code 49060-49079	Student records
Ed. Code 49091.10	Parental review of curriculum and instruction
Gov. Code 11549.3	Office of Information Security
Gov. Code 3547	Proposals relating to representation
Gov. Code 53262	Employment contracts
Gov. Code 54957.2	Minute book record of closed sessions
Gov. Code 54957.5	Agendas and other writings distributed for discussion or consideration
Gov. Code 6205-6210	Address confidentiality; victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder and dependent adult abuse

Gov. Code 6215-6216	Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81008	Political Reform Act, public records; inspection and reproduction
Gov. Code 8310.3	California Religious Freedom Act
Gov. Code 8450	Tribal financial information
Gov. Code 8550-8669.7	California Emergency Services Act
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center

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

Management Resources	**Description**
Attorney General Opinion	64 Ops.Cal.Atty.Gen. 186 (1981)
Attorney General Opinion	71 Ops.Cal.Atty.Gen. 235 (1988)
CA Office of the Attorney General Publication	~~Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, December 2024~~Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
CA Office of the Attorney General Publication	Summary of the California Public Records Act, August 2004
CA Office of the Attorney General Publication	California Department of Justice Guidelines for Access to Public Records, October 2017
Court Decision	National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward (2020) 9 Cal.5th 488
Court Decision	Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440
Court Decision	Fairley v. Superior Court (1998) 66 Cal.App. 4th 1414
Court Decision	International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County (2007) 42 Cal.4th 319

Court Decision	Kleitman v. Superior Court (1999) 74 Cal.App. 4th 324
Court Decision	Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
Court Decision	Los Angeles Times v. Alameda Corridor Transportation Authority (2001) 88 Cal.App.4th 1381
Court Decision	North County Parents Organization for Children with Special Needs v. Department of Education (1994) 23 Cal.App. 4th 144
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
League of California Cities Publication	The People's Business: A Guide to the California Public Records Act, rev. April 2017
Website	California Department of Education, LEA Immigration Enforcement Policy Submission (Immigration Enforcement Policy - Executive Office (CA Dept of Education)
Website	California Department of Education, Resources to Include Immigrant Families (Resources to Include Immigrant Families - Including Immigrant Families (CA Dept of Education))
Website	California Office of Emergency Services
Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	State Bar of California
Website	California Office of the Attorney General
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0441	Artificial Intelligence

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
2121	Superintendent's Contract
3100	Budget
3100	Budget
3230	Federal Grant Funds
3230	Federal Grant Funds
3311	Bids
3311	Bids
3312	Contracts
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability

3514.2	Integrated Pest Management
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113.5	Working Remotely
4117.5	Termination Agreements
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check

4212.6	Personnel Files
4213.5	Working Remotely
4217.5	Termination Agreements
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4313.5	Working Remotely
4317.5	Termination Agreements
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information

5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5141.6	School Health Services
5141.6	School Health Services
~~5145.13~~	~~Response To Immigration Enforcement~~
~~5145.13~~	~~Response To Immigration Enforcement~~
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6143	Courses Of Study
6143	Courses Of Study
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
7110	Facilities Master Plan
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9223	Filling Vacancies
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest

9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9324	Minutes And Recordings

Regulation 1340: Access To District Records

Status: ADOPTED

Original Adopted Date: 03/01/2019 **| Last Revised Date:** ~~03~~/01/~~2025~~01/2026 **| Last Reviewed Date:** ~~03~~/01/~~2025~~01/2026

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

The following optional administrative regulation lists those records defined as public and, in contrast, those defined as exempt and/or confidential, to which there is no public access.

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

Definitions

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

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

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

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 7920.545)

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

Public Records

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

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

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)
6. Meeting agendas (Government Code 54957.5)
7. Official communications between the district and other government agencies

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

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law
9. Initial proposals of exclusive employee representatives and of the district, once presented at a district Governing Board meeting (Government Code 3547)

CSBA NOTE: Government Code 7927.200 exempts from disclosure those records pertaining to pending litigation until the pending litigation or claim has been finally adjudicated or otherwise settled. However, the Attorney General opined in 71 Ops.Cal.Atty.Gen. 235 (1988) that certain records predating the filing of a lawsuit are subject to disclosure. In *Fairley v. Superior Court*, a California Court of Appeal concurred and held that documents were exempted only if they were prepared for use in litigation. See Item #2 in "Exempt and Confidential Public Records~~",~~," below. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel with questions regarding disclosure of documents related to litigation.

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

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

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

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

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

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

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

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

Access to public records of the district shall be granted to Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 7921.305, 7921.310)

Exempt and Confidential Public Records

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

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

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or

beyond, if the records are protected by some other provision of law (Government Code 7927.200, 7927.205)

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6205-6210 and 6215-6216 to protect victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and members of their households, as well as district employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district. This type of protection has been extended to district employees and Board members who face threats of violence, or violence or harassment from the public because of the employee's work for the district, and, pursuant to Government Code 6205-6210, to victims of child abduction and members of their households. Government Code 6207 provides that, when creating a public record, the district may not include actual residences of students, parents/guardians, or employees when a substitute address is designated through the Safe at Home program. Districts are required to accept the program participation card issued by the Secretary of State and to substitute a post office box as the participant's address.

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

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

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

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

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

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

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

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

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

7928.205)

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

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

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

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

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

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

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

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

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

CSBA NOTE: Item #12 is related to the information technology security of the district. Government Code 11549.3, authorizes districts, at district expense, to request the Military Department, in consultation with the California Cybersecurity Integration Center, to perform an independent security assessment of the district or individual district school. During the process of conducting an independent security assessment pursuant to Government Code 11549.3, information and records concerning the independent security assessment are confidential and are not disclosable.

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

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

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

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

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

CSBA NOTE: Pursuant to Government Code 7930.205, as amended by AB 1004 (Ch. 132, Statutes of 2025), tribal financial information is exempt from disclosure. Government Code 8450, as added by AB 1004, provides that any record that contains financial information provided by an Indian tribe to a public agency as a condition of or requirement for receiving financial assistance is confidential, not considered to be a public record, and not be open to public inspection.

~~16.~~17. Tribal financial information as a condition of or requirement for receiving financial assistance (Government Code 7930.205, 8450)

~~17.~~18. Any other records listed as exempt from public disclosure in the CPRA or other statutes

CSBA NOTE: Item #~~18~~19 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 7922.000. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. ~~This~~Additionally, this exemption ~~also~~ includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether a request for a record falls under this exemption.

~~18.~~19. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 7922.000)

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

~~CSBA NOTE: Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information, as such disclosure is not among the limited exceptions specified in law for which student records may be released without parent/guardian consent or a lawful judicial~~

~~subpoena/warrant. See BP/AR 5125 - Student Records and BP/AR 5145.13 - Response to Immigration Enforcement.~~

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

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

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), prohibits district staff, to the extent practicable, from disclosing or providing in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement most student records and personnel records. For more information regarding the prohibition against disclosing student and personnel records as it relates to immigration enforcement, and limited exceptions, see BP/AR 1445 - Response to Immigration Enforcement and BP/AR 5125 - Student Records.

Additionally, an individual's immigration status shall only be disclosed in accordance with Board Policy/Administrative Regulation 1445 – Response to Immigration Enforcement.

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

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

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

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

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

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

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

3. The need for consultation, which shall be conducted with all practicable speed, with another agency ~~(e.g.,~~, such as a state agency or city~~)~~, having a substantial interest in the determination of the request or among two or more components of the district ~~(e.g.,~~ such as two different school sites~~)~~, with substantial interest in the request

4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

CSBA NOTE: ~~In an effort to balance the right of the public to access public records in a timely manner while affording districts adequate opportunity to satisfy information requests during a state of emergency proclaimed pursuant to the California Emergency Services Act (Government Code 8550-8669.7), Government Code 7922.535~~Government Code 7922.535, as amended by ~~SB 1034~~AB 370 (Ch. ~~161~~34, Statutes of ~~2024~~2025), includes~~,~~ in the definition of "unusual circumstances~~,~~"" the need to search for, collect, and examine records during a cyberattack, as specified. However, a district is not relieved of its obligation to comply with a CPRA request when the requested record is maintained in a location other than on the electronic server or system affected by the cyberattack, or maintained in a nonelectronic format.

5. In the case of electronic records, the inability to access its electronic servers or systems due to ~~the state~~a cyberattack in order to search for and obtain a record that the district believes is responsive to a request and is maintained on the servers or systems in an electronic format, and only until the district regains its ability to access its electronic servers or systems and search for and obtain electronic records that may be responsive to a request

CSBA NOTE: Government Code 7922.535 includes in the definition of ~~emergency~~"unusual circumstances" the need to search for, collect, and examine records when the state of emergency currently, and, as amended by AB 370, directly affects, the district's ability to timely respond to a CPRA request.

~~5.~~6. The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor pursuant to the California Emergency Services Act in the jurisdiction where the district is located when the state of emergency currently and directly affects, due to the state of emergency, the district's ability to timely respond to staffing shortages or closure of facilities where the requested records are located (Government Code 8567)

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 7922.535)

Public records shall be open to inspection at all times during district office hours. If a portion of the requested record(s) is exempt from disclosure, any non-exempt, reasonably segregable portion of the record shall be made available for inspection after deletion of the portions exempted by law. (Government Code 7922.525)

CSBA NOTE: Government Code 7922.530 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 7922.500 also states that a district may not delay or obstruct the inspection or copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

Upon request for a copy that reasonably describes an identifiable, non-exempt record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 7922.530)

If only a portion of the identified record is exempt from disclosure, the record's exempt material shall be redacted prior to disclosure.

CSBA NOTE: The following optional paragraph is for use by districts that charge for copies. ~~See the accompanying Board policy.~~See the accompanying Board policy which authorizes the district to charge for copies of public records or other materials requested by individuals or groups, so long as in accordance with law and as specified in this administrative regulation.

Government Code 7922.530 permits, but does not require, the district to charge a person requesting a physical copy of a record a fee covering the direct costs of duplication; however, no fee may be charged to a person who wishes to inspect but not copy a record. In *North County Parents Organization for Children with Special Needs v. Department of Education*, the court determined that direct costs include only the cost of running the copy machine and possibly the expense of the person operating it. Examples of costs that do not fit this definition include costs associated with searching, reviewing, or redacting the record; assisting the requester in formulating the request; responding to the request; or employee time to sit with the requester during inspection of the record.

Pursuant to Government Code 7922.530, members of the public who request to inspect a disclosable record of the district have the right to use their own equipment on district premises, without being charged any fees or costs, to photograph, copy, or reproduce the record in a manner that does not require the equipment to make physical contact with the record.

Additionally, Government Code 7922.575 allows recovery of direct costs when the district would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals or requires data compilation, extraction, or programming to produce the record. In *National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward*, the California Supreme Court clarified that the term "data extraction" does not include the process of redacting exempt material from otherwise disclosable electronic records and that a public agency may not recover costs for the compilation or redaction of video footage.

Due to the complex nature of cost recovery standards under the CPRA it is recommended that districts with questions regarding the permissibility of fees consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication in accordance with law. Written requests to waive the fee shall be submitted to the Superintendent or designee.

Without charging any fees or costs, the Superintendent or designee shall allow members of the public to use their own equipment on district premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 7922.530)

1. Do not require the equipment to make physical contact with the record

2. Will not result in damage to the record

3. Will not result in unauthorized access to the district's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the district's electronic records

The Superintendent or designee may impose any reasonable limit on the use of personal equipment to photograph, copy, or reproduce a disclosable record that is necessary to protect the safety of the records, or to prevent the copying of records from being an unreasonable burden to the orderly function of the district and its employees. ~~The~~Additionally, the Superintendent or designee may ~~also~~ impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. (Government Code 7922.530)

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's website and, in response to a public records request, directing the member of the public to the location on the website where the record can be found. However, if the member of the public is unable to access or reproduce the record from the website, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 7922.545)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 7922.570)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 7922.575)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals

2. The request would require data compilation, extraction, or programming to produce the record

Assistance in Identifying Requested Records

CSBA NOTE: Government Code 7922.600 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. Pursuant to Government Code 7922.605, this assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential as specified in Government Code 7920.505.

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 7922.600)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

   If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the CPRA shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 7922.500, 7922.540)

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

State	**Description**
5 CCR 430-438	Individual student records
CA Constitution Article 1, Section 3	Right of access to governmental information
Civil Code 1798.3	Personal information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35145	Public meetings
Ed. Code 35170	Authority to secure copyrights
Ed. Code 35250	Duty to keep certain records and reports
Ed. Code 35266	Cybersecurity
Ed. Code 41020	Requirement for annual audit
Ed. Code 42103	Budget notification
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44839	Medical certificates; periodic medical examination
Ed. Code 49060-49079	Student records
Ed. Code 49091.10	Parental review of curriculum and instruction
Gov. Code 11549.3	Office of Information Security

Gov. Code 3547	Proposals relating to representation
Gov. Code 53262	Employment contracts
Gov. Code 54957.2	Minute book record of closed sessions
Gov. Code 54957.5	Agendas and other writings distributed for discussion or consideration
Gov. Code 6205-6210	Address confidentiality; victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder and dependent adult abuse
Gov. Code 6215-6216	Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81008	Political Reform Act, public records; inspection and reproduction
Gov. Code 8310.3	California Religious Freedom Act
Gov. Code 8450	Tribal financial information
Gov. Code 8550-8669.7	California Emergency Services Act
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center

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

Management Resources	**Description**
Attorney General Opinion	64 Ops.Cal.Atty.Gen. 186 (1981)
Attorney General Opinion	71 Ops.Cal.Atty.Gen. 235 (1988)
CA Office of the Attorney General Publication	~~Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, December 2024~~Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
CA Office of the Attorney General Publication	Summary of the California Public Records Act, August 2004
CA Office of the Attorney General Publication	California Department of Justice Guidelines for Access to Public Records, October 2017

Court Decision	National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward (2020) 9 Cal.5th 488
Court Decision	Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440
Court Decision	Fairley v. Superior Court (1998) 66 Cal.App. 4th 1414
Court Decision	International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County (2007) 42 Cal.4th 319
Court Decision	Kleitman v. Superior Court (1999) 74 Cal.App. 4th 324
Court Decision	Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
Court Decision	Los Angeles Times v. Alameda Corridor Transportation Authority (2001) 88 Cal.App.4th 1381
Court Decision	North County Parents Organization for Children with Special Needs v. Department of Education (1994) 23 Cal.App. 4th 144
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
League of California Cities Publication	The People's Business: A Guide to the California Public Records Act, rev. April 2017
Website	California Department of Education, LEA Immigration Enforcement Policy Submission (Immigration Enforcement Policy - Executive Office (CA Dept of Education)
Website	California Department of Education, Resources to Include Immigrant Families (Resources to Include Immigrant Families - Including Immigrant Families (CA Dept of Education))
Website	California Office of Emergency Services
Website	CSBA District and County Office of Education Legal Services
Website	League of California Cities
Website	State Bar of California
Website	California Office of the Attorney General
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0441	Artificial Intelligence
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1445	Response To Immigration Enforcement
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2121	Superintendent's Contract
3100	Budget
3100	Budget
3230	Federal Grant Funds

3230	Federal Grant Funds
3311	Bids
3311	Bids
3312	Contracts
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3514.2	Integrated Pest Management
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113.5	Working Remotely
4117.5	Termination Agreements
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4140	Bargaining Units

4141	Collective Bargaining Agreement
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4213.5	Working Remotely
4217.5	Termination Agreements
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.5	Criminal Record Check
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4312.6	Personnel Files
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4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
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4354	Health And Welfare Benefits
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6162.51	State Academic Achievement Tests
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7214	General Obligation Bonds
9010	Public Statements

9011	Disclosure Of Confidential/Privileged Information
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Policy 1445: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 01/01/2026 **| Last Reviewed Date:** 01/01/2026

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), districts are **mandated** to update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance) published on December 1, 2025. The 2025 Guidance is available on the Office of the Attorney General's website.

This Board policy and the accompanying administrative regulation alone do not necessarily contain all of the 2025 MPL or its equivalent. For more information regarding response to immigration enforcement, additional language that may be equivalent to the 2025 MPL, and related issues, see the accompanying administrative regulation, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 0450 – Comprehensive Safety Plan, BP/AR 1340 – Access to District Records, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying. However, each district will need to determine on its own the collection of policy documents that contain the remainder of the 2025 MPL or its equivalent. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether other policies should be updated to comply with the March 1, 2026 deadline.

CDE monitors compliance with the requirement to adopt policies in accordance with Education Code 234.7 during its Federal Program Monitoring (FPM) review process. Additionally, pursuant to Education Code 234.7, as amended by AB 495, districts are required to make their policies that include the 2025 MPL or its equivalent available to the California Department of Education (CDE), which has created a webpage to upload them by March 1, 2026.

The Governing Board is committed to the success of all students and to providing a safe and welcoming place for students, their families, and staff irrespective of their citizenship or immigration status.

Unless required by state or federal law, required to administer a state or federally supported educational program, or presented with a valid judicial subpoena, judicial warrant, or court order, district staff shall not do any of the following:

1. Solicit or collect information or documents regarding the citizenship or immigration status of a student or the student's family members (Education Code 234.7)

2. 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)

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495, prohibits district staff, to the extent practicable, from disclosing or providing in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement certain information about students or staff. Similarly, unless an exception applies, Government Code 7285.2 prohibits district staff from providing voluntary consent to an immigration enforcement agent to access, review, or obtain employee records.

3. To the extent practicable, disclose or provide in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement:

    a. The education records of or any information about a student or a student's family or household such as personal information as defined in Civil Code 1798.3, information about a student's home, or information about a student's travel schedule without parent/guardian written consent (Education Code 234.7)

    b. The personnel records of any district employee, personal information of any district employee as defined in Civil Code 1798.3, or any other confidential employee information (Education Code 234.7; Government Code 7285.2)

CSBA NOTE: Under the Fourth Amendment to the U.S. Constitution, an officer or employee of an agency conducting immigration enforcement may enter district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring without a valid judicial warrant or court order if an authorized district employee grants permission. Education Code 234.7, as amended by AB 495, removes the authority of any district employee to grant such permission. Specifically, unless an exception applies, district staff are prohibited from granting permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus or other transportation provided by the district, a nonpublic area of a school, or a nonpublic area where any school-sponsored program or activity is occurring.

Education Code 234.7 does not address granting permission to enter district property or facilities that are not district schools, such as a district's administrative offices, or district-sponsored activities that are not school-sponsored activities, such as district-wide professional development. However, Government Code 7285.1 prohibits district staff from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor. Item #4 applies the prohibition to all nonpublic areas of any district property or facility and to all district-sponsored activities and should be modified, along with the applicable portion of the accompanying administrative regulation, to reflect district practice.

4. Grant permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring (Education Code 234.7; Government Code 7285.1)

CSBA NOTE: Due to federal preemption, state law may not require or permit district staff to obstruct, interfere with, or otherwise impede an officer or employee of an agency conducting immigration enforcement who nonetheless enters a school bus, any other transportation provided

by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring. The following paragraph reiterates this caution.

However, district staff shall not obstruct, interfere with, or otherwise impede an officer or employee of an agency conducting immigration enforcement who nonetheless enters district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring.

CSBA NOTE: Education Code 234.7, as amended by AB 495, requires the Superintendent to report to the Governing Board in a timely manner, and in a manner that ensures the confidentiality and privacy of any potentially identifying information, any requests for information or access to any district-provided transportation, a nonpublic area of any school, or a nonpublic area where any school-sponsored program or activity is occurring by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. In light of the scope of Item #4 above, the following paragraph also encompasses requests for access to a nonpublic area of any district property or facilities, or a nonpublic area where any district-sponsored program or activity is occurring.

The Superintendent or designee shall report to the Board in a timely manner any requests by an officer or employee of an agency conducting immigration enforcement for any of the following: (Education Code 234.7)

1. Education records of or any information about a student or a student's family or household

2. Personnel records of any district employee, personal information of any district employee as defined in Civil Code 1798.3, or any other confidential employee information

3. Permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring

Such reports shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

CSBA NOTE: Education Code 234.1 **mandates** that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Education Code 220 and Penal Code 422.55. Education Code 234.1 expressly includes immigration status among the protected categories. For language fulfilling this mandate, see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment.

In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

CSBA NOTE: Government Code 8310.3 prohibits districts from disclosing information about immigration status or religion for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. The 2025 MPL contains a similar prohibition. For more information regarding the prohibition of disclosing information for use in the compilation of a registry for immigration enforcement purposes, see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495, a district is required to provide parents/guardians with specified information regarding their children's right to a free public education regardless of immigration status, and other related information. For more information, see the accompanying administrative regulation.

The Superintendent or designee shall provide parents/guardians with information and notifications as specified in Education Code 234.7, including information regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

The Superintendent or designee shall develop procedures for, and may provide training to staff on, interactions with an officer or employee of an agency conducting immigration enforcement, including a request for any of the following:

1. Education records of or any information about a student or a student's family or household

2. Personnel records of any district employee, personal information of any district employee as defined in Civil Code 1798.3, or any other confidential employee information

3. Permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring

Complaints alleging discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status shall be filed in accordance with Board Policy/Administrative Regulation 1312.3 – Uniform Complaint Procedures.

The Superintendent or designee shall provide to the California Department of Education, upon request and in the manner requested, copies of this policy, any associated administrative regulation, and any other Board policies and administrative regulations required by Education Code 234.7.

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

State	Description

Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32282	Comprehensive School Safety Plan
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48906	Exception to parent/guardian notifications
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardian in language other than English
Civ. Code 1798.3 Fam. Code 6552	Information Practices Act of 1977; definitions Caregiver's authorization affidavit
Gov. Code 7285-7285.3	Prohibitions on Employer Cooperation with Immigration Enforcement Agents
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**
U.S. Constitution, Fourth Amendment	Unreasonable search and seizure
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.30-99.31	FERPA Regulations

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025
Court Decision	Plyler v. Doe (1982) 457 U.S. 202
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Resources to Include Immigrant Families
Website	California Department of Education, LEA Immigration Enforcement Policy Submission

Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information

5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Regulation 1445: Response To Immigration Enforcement

Status: ADOPTED

Original Adopted Date: 01/01/2026 | **Last Reviewed Date:** 01/01/2026

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), districts are **mandated** to update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance) published on December 1, 2025. The 2025 Guidance is available on the Office of the Attorney General's website.

This administrative regulation and the accompanying Board policy alone do not contain all of the 2025 MPL or its equivalent. For more information regarding response to immigration enforcement, additional language that may be equivalent to the 2025 MPL, and related issues, see the accompanying Board policy, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 0450 – Comprehensive Safety Plan, BP/AR 1340 – Access to District Records, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying. However, each district will need to determine on its own the collection of policy documents that contain the remainder of the 2025 MPL or its equivalent. Therefore, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether other policies should be updated to comply with the March 1, 2026 deadline.

The 2025 Guidance recommends that, if feasible, districts designate an immigrant affairs liaison to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with other educational agencies and local and state government stakeholders. The following administrative regulation should be revised to reflect any such position established by the district and its responsibilities.

Responding to Requests for Information or Documents

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495, prohibits district staff, to the extent practicable, from disclosing or providing in writing, verbally, or in any other manner to an officer or employee of an agency conducting immigration enforcement most student or personnel records.

Upon receiving any request by an officer or employee of an agency conducting immigration enforcement for information about a student, a student's family or household, or a district employee as described in the accompanying Board policy, district staff shall deny the request, to the extent practicable, unless any of the following apply: (Education Code 234.7; 34 CFR 99.30, 34 CFR 99.31)

1. The request is for student directory information

District staff shall respond to the request in accordance with Board Policy/Administrative Regulation 5125.1 - Release of Directory Information.

2. The district is required to release the records or information by state or federal law, in order to administer a state or federally supported educational program, or due to a valid judicial subpoena, judicial warrant, or court order

3. For records or information about a student or a student's family or household, the parent/guardian has provided written consent unless prohibited by a valid judicial subpoena, judicial warrant, or court order, or in cases involving investigation of child abuse, neglect, or dependency or, if the student is at least 18 years of age, the student has provided written consent

   Such written consent shall include all of the following: (34 CFR 99.30)

   a. The signature and signature date of the parent/guardian, or student if the student is at least 18 years of age

   b. A description of the records to be disclosed

   c. The reason for the release of information

   d. The parties or class of parties receiving the information

   e. A copy of the records to be released, if requested by the parent/guardian or student

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice and the applicable collective bargaining agreement.

4. For records or information about a district employee, the employee has provided written consent and the district's human resource department or equivalent has been consulted

   Such written consent shall include all of the following:

   a. The signature and signature date of the employee

   b. A description of the records to be disclosed

   c. The reason for the release of information

   d. The parties or class of parties receiving the information

   e. A copy of the records to be released, if requested by the employee

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice and, for Item #3, the applicable collective bargaining agreement.

Regardless of whether the district discloses the requested records or information, district staff shall do all of the following when such a request has been received:

1. Make a copy of the request and notify the Superintendent or designee

2. For requests regarding student information, provide the student's parent/guardian, or the student, if the student is at least 18 years of age, with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a valid judicial subpoena, judicial warrant, or court order, or in cases involving investigation of child abuse, neglect, or dependency

3. For requests regarding district employee information, provide the employee with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a valid judicial subpoena, judicial warrant, or court order

In accordance with law and Board Policy 5125 - Student Records, the Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a valid judicial subpoena, judicial warrant or court order.

Responding to Requests for Access to Students or for Access to District-Provided Transportation, Nonpublic Area of District Property or Facility, or Nonpublic Area in which District-Sponsored Activity is Occurring

CSBA NOTE: Under the Fourth Amendment to the U.S. Constitution, an officer or employee of an agency conducting immigration enforcement may enter district-provided transportation, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring without a valid judicial warrant or court order if an authorized district employee gives permission. Education Code 234.7, as amended by AB 495, removes the authority of any district employee to give such permission. Specifically, unless an exception applies, district staff are prohibited from granting permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, or other transportation provided by the district, a nonpublic area of a school, or a nonpublic area in a which school-sponsored program or activity is occurring.

Education Code 234.7 does not address granting permission to enter district property or facilities that are not district schools, such as a district's administrative offices, or district-sponsored activities that are not school-sponsored activities, such as district-wide professional development. However, Government Code 7285.1 prohibits districts staff from providing voluntary consent to an immigration enforcement agent to enter any nonpublic areas of a place of labor. This section applies the prohibition to all nonpublic areas of any district property or facility and to all district-sponsored activities and should be modified, along with the applicable portion of the accompanying Board policy, to reflect district practice.

If an officer or employee of an agency conducting immigration enforcement requests access to a student, such as for purposes of interviewing, searching, or detaining the student, or permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring, district staff shall take the following actions:

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

1. Advise the officer or employee that before district staff can respond to the request, they must first receive notification and direction from the Superintendent, principal, or designee

2. Request to see and record or otherwise document the officer's or employee's valid identification, including the officer's or employee's name and, if applicable, badge number, the phone number of the officer's or employee's supervisor

3. Request that the officer or employee produce any documentation that authorizes the officer's or employee's request, make copies of all such documentation, and retain at least one copy for district records

4. Contact and consult with the district's legal counsel or Superintendent or designee

5. Follow the direction from the district's legal counsel or Superintendent or designee

For a request to access a student, the district shall deny the request unless any of the following apply: (Education Code 234.7)

1. The officer or employee provides a valid judicial warrant or court order

2. District staff receives parent/guardian consent or, if the student is at least 18 years of age, the student's consent, unless the officer or employee presents a valid judicial warrant or court order that authorizes and directs the district to give such permission without parent/guardian consent or, if the student is at least 18 years of age, the student's consent

Regardless of whether the officer or employee is given access to the student, the student's parent/guardian shall be immediately notified, unless prohibited by a valid judicial warrant or court order, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

Additionally, district staff shall notify the Superintendent or designee as early as possible of any request by an officer or employee of an agency conducting immigration enforcement for access to a student. (Education Code 234.7)

For a request for permission to enter a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring, the district shall deny the request unless any of the following apply: (Education 234.7)

1. The officer or employee provides a valid judicial warrant or court order

2. Permission is required to be granted by state or federal law or in order to administer a state or federally supported educational program

3. The officer or employee is a sworn law enforcement officer, declares that exigent circumstances exist, and demands immediate access

In this situation, district staff shall comply with the officer's or employee's orders and immediately contact the Superintendent or designee and then the district's legal counsel.

CSBA NOTE: While not required by law, the 2025 MPL includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. For procedures applicable to all visitors, see BP/AR 1250 - Visitors/Outsiders.

An officer or employee of an agency conducting immigration enforcement who, pursuant to this administrative regulation, is granted permission to enter district property or facilities which are not open to all visitors shall first register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer or employee is a sworn law enforcement officer and states that exigent circumstances exist. (Penal Code 627.2, 627.3)

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

The Superintendent or designee shall email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a student or a school site for immigration enforcement purposes.

Responding to Immigration Enforcement Activity on District Property

CSBA NOTE: Pursuant to Education Code 32282, as amended by SB 98 (Ch. 124, Statutes of 2025), comprehensive school safety plans are, by March 1, 2026, required to include procedures specifically designed to notify parents/guardians and district staff when a school confirms the presence of immigration enforcement on the school site.

When any officer or employee of an agency conducting immigration enforcement is actually or imminently present on district property, district staff shall notify staff working at the property and, if the district property is a school, the parents/guardians of students at the school in accordance with Board Policy/Administrative Regulation 0450 – Comprehensive Safety Plan.

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice, including whether the district maintains a district police or security department.

District staff shall report the presence of any officer or employee of an agency conducting immigration enforcement on district property to district police and other appropriate administrators.

CSBA NOTE: Due to federal preemption, state law may not require or permit district staff to obstruct, interfere with, or otherwise impede an officer or employee of an agency conducting immigration enforcement who nonetheless enters a school bus, any other transportation provided by the district, a nonpublic area of any district property or facility, or a nonpublic area where any district-sponsored program or activity is occurring. The following paragraph reiterates this caution.

District staff shall not obstruct, interfere with, or otherwise impede, or attempt to obstruct, interfere with, or otherwise impede, any officer or employee of an agency conducting immigration enforcement, even if the officer or employee appears to be acting outside the law or in excess of the stated or documented authorization. If such an officer or employee enters the premises without consent, district staff shall document their actions but only to the extent that documentation does

not impede their actions and shall, at all times, obey any direction from such officers or employees.

After all officers and employees of an agency conducting immigration enforcement leave, each district staff member who observed or interacted with them shall promptly provide the following to the district's legal counsel or other district official designated by the Superintendent:

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

1. Copies of any information and documents collected from the officers or employees such as valid identification, name, badge number, phone number of the officer's or employee's supervisor, and documentation that authorizes the officer's or employee's request
2. The identity of all other district staff known to have communicated with the officers or employee
3. A description of all requests and activities by the officers and employees
4. The type of documentation, such as a warrant or subpoena, that authorized the officer's or employee's request or actions
5. District staff's response to the officer's or employee's request
6. Written notes of any other actions taken by and any other interactions with any officer or employee

Responding to the Detention or Deportation of Student's Parent/Guardian

The Superintendent or designee shall encourage parents/guardians to update their emergency contact information as needed at any time. The Superintendent or designee shall notify parents/guardians that the district will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose. (Education Code 234.7)

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

Additionally, the Superintendent or designee may encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a student's parent/guardian is detained or deported.

CSBA NOTE: Family Code 6552, as amended by AB 495, changes the definition of "relative", for purposes of a Caregiver's Authorization Affidavit, to include any adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand." The 2025 Guidance encourages families to consider completing a Caregiver Authorization Affidavit, which would give a relative the authority to make educational and medical decisions for the student.

In the event that a student's parent/guardian is detained or deported, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact

information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit. (Education Code 234.7)

CSBA NOTE: Education Code 48204.4 provides that a student complies with district residency requirements if the student's parent/guardian was a resident of California and departed against the parent/guardian's will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing removal, or removal or departure pursuant to the federal Immigration and Nationality Act. For more information regarding district residency, see AR 5111.1 - District Residency.

In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify the student, as well as the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in the district if the student and the student's parent/guardian who was detained or deported satisfy the conditions as specified in Education Code 48204.4.

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be deleted or modified to reflect district practice.

The Superintendent or designee may refer a student or the student's family members to other resources for assistance, including, but not limited to, an U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

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Ed. Code 48906	Exception to parent/guardian notifications

Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardian in language other than English
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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**
U.S. Constitution, Fourth Amendment	Unreasonable search and seizure
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.30-99.31	FERPA Regulations

Management Resources	**Description**
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Court Decision	Plyler v. Doe (1982) 457 U.S. 202
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Resources to Include Immigrant Families
Website	California Department of Education, LEA Immigration Enforcement Policy Submission
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Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	**Description**

0410	Nondiscrimination In District Programs And Activities
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3515.3	District Police/Security Department
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5125.1-E(1)	Release Of Directory Information
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5141.4	Child Abuse Prevention And Reporting
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5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
6142.3	Civic Education

6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Policy 5125: Student Records

Status: ADOPTED

Original Adopted Date: 03/01/2009 **| Last Revised Date:** ~~03~~/01/~~2025~~01/2026 **| Last Reviewed Date:** ~~03~~/01/~~2025~~01/2026

CSBA NOTE: The following **mandated** policy and accompanying administrative regulation address student records, which are governed by both federal and state law, including the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g, 34 CFR 99.1-99.8), the Protection of Pupil Rights Amendment (PPRA) (20 USC 1232h), the Children's Online Privacy Protection Act (COPPA) (15 USC 6501-6506, 16 CFR 312), Education Code 49069.7 and 49073.1, K-12 Pupil Online Personal Information Protection Act (Business and Professions Code 22584), Early Learning Personal Information Protection Act (Business and Professions Code 22586), and 5 CCR 430-438. For information regarding public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications. For information regarding retention of records, see BP/AR 3580 - District Records and AR 4112.6/4212.6/4312.6 - Personnel Files.

Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 **mandates** procedures related to ~~parental~~ review of student records by parent/guardian. See the accompanying administrative regulation for additional language implementing these mandates.

~~Pursuant to Education Code 234.7, districts were mandated to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by June 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website and includes model policy language regarding student records.~~

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, disclosure, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records in accordance with state and federal law.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that

school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

CSBA NOTE: The privacy of online information of students in prekindergarten (preK) through grade 12 is addressed in Privacy Rights for California Minors in the Digital World (Business and Professions Code 22580-22582), the K-12 Pupil Online Personal Information and Protection Act (Business and Professions Code 22584-22585), and the Early Learning Personal Information Protection Act (Business and Professions Code 22586-22587), which prohibit an operator of a website, online service or application, or mobile application from knowingly using, disclosing, or compiling the personal information of a minor for the purpose of marketing or advertising specified types of products or services; allowing a third party to use, disclose, or compile such information; or selling or disclosing specified student information or knowingly using such student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a preK-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee ~~(e.g.,~~ such as name, contact information, educational record, discipline records, test results, health records, and socioeconomic information~~).~~. Pursuant to Business and Professions Code 22584 and 22586, an operator is required to delete data under the control of the school or district upon the request of the school or district. However, Business and Professions Code 22584~~, as amended by AB 801 (Ch. 935, Statutes of 2024),~~ does not require the deletion of student records held by a national assessment provider when the records only include standardized test results.

Additionally, pursuant to Business and Professions Code 22584 and 22586, ~~as amended by AB 801,~~ an operator is required to delete a student's covered information that is not subject to the California Consumer Privacy Act which is under the operator's control, as specified below. Business and Professions Code 22584 and 22586~~, as amended by AB 801,~~ do not require the deletion of mandatory permanent student records or any official records or files directly related to a student and maintained by the operator, school, or district.

If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled in the district for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

CSBA NOTE: Pursuant to Education Code 49076.7, a district is prohibited from soliciting or collecting social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. One such exception is the collection of the last four digits of the social security number for the purpose of establishing eligibility for a federal benefit program.

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

CSBA NOTE: Unless an exception applies, Education Code 234.7 , as amended by AB 495 (Ch. 664, Statutes of 2025), prohibits the collection and disclosure of information or documents regarding the citizenship or immigration status of students or their family members~~, as provided below. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that~~. For more information~~, as such disclosure is not among the limited exceptions specified in law for which student records may be released without parental consent or a lawful judicial order.~~

~~The following two paragraphs are equivalent to model policy language from the 2024 Guidance.~~

~~No information or documents~~ regarding the prohibition against collecting and disclosing citizenship or immigration status of students or their family members ~~shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. In accordance with Board Policy 5145.13 - Response to Immigrant Enforcement, the Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena/warrant. If a district employee receives such a request, the employee shall respond in accordance with Board Policy 5145.13 - Response to Immigrant Enforcement. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)~~, and limited exceptions, see BP/AR 1445 - Response to Immigration Enforcement and BP/AR 1340 – Access to District Records.

The immigration or citizenship status of a student or a student's family member may only be collected and disclosed in accordance with Board Policy/Administrative Regulation 1445 – Response to Immigration Enforcement.

The district or any district employee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, or disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. This prohibition does not apply to information that is aggregated and is not personally identifiable. (Government Code 8310.3)

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or employment of a minor child of the parties, which may include prohibiting access to a parent/guardian who would otherwise be entitled to the records. The protocols must, at a minimum, (1) designate an appropriate employee(s) who is responsible for receiving protective order(s), (2) establish a means of ensuring that the restrained party is not able to access the prohibited records or information, and (3) implement a procedure for submitting a copy of the restraining order including confirmation of when and to whom it was submitted. It is recommended that districts with questions about complying with these procedures consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

Student Records from Social Media

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Pursuant to Education Code 49073.6, any district considering a program to gather information from students' social media activity, as defined, ~~must~~is required to first notify students and parents/guardians and provide an opportunity for public comment. The notification may be provided as part of the annual ~~parental~~parent/guardian notification required pursuant to Education Code 48980. If such a program is then adopted, the district ~~must~~is required to comply with program requirements reflected in ~~the section~~ "Student Records from Social Media" in the accompanying administrative regulation.

It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel before gathering any other online information that does not meet the definition of social media in Education Code 49073.6.

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

Retention, Disclosure, and Security of Student Records

CSBA NOTE: The use of artificial intelligence (AI) may pose risks to keeping student records private and secure. CSBA's, "Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know," cautions districts to consider whether information about students shared with or stored in an AI-enabled system is subject to federal or state privacy laws and whether interactions between students and AI systems may create records that are required to be protected by law, such as when a chatbot or automated tutor generates written guidance to a student.

Pursuant to Education Code 33328.5, the Superintendent of Public Instruction has convened a working group related to AI in public schools in order to develop guidance on the safe use of AI in education and, subsequently, to develop a model policy on the safe and effective use of AI. For more information on AI, see BP 0441 – Artificial Intelligence, BP/E(1) 4040 – Employee Use of Technology, BP 5131.9 – Academic Honesty, and BP/AR 6163.4 – Student Use of Technology.

The Superintendent or designee shall ensure the confidentiality of student records as required by law and shall establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft~~,~~ which may be caused by the use of technology, including artificial intelligence and breaches to the district's digital infrastructure, in the retention or disclosure of student records. ~~Additionally, in accordance with Board Policy 5145.13 - Response to Immigration Enforcement, all district staff shall avoid the disclosure of information that may indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by law.~~

The Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure.

If the district experiences a cyberattack that impacts more than 500 students or personnel, the

Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

CSBA NOTE: Education Code 49073.1 authorizes districts to enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or for software designed for this purpose. A district that chooses to enter into such a contract is mandated to adopt policy allowing such contracts and ~~must~~is required to ensure that the contract includes all the provisions specified in Education Code 49073.1. Also see BP 3312 - Contracts.

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

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

State	**Description**
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition of requiring employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 33328.5	Statewide AI Task Force
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations

Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardian in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	~~Parental~~Parent/guardian review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 69475	Conditional repeal of Cal Grant program
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	Ex parte orders
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal	**Description**
15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Protection of Pupil Rights Amendment
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents/guardians of student with disability
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	Description
CA Office of the Attorney General Publication	~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
Website	California IT in Education, Student Data Privacy
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Protecting Student Privacy
Website	California Office of the Attorney General
Website	California Department of Education

Website	California Department of Education, LEA Immigration Enforcement Policy Submission (Immigration Enforcement Policy - Executive Office (CA Dept of Education)
Website	California Department of Education, Resources to Include Immigrant Families (Resources to Include Immigrant Families - Including Immigrant Families (CA Dept of Education))
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0441	Artificial Intelligence
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3250	Transportation Fees
3250	Transportation Fees

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3260	Fees And Charges
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3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4113.5	Working Remotely
4117.7	Employment Status Reports
4119.23	Unauthorized Release Of Confidential/Privileged Information
4158	Employee Security
4158	Employee Security
4212.6	Personnel Files
4213.5	Working Remotely
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
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4258	Employee Security
4312.6	Personnel Files
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4317.7	Employment Status Reports
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4319.23	Unauthorized Release Of Confidential/Privileged Information
4358	Employee Security
4358	Employee Security
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5022	Student And Family Privacy Rights
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5111	Admission
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5113.12	District School Attendance Review Board
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5119	Students Expelled From Other Districts
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention

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5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
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5125.3	Challenging Student Records
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5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.61	Drug Testing
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
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5141.22	Infectious Diseases
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5141.3	Health Examinations
5141.3	Health Examinations
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6158	Independent Study
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6159	Individualized Education Program
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9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
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9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 5125: Student Records

Status: ADOPTED

Original Adopted Date: 12/01/2014 **| Last Revised Date:** ~~03~~/01/~~2025~~01/2026 **| Last Reviewed Date:** ~~03~~/01/~~2025~~01/2026

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Definitions

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

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

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

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

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

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

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

CSBA NOTE: Education Code 49063 requires districts to include the criteria for defining "school officials and employees" in their annual notification. 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records. In 73 Fed.Reg. 74815 (2008), the U.S. Department of Education (USDOE) stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met. For accuracy, this Board policy uses the phrase "*district* officials and employees" rather than the phrase "*school* officials and employees," which is used in the applicable laws and regulations.

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

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

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

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

Mandatory permanent student records are those records which are maintained in perpetuity and

which ~~schools have~~the district has been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

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

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

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

1. The student's name

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

3. The address of the student or student's family

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

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

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

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

~~CSBA NOTE: 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records, as provided below. In 73 Fed. Reg. 74815 (2008), the U.S. Department of Education (USDOE) stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other~~

~~outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met.~~

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

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

CSBA NOTE: USDOE and the U.S. Department of Health and Human Services', "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records," clarifies that a student's immunization and health record maintained by the district is a "student record" subject to FERPA.

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

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

1. Directory information

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

CSBA NOTE: USDOE guidance, "School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)," clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, as specified in 34 CFR 99.8

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Persons Granted Absolute Access

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

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or employment of a minor child of the parties, which may include a parent/guardian who would otherwise be entitled to the records. ~~For additional information see the~~The accompanying Board policy specifies this requirement.

1. Parents/guardians of students younger than ~~age~~ 18 years of age, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025)

   However, the district shall not disclose student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a student pursuant to a restraining order. (Family Code 6323.5)

2. An adult student, or a student under ~~the age of~~ 18 years of age, who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

CSBA NOTE: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with exceptional needs, including the right to access student records, are transferred to the student at 18 years of age, except when the student has been declared incompetent under state law.

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

Access for Limited Purpose/Legitimate Educational Interest

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

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

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined in 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are 16 years of age ~~16~~ or older or who have completed the 10th grade (Education Code 49076)

3. ~~School~~District officials and employees, consistent with the definition provided in "Definitions," above (Education Code 49076; 34 CFR 99.31)

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

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

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

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

CSBA NOTE: Item #6 is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. Education Code 69432.9 requires that the report be submitted on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 69432.9 requires that parents/guardians be notified that their child's GPA will be forwarded, unless they opt out within the time period specified in the notice. ~~This notification may be included in the annual parental notification issued pursuant to Education Code 48980.~~

~~Pursuant to Education Code 69475, portions of the existing Cal Grant Program will be conditionally repealed upon the Legislature's implementation of the Cal Grant Reform Act. AB 107 (Ch. 22, Statutes of 2024) announced the Legislature's intent to "phase in" the Cal Grant Reform Act beginning in 2025-26. As such, the existing Cal Grant Program remains in effect, but it is recommended that districts with questions about the Cal Grant Reform Act's effect on the~~

existing Cal Grant Program consult CSBA's District and County Office of Education Legal Services or district legal counselThis notification may be included in the annual parent/guardian notification issued pursuant to Education Code 48980.

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program

   However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

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

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

CSBA NOTE: Item #7 is for use by districts that serve students in grades 9-12. Pursuant to Education Code 60900, as amended by SB 153 (Ch. 38, Statutes of 2024), districts are required to, on or before January 1, 2026, enter into a data sharing agreement with the California College Guidance Initiative (CCGI), and by June 30, 2026, submit data for students in grades 9-12, as specified. Pursuant to Education Code 60900 and 60900.5, as amended by SB 153, the California Department of Education (CDE) also shares specified data with CCGI. The district is required to include in the annual notification to parents/guardians the sharing of data with CCGI; see "Notification of Parents/Guardians," below.

7. The California College Guidance Initiative (CCGI) in accordance with a data sharing agreement pursuant to Education Code 60900, to provide data for use when planning for and applying to California public colleges and universities (Education Code 60900, 60900.5)

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

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

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

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

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

11. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

12. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

13. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

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

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

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

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

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

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

16. A student ~~age~~ 14 years of age or older who is an unaccompanied minor experiencing homelessness as defined in 42 USC 11434a (Education Code 49076)

CSBA NOTE: Family Code 6552, as amended by AB 495 (Ch. 664, Statutes of 2025), changes the definition of "relative", for purposes of a Caregiver's Authorization Affidavit, to include any adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand."

In "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," the California Attorney General encourages families to develop a Family Safety Plan and to consider completing a Caregiver Authorization Affidavit or a Petition for Appointment of Temporary Guardian, which would give a relative the authority to make educational and medical decisions for the student.

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

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

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

    When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in Item #13 above. (Education Code 49076)

20. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written ~~parental~~ consent by a parent/guardian, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

    In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another ~~public school~~ district in California or any other state or to a California private school.

(Education Code 49076.5)

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

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act (FERPA). (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

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

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

Discretionary Access

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

1. Appropriate persons, including parents/guardians of a student, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other persons (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

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

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

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

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

3. Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR

99.31)

a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information

b. The information is destroyed when no longer needed for the purposes for which the study is conducted

c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31

4. Officials and employees of other districts, private schools, or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

CSBA NOTE: Education Code 49076 includes "contractors" and "consultants," as defined in "Definitions" above, with a legitimate educational interest who have a formal written agreement or contract with the district, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.31, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

Pursuant to Education Code 49073.1, a district may enter into a contract with a third party to provide (1) services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or (2) digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records as provided. When entering into a contract with a third party, it is recommended that districts utilize data sharing agreements to ensure contractors~~,~~ and consultants~~, and vendors~~ comply with student data privacy laws. California IT in Education (CITE) has student data privacy resources, including a sample student data privacy agreement, available on its website. For more information on contracts for digital storage and maintenance of student records, see BP 3312 - Contracts.

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

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

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or

the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

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

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or FERPA. (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

Persons Generally Denied Access

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495, districts are **mandated** to update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance). The 2025 Guidance is available on the Office of the Attorney General's website.

The following section is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice. For more information regarding response to immigration enforcement, see BP/AR 1445 - Response to Immigration Enforcement.

A request for student records by an officer or employee of an agency conducting immigration enforcement shall be denied except in accordance with Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement.

De-identification of Records

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

34 CFR 99.31 lists objective standards under which districts may release information from de-

identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

CSBA NOTE: Education Code 49069.7 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069.7; 5 CCR 433)

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

CSBA NOTE: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records, including (1) guaranteeing access to authorized persons within five business days following the date of request, (2) assuring security of the records, and (3) enumerating and describing the student records collected and maintained by the district. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district. The types of student records collected and maintained by the district are enumerated and described in "Retention and Destruction of Student Records," below.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that ~~school~~district officials, employees, ~~and outside~~ contractors, and consultants obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest, and (2) identify and authenticate the identity of parents/guardians, students, ~~school~~district officials and employees, and any other party to whom the district discloses personally identifiable information from education records. ~~In addition~~Additionally, 34 CFR 99.31 specifies that a district that does not use physical or technological access controls, such as a locked file cabinet or computer security limiting access, ~~must~~is required to ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

In commentary accompanying the Final Rule (73 Fed.Reg. 237, page 74817), USDOE suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that ~~school~~district officials and employees do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate

protection.

In addition, as a condition of participation in an interagency data information system, such as the California Longitudinal Pupil Achievement Data System (CALPADS), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that ~~school~~district officials and employees obtain access to only those student records in which they have legitimate educational interests. (Education Code 49076; 5 CCR 431; 34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

CSBA NOTE: Education Code 49069.7 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069.7; 5 CCR 431)

CSBA NOTE: 34 CFR 99.30 specifies information that is required to be included in the parent/guardian consent form, as provided below.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

CSBA NOTE: Education Code 49069.7 **mandates** procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069.7)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

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

~~The~~Additionally, the custodian of records shall ~~also~~ make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

CSBA NOTE: ~~Although~~ Education Code 49064 does not require the district to record access by individuals specified in Items #1-5 below~~,~~. If the district ~~may consider recording~~wants to record access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31~~;~~ ~~see "Process for Providing Access to Records," above~~, the following list and section should be modified to reflect district practice.

The log ~~shall~~need not include requests for access to records by: (Education Code 49064)

1. Parents/guardians or adult students

2. Students who are 16 years of age or older or who have completed the 10th grade

3. Parties obtaining district-approved directory information

4. Parties who ~~provide~~have received written ~~parental~~ consent by a parent/guardian and have provided it to the district, in which case the consent notice shall be filed with the record pursuant to Education Code 49075

5. ~~School~~District officials and employees who have a legitimate educational interest

~~CSBA NOTE: Pursuant to Education Code 234.7, any request for student information by a law enforcement agency for the purpose of enforcing immigration laws must be reported to the Superintendent and the Governing Board; see the accompanying Board policy. Therefore, it is recommended that the custodian of records make an entry in the log regarding any such requests, as provided in Item #6 below.~~

~~1. Law enforcement personnel seeking immigration-related information~~

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

CSBA NOTE: Education Code 49069.7 **mandates** that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

CSBA NOTE: ~~In CALPADS', "Update FLASH #158, Guidance for Changing a Student's Legal Name in CALPADS," CDE states that a request to change a student's legal name must be supported by legal documentation such as a court record, birth certificate, or passport.~~

Pursuant to Education Code 220.3, ~~as added by AB 1955 (Ch. 95, Statutes of 2024),~~ a district is prohibited from requiring an official, employee ~~or,~~ contractor, or consultant to disclose any information related to a student's sexual orientation, gender identity, or gender expression, including changing student records, to any other person without the student's consent unless otherwise required by state or federal law.

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with Education Code 49070 and the process specified in Administrative Regulation 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student

2. Date and place of birth and method of verifying birth date

3. Sex of student

4. Name and address of parent/guardian of minor student

    a. Address of minor student if different from the above

    b. Annual verification of parent/guardian's name and address and student's residence

5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation

7. Verification of or exemption from required immunizations

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

2. A log identifying persons or organizations who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

5. Language training records

6. Progress slips/notices required by Education Code 49066 and 49067

7. ~~Parental~~Parent/guardian restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or prohibition of student participation in specific programs

10. Results of standardized tests administered within the past three years

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine discipline data

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into ~~this~~the district from any other ~~school~~ district ~~or~~, a private school, or school system, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee ~~must~~is required to inform the student's teachers of the acts~~;~~. For more information regarding teacher security, see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

CSBA NOTE: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this is not applicable in circumstances where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5. For more information regarding transferring student records, see BP/AR 6146.3 - Reciprocity Of Academic Credit

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

Additionally, when a student in foster care is enrolling in a district school, the district's liaison for foster youth shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records. (Education Code 48853.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or loss of ~~school~~district property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with exceptional needs. (Education Code 48985, 49063; 5 CCR 431; 34 CFR 99.7)

The notice shall include: (Education Code 49063, 60900.5; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein

2. The title(s) of the official(s) responsible for maintaining each type of record

3. The location of the log identifying those who request information from the records

4. District criteria for defining ~~school~~district officials and employees and for determining legitimate educational interest

5. District policies for reviewing and expunging student records

6. The right to inspect and review student records and the procedures for doing so

7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

8. The cost, if any, charged for duplicating copies of records

9. The categories of information defined as directory information pursuant to Education Code 49073

10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

CSBA NOTE: Item #12 is for districts that serve students in grades 9-12. Pursuant to Education Code 60900~~, as amended by SB 153~~, districts are required to annually notify parents/guardians that specified district data and data collected by CDE is shared with CCGI.

12. The sharing with CCGI of specified district data and data collected by the California Department of Education for the purposes of college admissions, academic placement, and eligibility for student financial aid (Education Code 60900)

13. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

CSBA NOTE: Pursuant to 34 CFR 99.34, if the district's annual ~~parental~~parent/guardian notification contains the information described in optional Item #14 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another ~~school~~district, school system, or postsecondary institution;

see Item #5 in the list of persons/agencies with legitimate educational interests in "Access for Limited Purpose/Legitimate Educational Interest," above.

14. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

CSBA NOTE: The following paragraph ~~reflects model policy language from the 2024 Guidance developed pursuant to Education Code 234.7.~~is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice.

~~In addition~~Additionally, the annual ~~parental~~parent/guardian notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will ~~not be released without parental consent or a court order.~~only be released in accordance with Board Policy/Administrative Regulation 1445 – Response to Immigration Enforcement.

Student Records from Social Media

CSBA NOTE: The following optional section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, ~~must~~are required to comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety

2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information

3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first

4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in Item #3 above

   ~~The~~Additionally, the notification shall ~~also~~ include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual ~~parental~~parent/guardian notification required pursuant to Education Code 48980.

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:

    a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or the student's parent/guardian

    b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

Updating Name and/or Gender of Former Students

CSBA NOTE: Education Code 49062.5 requires a district to update a former student's records to reflect a change to the former student's name and/or gender, as specified below.

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request

2. The date the requested records were reissued to the former student

3. A list of the records that were requested by and reissued to the former student

4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender

5. The name of the employee who completed the request

6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in

Education Code 49070 and Administrative Regulation 5125.3 - Challenging Student Records. (Education Code 49062.5)

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

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition of requiring employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 33328.5	Statewide AI Task Force
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardian in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	~~Parental~~Parent/guardian review of curriculum
Ed. Code 51745	Independent study

Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 69475	Conditional repeal of Cal Grant program
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	Ex parte orders
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal	**Description**
15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Protection of Pupil Rights Amendment
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents/guardians of student with disability
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	**Description**
CA Office of the Attorney General Publication	~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025

	(https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
Website	California IT in Education, Student Data Privacy
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Protecting Student Privacy
Website	California Office of the Attorney General
Website	California Department of Education
Website	California Department of Education, LEA Immigration Enforcement Policy Submission (Immigration Enforcement Policy - Executive Office (CA Dept of Education)
Website	California Department of Education, Resources to Include Immigrant Families (Resources to Include Immigrant Families - Including Immigrant Families (CA Dept of Education))

Website	CSBA

Cross References

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1445	Response To Immigration Enforcement
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Policy 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2001 **| Last Revised Date:** ~~06/~~01/~~2025~~01/2026 **| Last Reviewed Date:** ~~06/~~01/~~2025~~01/2026

CSBA NOTE: ~~he~~The following **mandated** policy and accompanying administrative regulation reflect the requirements of Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g), which require districts to adopt a policy identifying those categories of student records considered to be "directory information" and that may generally be released, unless a student's parent/guardian notifies the district of a refusal.

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information ~~only~~, including to news media or nonprofit organizations, in accordance with law, Board policy, and administrative regulation.

~~The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with law, Board policy and administrative regulation.~~

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on a determination of the best interests of district students. (Education Code 49073)

CSBA NOTE: Pursuant to Education Code 49073.2, the district is prohibited from including in the Governing Board's meeting minutes a student's directory information, when the student or parent/guardian requests that such information be excluded. For further information about the Board's minutes, see BB 9324 - Minutes and Recordings.

A student's directory information shall only be included in the minutes of the Board's meeting in accordance with Board Bylaw 9324 - Minutes and Recordings.

CSBA NOTE: ~~The options below are for use only by districts maintaining grades 9-12.~~

10 USC 503 and 20 USC 7908 require districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide the names, addresses, email addresses, and telephone numbers of secondary school students to military recruiters upon request, except when the parent/guardian, or student, if 18 years of age or older, requests that the information not be released. Districts that do not grant military recruiters access to such student directory information may lose those funds, and may be subject to the interventions specified in 10 USC 503. Additionally, Education Code 49073.5 declares the intent of the Legislature that a district, including a district that does not receive ESEA funds, not purposefully exclude military recruiters from access to student directory information when adopting the required release of student directory information policy. See "Notification to Parents/Guardians" and "Parent/Guardian Consent" in the accompanying administrative regulation.

Colleges and prospective employers, including military recruiters, shall have access to a student's name, address, email address, and telephone number, unless the student's parent/guardian, or the student, if the student is 18 years of age or older, has ~~specified~~requested that ~~the~~such information not be released. (10 USC 503, 20 USC 7908)

CSBA NOTE: It is recommended that districts carefully consider whether to place items containing student directory information, such as home addresses, email addresses, or telephone numbers, on the district's website since release of such information may put students and the district at risk and may also be a violation of Education Code 49073, as specified below.

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and employers, including prospective employers, in accordance with law, Board policy, and administrative regulation. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled, provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

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42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	Description
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5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6164.2	Guidance/Counseling Services
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9324	Minutes And Recordings

Regulation 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~06/~~01/~~2025~~01/2026 **| Last Reviewed Date:** ~~06/~~01/~~2025~~01/2026

Definition

CSBA NOTE: Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g~~),~~) **mandate** that districts adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless the parent/guardian notifies the district of a refusal to release such information. "Directory information" is defined in Education Code 49061 and 34 CFR 99.3, and listed ~~in the following section~~below. The district may not expand the list, but may modify it to remove any items the district does not intend to release as directory information. ~~Also~~For more information regarding directory information as it relates to student records, see AR 5125 - Student Records.

Because Education Code 49061 does not include three types of information that are included as directory information in 34 CFR 99.3, ~~(1)~~ the student's place of birth, ~~(2)~~ grade level, and ~~(3)~~ photograph~~. Thus~~, these types of information are not reflected in the following list. It is recommended that districts that receive any request for such information about student(s) based on federal law consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to releasing the information.

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), districts ~~were~~are **mandated** to ~~adopt~~update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's ~~K~~TK-12 Schools in Responding to ~~Immigration Issues,"~~ ~~first~~Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance) published ~~in April 2018 (2018 Guidance), by July~~ on December 1, ~~2018~~2025. The ~~Attorney General Updated the 2018~~2025 Guidance ~~in December 2024 and has stated that districts "should" adopt or update their policies by May 1, 2025.~~is available on the Office of the Attorney General's website. For ~~additional language fulfilling this mandate~~more information regarding response to immigration enforcement, the 2025 MPL, and 2025 Guidance, see BP/AR ~~5125 - Student Records and BP/AR 5145.13 -~~1445 – Response to Immigration Enforcement~~. Also see "Notification to Parents/Guardians" below~~.

Directory information does not include the citizenship status, immigration status, place of birth, or any other information indicating national origin of a student or the student's family member.

Notification to Parents/Guardians

CSBA NOTE: Pursuant to Education Code 49063 and 20 USC 1232g, the district ~~must~~is required to annually notify parents/guardians and students who are 18 years of age or older, in writing, of the categories of records considered to be "directory information." ~~The Attorney General's model policy developed pursuant to Education Code 234.7 requires that this notification~~While not required by law, the 2025 MPL includes the requirement for the notification to also describe the manner in which parents/guardians may refuse the release of directory information. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students are required to be written in the primary language as well as in English. See the accompanying Exhibit for a sample parent/guardian notification.

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. ~~The~~Additionally, the notification shall ~~also~~ inform parents/guardians of their right to refuse to let the district designate any or all types of information about their student as directory information, how to refuse release of directory information about their student, and the period of time within which a parent/guardian must notify the district in writing that the parent/guardian does not want a certain category of information about their student designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

CSBA NOTE: ~~Pursuant to Education Code 234.7, districts are mandated to adopt~~While not required by law, the following paragraph ~~consistent with~~reflects the ~~Attorney General's model policy~~2025 MPL.

~~Additionally~~In addition, the annual ~~parental~~parent/guardian notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parent/guardian consent or a court order.

CSBA NOTE: The following paragraph applies to districts that maintain secondary schools and receive funds under the federal Elementary and Secondary Education Act (ESEA). 10 USC 503 and 20 USC 7908 require those districts to notify parents/guardians that they may request that the district not release their child's name, address, email address, and telephone number to military recruiters, employers, or colleges without their prior written consent. The U.S. Department of Education's, "Dear Colleague Letter Regarding Military Recruiter Provisions of ESEA," provides that a single notice that is reasonably calculated to inform parents/guardians of the above information is sufficient. The law does not specify whether parents/guardians may request that the district not release their child's information to certain third parties, such as military recruiters, but authorize the release to other parties, such as private employers. It is recommended that districts with questions about disclosure of student directory information consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, email address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (10 USC 503, 20 USC 7908)

Parent/Guardian Consent

CSBA NOTE: Education Code 49073 specifies that parents/guardians may request that their child's directory information not be released (an "opt-out" process). Similarly, 20 USC 7908 requires an "opt-out" process by which parents/guardians may request that their child's information not be released to military recruiters, employers, or institutions of higher education.

A student's directory information shall not be released if the student's parent/guardian has notified the district in writing that such information shall not be disclosed. (Education Code 49073; 20 USC 1232g, 7908)

CSBA NOTE: ~~However, pursuant~~ Pursuant to Education Code 49073, in the case of a student experiencing homelessness, as defined in 42 USC 11434a, directory information may only be released if the parent/guardian or student 18 years of age or older has provided written consent for its release ("opt-in process"). However, pursuant to Education Code 49073, as amended by AB 677 (Ch. 163, Statutes of 2025), directory information of a student experiencing homelessness may be disclosed to facilitate an eye examination by a nonprofit eye examination provider, or a free oral health assessment hosted by a school, unless the parent/guardian, or student accorded parental rights, has provided written notice to the school that consent is not given to the physical examination.

The directory information of a student identified as a student experiencing homelessness shall not be released, unless the student's parent/guardian, or the student if 18 years of age or older, has provided written consent that directory information may be released. ~~(Education Code 49073; 20 USC 1232g, 7908~~ However, the directory information of a student experiencing homelessness may be disclosed for the purpose of facilitating an eye examination by a nonprofit eye examination provider or a free oral health assessment hosted by a district school, unless the student's

parent/guardian, or student accorded parental rights, has provided written notice to the school that consent to such exam(s) is not given. (Education Code 49073; 20 USC 1232g, 7908; 42 USC 11434a)

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded. (34 CFR 99.37)

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Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's ~~K~~TK-12 Schools in Responding to Requests for Access and Information for Immigration ~~Issues~~Enforcement Purposes, December ~~2024~~2025

	(https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
U.S. Department of Education Publication	Model Notice for Directory Information, March 2011
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6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9324	Minutes And Recordings

Exhibit 5125.1-E(1): Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 07/01/2005 | **Last Revised Date:** ~~06/~~01/~~2025~~01/2026 | **Last Reviewed Date:** ~~06/~~01/~~2025~~01/2026

CSBA NOTE: The following exhibit is based on a model notice prepared by the U.S. Department of Education, reflects the definition of "directory information" in Education Code 49061, and should be modified to reflect district practice. ~~It has been updated to reflect Education Code 49061 and to include provisions required by the California Attorney General's model policy developed pursuant to Education Code 234.7; see the accompanying administrative regulation.~~

Pursuant to Education Code 234.7, as amended by AB 495 (Ch. 664, Statues of 2025), districts ~~were~~are **mandated** to ~~adopt~~update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's ~~K~~TK-12 Schools in Responding to Requests for Access and Information for Immigration ~~Issues," first~~Enforcement Purposes," (2025 Guidance) published ~~in April 2018 ("2018 Guidance"), by July 1, 2018. The Attorney General updated the 2018 Guidance in~~ on December ~~2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024~~1, 2025. The 2025 Guidance is available on the ~~website of the~~ Office of the Attorney ~~General. For additional language fulfilling~~General's website. Certain portions of the 2025 MPL or its equivalent are contained within this ~~mandate~~exhibit. For more information regarding response to immigration enforcement, the 2025 MPL, and 2025 Guidance, see ~~the accompanying administrative regulation and~~ BP/AR ~~5125 - Student Records and BP/AR 5145.13 -~~ 1445 - Response to Immigration Enforcement.

Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students are required to be written in the primary language as well as in English.

PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that _____ (district name), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include information from your child's education records in certain school and/or district publications. Examples include:

- a playbill, showing your child's role in a drama production
- the annual yearbook
- honor roll or other recognition lists
- graduation programs

- sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. ~~In addition~~Additionally, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to provide military recruiters, upon request, with students' names, addresses, and telephone listings, unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

CSBA NOTE: The portion of the following paragraph which cautions that notification to the district by the specified date is the only way to prevent the release of directory information reflects the 2025 Guidance, but is not required by law.]

If you do not want the district to disclose any or all of the information designated below as directory information from your child's education records without your prior written consent, you must notify the district in writing by _____(insert date). Notifying the district by this date is the only way to prevent the release of directory information. The district has designated the following information as directory information:

CSBA NOTE: The following list reflects "directory information" pursuant to Education Code 49061. The district should modify the following list to specify those categories of information defined by the district as "directory information" in the accompanying administrative regulation. Those items the district does not intend to release as directory information should be deleted.

1. Student's name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Additionally, the district may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number

(PIN), password, or other factor known or possessed only by the authorized user.

In addition, the district may disclose a student identification number or other unique personal identifier that is displayed on a student identification badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

CSBA NOTE: The following paragraph reflects ~~the~~ ~~2024~~34 CFR 99.3, which provides that directory information does not include a student's social security number, the 2025 MPL, and the 2025 Guidance.

The district may not disclose a student's Social Security number. Directory information does not include your child's citizenship status, immigration status, place of birth, or any other information indicating national origin.

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6164.2	Guidance/Counseling Services
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6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9324	Minutes And Recordings

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

CSBA NOTE: Pursuant to Education Code 234.7, districts were mandated to adopt policies, by July 1, 2018, with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a district's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that districts consult with CSBA's District and County Office of Education Legal Service or district legal counsel when adopting this policy.

See the accompanying administrative regulation, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying for additional language that is equivalent to the model policy language in the 2018 Guidance and 2024 Guidance.

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members. (Education Code 234.7)

CSBA NOTE: Education Code 234.1 mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Education Code 220 and Penal Code 422.55. Education Code 234.1 expressly includes immigration status among the protected categories. See BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

CSBA NOTE: Government Code 8310.3 prohibits districts from disclosing information about immigration status or religion for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. The 2024 Guidance contains a similar prohibition. Also see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, a district is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The 2024 Guidance provides additional detail on this topic, which includes one appendix titled "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means. See 5145.6 - Parent/Guardian Notifications and BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

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

CSBA NOTE: The following optional paragraph reflects a recommendation from the 2024 Guidance and may be revised to reflect district practice.

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination

Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardian in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024
Court Decision	Plyler v. Doe, 457 U.S. 202 (1982)
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
6142.3	Civic Education
6143	Courses Of Study

~~6143~~	~~Courses Of Study~~
~~6175~~	~~Migrant Education Program~~
~~6175~~	~~Migrant Education Program~~

Regulation 5145.13: Response To Immigration Enforcement

Status: ADOPTED

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

CSBA NOTE: Pursuant to Education Code 234.7, districts were mandated to adopt policies, by June 1, 2018, with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"). The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that districts "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the Office of the Attorney General's website.

Since the legal landscape regarding a district's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that districts consult with CSBA's District and County Office of Education Legal Service or district legal counsel when adopting this policy.

See the accompanying Board policy, BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR 5111 - Admission, AR 5111.1 - District Residency, BP/AR 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying for additional language fulfilling this mandate.

The Attorney General recommends that, if feasible, districts designate an immigrant affairs liaison to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with other educational agencies and local and state government stakeholders. The following administrative regulation may be revised to reflect any such position established by the district.

Responding to Requests for Immigration-Related Information or Documents

CSBA NOTE: Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members, except as required by state or federal law, or as required to administer a state or federally supported education program. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information except in limited circumstances, such as when parent/guardian consent, a court order, or a judicial subpoena/warrant is provided.

Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, district staff shall:

1. Record or otherwise document the request and notify the Superintendent or designee about the request

2. Provide the student's parent/guardian or, if the student is at least 18 years old, the student, with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to a law enforcement officer without consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena/warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old

2. A description of the records to be disclosed

3. The reason for the release of information

4. The parties or class of parties receiving the information

5. A copy of the records to be released, if requested by the parent/guardian or student

In accordance with law and Board Policy 5125 - Student Records, the Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena/warrant.

Responding to Requests for Access to Students or School Grounds

District staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

CSBA NOTE: The Attorney General's model policy includes requirements that the district post signs at school entrances containing school hours and registration requirements and that the district adopt measures for responding to outsiders in a manner that avoids classroom interruptions. See BP/AR 1250 - Visitors/Outsiders for procedures applicable to all visitors.

A law enforcement officer who requests to enter district property which is not open to all visitors shall register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

As early as possible, district staff shall notify the Superintendent or designee of any immigration enforcement-related request by a law enforcement officer for access to a student or to district property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

Responding to Law Enforcement Officers on District Property

CSBA NOTE: The following paragraph may be modified by districts that do not maintain a district police or security department.

District staff shall report the presence of any law enforcement officer on district property for immigration enforcement purposes to on-site district police and other appropriate administrators.

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall take the following actions when such an officer is actually or imminently present on district property for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent, principal, or designee, except under exigent circumstances that necessitate immediate action

2. Request to see and record or otherwise document the officer's credentials, including the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information

3. Ask the officer for, and then record or otherwise document, the officer's reason for being on district property

4. Request that the officer produce any documentation that authorizes the officer's school access, make copies of all such documentation, and retain at least one copy for district records

5. Contact and consult with the district's legal counsel or Superintendent or designee

6. Follow the direction from the district's legal counsel or Superintendent or designee

If the officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall comply with the officer's orders and immediately contact the Superintendent or designee and then the district's legal counsel.

Regardless of whether the officer declares that exigent circumstances exist, district staff shall not attempt to physically impede the officer, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus but only to the extent that it does not impede the officer's actions.

After the officer leaves district property, district staff shall promptly make written notes of all interactions with the officer, including:

1. A list or copy of the officer's credentials and contact information, if known

2. The identity of all other district staff known to have communicated with the officer

3. A description of the officer's request and activities

4. The type of documentation, such as a warrant or subpoena, that authorized the officer's request or actions, what was requested by the documentation, and whether the

documentation was signed by a judge

5. District staff's response to the officer's request

6. Any further action taken by the officer

7. Copies of any documents presented by the officer

District staff shall promptly provide a copy of these notes and any associated documents district staff has collected from the officer to the district's legal counsel or other district official designated by the Superintendent.

The district's legal counsel or the Superintendent or designee shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's response. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

Responding to the Detention or Deportation of Student's Parent/Guardian

The Superintendent or designee shall encourage parents/guardians to update their emergency contact information as needed at any time. The Superintendent or designee shall notify parents/guardians that the district will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose.

The Superintendent or designee may also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

CSBA NOTE: Education Code 48204.4 provides that a student complies with district residency requirements if the student's parent/guardian was a resident of California and departed against the parent/guardian's will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing removal, or removal or departure pursuant to the federal Immigration and Nationality Act. See AR 5111.1 - District Residency.

In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify the student, as well as the individuals designated in the student's emergency

contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in the district if the student and the student's parent/guardian who was detained or deported satisfy the conditions as specified in Education Code 48204.4.

CSBA NOTE: The following paragraph is recommended, but not required, by the Attorney General's model policy. It should be deleted or modified to reflect district practice.

The Superintendent or designee may refer a student or the student's family members to other resources for assistance, including, but not limited to, an U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardian in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources	**Description**
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's

	K-12 Schools in Responding to Immigration Issues, December 2024
Court Decision	Plyler v. Doe, 457 U.S. 202 (1982)
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Immigration and Customs Enforcement, Online Detainee Locator System
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Immigration and Customs Enforcement
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1340	Access To District Records
1340	Access To District Records
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
5111	Admission
5111	Admission
5111.1	District Residency

5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5142	Safety
5142	Safety
5145.12	Search And Seizure
5145.12	Search And Seizure
6142.3	Civic Education
6143	Courses Of Study
6143	Courses Of Study
6175	Migrant Education Program
6175	Migrant Education Program

Policy 5113.2: Work Permits

Status: ADOPTED

Original Adopted Date: 06/01/1995 **| Last Revised Date:** ~~12~~09/01/~~2020~~2025 **| Last Reviewed Date:** ~~12~~09/01/~~2020~~2025

CSBA NOTE: The following optional policy may be revised to reflect district practice. Education Code 49160 requires minors to obtain a work permit issued by the proper educational officers in order to accept employment, even for periods when school is not in session. See the accompanying administrative regulation for further information about the conditions under which a work permit is required, specified exceptions, and the process for issuing permits.

The Governing Board recognizes that part-time employment can provide students with income, job experience, and valuable life skills and should be permitted to the extent that such employment does not interfere with a student's education. Before accepting any offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee, regardless of whether the employment will occur when school is in session ~~and/or not in session~~, unless otherwise exempted by law.

Students with work permits shall be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

CSBA NOTE: Education Code 49111, 49112, and 49116 and Labor Code 1391-1391.1 limit the number of hours that students may work on school days and days when school is not in session~~;~~ . ~~see the accompanying administrative regulation.~~ According to the Department of Industrial Relations' Child Labor Laws, districts have discretion to establish lower limits than provided by law for the maximum number of work hours and may impose additional requirements such as a minimum grade point average (e.g., 2.0) for issuance of a work permit. However, Education Code 49200~~, as added by AB 908 (Ch. 64, Statutes of 2020), prohibits consideration~~ prohibits the use of grades, grade point average, or school attendance ~~in the event the student's~~ to deny a work permit to a student whose school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency. See the accompanying administrative regulation.

The following optional paragraph should be revised to reflect criteria established by the Board.

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits shall be required to demonstrate and maintain a 2.0 grade point average and satisfactory school attendance, except during periods of extended school closure due to an emergency as described in Education Code 49200 and the accompanying administrative regulation. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

~~Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)~~

CSBA NOTE: Education Code 49130-49135 specify circumstances under which students between ~~the ages of 14 and 18~~ 14 and 17 years of age may receive a permit to work full time.

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. ~~A~~Additionally, a student ~~age~~ 14 or 15 years of age who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 10120-10121	Work permits
5 CCR 16023-16027	District records; retention and destruction
8 CCR 11701-11707	Prohibited and dangerous occupations for minors
8 CCR 11750-11763	Work permits and conditions; minor employed in entertainment industry
Ed. Code 48230	Exemption from full-time school attendance for students with work permits
Ed. Code 48231	Exemption from compulsory attendance for students entering attendance area near end of term
Ed. Code 49100-49101	Compulsory attendance
Ed. Code 49110-49119	Permits to work
Ed. Code 49130-49135	Permits to work full time
Ed. Code 49140-49141	Exceptions
Ed. Code 49160-49165	Employment of minors; duties of employers
Ed. Code 49180-49183	Violations
Ed. Code 49200	Permit to work during extended emergency school closure
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52300-52462	Career technical education
Lab. Code 1285-1312	Employment of minors

Lab. Code 1391-1394	Working hours for minors

Federal	**Description**
29 CFR 570.1-570.129	Child labor regulations

Management Resources	**Description**
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 114 (1951)
CA Department of Industrial Relations Publication	Child Labor Laws, 2013 (https://www.dir.ca.gov/dlse/ChildLaborLawPamphlet.pdf)
California Department of Education Publication	Statement of Intent to Employ a Minor and Request for a Work Permit - Certificate of Age, Form B1-1 (https://www.dir.ca.gov/dlse/dlseformb1-1.pdf)
California Department of Education Publication	Permit to Employ and Work, Form B1-4 (https://www.dir.ca.gov/dlse/dlseformB1-4.pdf)
California Department of Education Publication	Basic Labor Rights Information Sheet Template (https://www.cde.ca.gov/ci/ct/we/workpermitsforstudents.asp)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Work Experience Education
Website	California Department of Industrial Relations

Cross References

Code	**Description**
1700	Relations Between Private Industry And The Schools
3580	District Records
3580	District Records
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
~~5146~~	~~Married/Pregnant/Parenting~~ ~~Students~~

5147	Dropout Prevention
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6146.1	High School Graduation Requirements
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6184	Continuation Education
6184	Continuation Education

Regulation 5113.2: Work Permits

Status: ADOPTED

Original Adopted Date: 11/01/2004 **| Last Revised Date:** ~~12~~09/01/~~2020~~2025 **| Last Reviewed Date:** ~~12~~09/01/~~2020~~2025

CSBA NOTE: The following optional administrative regulation may be revised to reflect district practice. Education Code 49160 requires all minors to obtain a work permit in order to accept employment. Labor Code 1286 defines "minors" as persons under the age of 18 years of who are subject to the state's compulsory attendance laws. Students who are 18 years of age and are no longer subject to compulsory attendance pursuant to Education Code 49101 are not required to obtain a work permit even if they have not yet graduated from high school. Pursuant to Education Code 49114, students who have graduated early from high school or have received a certificate of proficiency need a "certificate of age" to be employed. Pursuant to 5 CCR 10120.1, the certificate of age is contained within the California Department of Education's (CDE) , "Statement of Intent to Employ a Minor and Request for Work Permit - Certificate of Age," (Form B1-1), available on its ~~web site.~~ website.

Before accepting employment, a student under ~~the age~~18 years of ~~18~~age who is subject to the state's compulsory attendance ~~law~~laws, including a student who has not yet graduated from high school or has not received a certificate of proficiency, shall obtain a work permit.

CSBA NOTE: State and federal labor laws generally require that minors be at least 14 years of age to be employed, although Education Code 49111 authorizes the issuance of a work permit to a minor who is at least 12 years of age for periods when school is not in session.

The district may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, to a student 14-17 years of age. ~~The~~Additionally, the district ~~also~~ may issue a permit to any student 12-17 years of age to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance pursuant to Education Code 48231 because the student arrived from another state within 10 days before the end of the school term. (Education Code 49111, 49113, 49160)

If a student has obtained an offer of employment in the entertainment industry, the student shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A work permit shall not be required for a student who ~~is~~meets all of the following criteria: (5 CCR 10121)

1. Is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes, is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, is serving as an unpaid trainee or volunteer or in an in-school placement, and has submitted written parent/guardian permission. (5 CCR 10121)

CSBA NOTE: The following paragraph reflects exemptions cited in Education Code 49112 and 49141, Labor Code 1394, and the Department of Industrial Relations' (DIR) Child Labor Laws.

2. Is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, and is serving as an unpaid trainee or volunteer or in an in-school placement

3. Has submitted written parent/guardian permission

CSBA NOTE: The following paragraph reflects exemptions cited in Education Code 49112 and 49141, Labor Code 1394, and the Department of Industrial Relations' (DIR), "Child Labor Laws."

In addition, a student shall not be required to obtain a work permit if the student is self-employed; is working at odd jobs such as yard work and babysitting in private homes where the student is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian and is performed upon or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

Persons Authorized to Issue Work Permits

CSBA NOTE: Education Code 49110 specifies persons authorized to issue work permits in the district, including the Superintendent, a designated employee holding a services credential with a specialization in pupil personnel services, a certificated work experience education teacher or coordinator, and a principal or other school administrator designated by the principal. Pursuant to Education Code 49110, if the district does not employ or contract with a person holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, the Superintendent may provide written authorization for a person without such qualifications to temporarily issue work permits when the Superintendent is absent from the district. Education Code 49110 also authorizes a charter school chief executive officer or designee, the County Superintendent of Schools or designee, or private school principal or designee to issue a work permit.

Items #1-3 below may be revised to specify the position(s) of the employee(s) responsible for issuing work permits in the district.

The following individuals are authorized to issue a work permit to a student in the district: (Education Code 49110)

1. The Superintendent

2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the

Superintendent in writing

3. A principal, or another school administrator designated by the principal, provided that the principal or designee:

   a. Provides a self-certification that the principal or designee understands the requirements of law for issuing a work permit

   b. Does not issue a work permit to the principal's or designee's own child

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may temporarily authorize another person to issue the permit. (Education Code 49110)

Application

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit. (Education Code 49110)

CSBA NOTE: The request for a permit must be submitted to the district on a form approved by CDE pursuant to Education Code 49117 and 49162-49163 (CDE Form B1-1, "Statement of Intent to Employ a Minor and Request for Work Permit - Certificate of Age").

The request for a work permit shall be submitted to the Superintendent or designee on a form approved by the California Department of Education (CDE).

If the student is applying for a full-time work permit, the student and the student's parent/guardian shall generally be required to appear before, and submit the application to, the Superintendent or designee. (Education Code 49132)

~~CSBA NOTE: Education Code 49200, as added by AB 908 (Ch. 64, Statutes of 2020), and Education Code 49132, as amended by AB 908, establish the following flexibility in the application process in the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency.~~

CSBA NOTE: Education Code 49110.5 requires that any minor seeking the signature of a verifying authority on a "Statement of Intent to Employ a Minor and Request for a Work Permit-Certificate of Age" be issued, before or at the time of receiving the signature, a document clearly explaining basic labor rights extended to workers, as specified. CDE has a "Basic Labor Rights Information Sheet Template," available on its website.

The Superintendent or designee shall, before or at the time of signing the work permit, issue the student a document clearly explaining basic labor rights extended to workers, as specified in Education Code 49110.5.

CSBA NOTE: Education Code 49132 and 49200 establish the following flexibility in the application process in the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency.

In the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency, the required documentation, including signatures, may be collected electronically. In addition, if the application is for a full-time work permit, the student and parent/guardian shall not be required to appear in person before the Superintendent or designee if the completed application has been successfully submitted electronically and the student and parent/guardian have attended a video conference with the person issuing the work permit. (Education Code 49132, 49200)

Approval Process

The Superintendent or designee shall have discretion to determine whether ~~or not~~ to issue the work permit.

CSBA NOTE: The following optional paragraph should be revised to reflect any criteria established by the Governing Board for the issuance of work permits; see the accompanying Board policy.

In determining whether to approve a work permit, the Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established by the Governing Board. The Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

CSBA NOTE: Although districts generally have the authority to impose additional requirements on the issuance of work permits, Education Code 49200~~, as added by AB 908,~~ prohibits consideration of grades, grade point average, or school attendance in the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency.

However, a work permit shall not be denied based on a student's grades, grade point average, or school attendance under either of the following circumstances: (Education Code 49120, 49200)

1. The student's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency~~.~~

2. The student is applying for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the student's school~~.~~

Students shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws. (Labor Code 1290-1298; 29 CFR 570.33, 570.50-570.72)

CSBA NOTE: State and federal regulations pertaining to work hours are summarized in DIR's, "Child Labor Laws." The following paragraph reflects legal requirements establishing maximum work hours for minors, but may be revised to reflect any more restrictive work hours established by Board policy.

The Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session ~~and/or not in session.~~ (Education Code 49111, 49112, 49116; Labor Code 1391-1391.1; 29 CFR 570.35)

CSBA NOTE: Pursuant to Education Code 49130-49131, the district may issue a work permit authorizing full-time employment while school is in session to a student age 14-17 years of age. However, for students age 14-15 years of age~~,~~ Education Code 49130 specifies that the student ~~must~~ is required have completed elementary school, the permit must expire at the end of the current school year, and either (1) the student's earnings are needed due to a parent/guardian's death or incapacity to work by reason of illness or injury, (2) the earnings are needed due to the student's inability to reside with the family, or (3) a student who is in foster care has written authorization from a social worker, probation officer, or child protective services worker acting as an officer of the court for the purpose of furthering the goal of emancipation.

Full-time employment may be authorized for students 14-17 years of age in accordance with Education Code 49130-49135.

CSBA NOTE: Pursuant to Education Code 49117, work permits ~~must~~ are required to be issued on forms prepared and provided by the Superintendent of Public Instruction (SPI), or on forms produced by the district when authorized by the SPI. CDE's "Permit to Employ and Work" (CDE Form B1-4) is available on its ~~web site.~~ website.

All work permits shall be issued on forms provided by or authorized by CDE. (Education Code 49117)

CSBA NOTE: The following two paragraphs reflect information provided in DIR's, "Child Labor Laws."

Each permit shall authorize work for a specific employer. Whenever a student changes employers, the student shall request a new permit.

The student may be issued more than one work permit if the student works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the district.

CSBA NOTE: The following optional paragraph is for use by districts that allow principals or their designees to issue work permits; see item #3 in ~~the section~~ "Persons Authorized to Issue Work Permits" above.

Whenever a work permit is issued by a principal or other designated school administrator, the principal or designee shall submit to the Superintendent a copy of ~~each~~the work permit issued, along with a copy of the application and a self-certification that the principal or designee understands the requirements in existing law for issuing a work permit. (Education Code 49110)

The Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Board policy.

Expiration of Work Permits

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. (Education Code 49118)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice, including establishing a time period for submitting a renewal request before the permit expires.

Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in ~~the section~~ "Approval Process" above.

Revocation of Work Permits

The Superintendent or designee shall revoke a student's work permit whenever the Superintendent or designee determines that the employment is impairing the health or education of the student, any provision or condition of the permit is being violated, the student is performing work in violation of law, or any condition for the issuance of the permit no longer exists or never existed. (Education Code 49116, 49164; Labor Code 1300)

The Superintendent may revoke a work permit issued by a principal of a public or private school located within the district if the Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law. (Education Code 49110)

Retention of Records

CSBA NOTE: ~~A~~ Because work permit is classified as a Class 3 - Disposable Record pursuant to 5 CCR 16026 ~~and thus~~ it should not be destroyed until four years after it was issued. See AR 3580 - District Records for further information about the classification and disposal of records.

~~The~~In accordance with Administrative Regulation 3580 - District Records, the Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued. (5 CCR 16026)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing 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 10120-10121	Work permits
5 CCR 16023-16027	District records; retention and destruction
8 CCR 11701-11707	Prohibited and dangerous occupations for minors
8 CCR 11750-11763	Work permits and conditions; minor employed in entertainment industry
Ed. Code 48230	Exemption from full-time school attendance for students with work permits
Ed. Code 48231	Exemption from compulsory attendance for students entering attendance area near end of term
Ed. Code 49100-49101	Compulsory attendance
Ed. Code 49110-49119	Permits to work
Ed. Code 49130-49135	Permits to work full time
Ed. Code 49140-49141	Exceptions
Ed. Code 49160-49165	Employment of minors; duties of employers
Ed. Code 49180-49183	Violations
Ed. Code 49200	Permit to work during extended emergency school closure
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52300-52462	Career technical education
Lab. Code 1285-1312	Employment of minors
Lab. Code 1391-1394	Working hours for minors
Federal	**Description**
29 CFR 570.1-570.129	Child labor regulations
Management Resources	**Description**

Attorney General Opinion	18 Ops.Cal.Atty.Gen. 114 (1951)
CA Department of Industrial Relations Publication	Child Labor Laws, 2013 (https://www.dir.ca.gov/dlse/ChildLaborLawPamphlet.pdf)
California Department of Education Publication	Statement of Intent to Employ a Minor and Request for a Work Permit - Certificate of Age, Form B1-1 (https://www.dir.ca.gov/dlse/dlseformb1-1.pdf)
California Department of Education Publication	Permit to Employ and Work, Form B1-4 (https://www.dir.ca.gov/dlse/dlseformB1-4.pdf)
California Department of Education Publication	Basic Labor Rights Information Sheet Template (https://www.cde.ca.gov/ci/ct/we/workpermitsforstudents.asp)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Work Experience Education
Website	California Department of Industrial Relations

Cross References

Code	Description
1700	Relations Between Private Industry And The Schools
3580	District Records
3580	District Records
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
~~5146~~	~~Married/Pregnant/Parenting Students~~
5147	Dropout Prevention

6115	Ceremonies And Observances
6115	Ceremonies And Observances
6146.1	High School Graduation Requirements
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6184	Continuation Education
6184	Continuation Education

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY

As of February 6, 2026

For the School Year of:	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026
August	514	505	528	509	499	548	526	484	443	470	490	498	476	469
September	512	496	529	497	499	525	508	477	456	474	482	501	468	462
October	510	492	535	502	500	522	511	480	465	470	487	496	471	461
November	517	497	538	502	494	528	512	483	469	468	490	496	470	454
December	513	493	538	498	493	528	505	481	462	458	502	497	477	461
January	520	498	532	503	496	530	500	491	460	462	505	500	492	460
February	518	501	539	504	498	533	494	492	460	459	504	497	493	456
March	520	511	536	501	503	530	494	493	462	458	502	500	502	
April	527	516	538	498	500	531	493	491	467	470	505	501	509	
May	532	512	537	499	507	541	500	490	476	464	510	495	505	
June	531	511	535	495	504	535	497	490	472	466	510	495	505	

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - CDS

As of February 6, 2026

For the School Year of:	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26
August	4	7	8	5	4	3	5	1	2
September	5	10	9	5	3	4	5	1	2
October	7	7	10	4	6	3	7	5	3
November	7	5	10	5	4	3	7	4	5
December	8	5	8	6	4	3	4	4	5
January	10	4	6	8	5	3	4	5	4
February	11	4	8	6	5	5	6	4	3
March	9	6	9	6	5	3	6	5	
April	9	4	8	6	5	6	9	7	
May	9	7	8	6	7	5	9	6	
June	10	9	8	6	10	6	8	6	

Happy Valley Community Day School

2025-2026

Enrollment by Teacher and Grade

Teacher	2 M	2 F	2 Total	4 M	4 F	4 Total	5 M	5 F	5 Total	ALL M	ALL F	ALL Total
005 Duncan	1	-	1	1	-	1	1	-	1	3	-	3
School Total:	1		1	1		1	1		1	3		3

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - ELEMENTARY

As of February 6, 2026

For the School Year of:	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/24	2024/25	2025/26
August	284	263	248	237	254	252	246	251
September	279	266	205	237	245	252	245	249
October	281	263	212	229	247	242	242	248
November	282	264	215	224	246	240	239	244
December	282	266	215	223	251	239	242	249
January	285 as of 1/16	275	215	222	252	245	247	249
February	285	275	214	223	254	244	247	246
March	284	276	216	228	246	245	249	
April	284	275	221	226	246	244	246	
May	284	274	226	226	248	239	245	
June	283	274	224	226	245	240	244	

Happy Valley Elementary School

02/06/2026
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2025-2026

Enrollment by Teacher and Grade

Teacher	4			5			6			7			8			ALL		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
172 Baldwin 3	-	-	-	-	-	-	-	-	-	15	11	26	-	-	-	15	11	26
							-	-	-	-	-	-	-	-	-			
164 Goodman 19	-	-	-	11	16	27	-	-	-	-	-	-	-	-	-	11	16	27
111 Hutchison 10	-	-	-	-	-	-	10	14	24	-	-	-	-	-	-	10	14	24
120 Jackson 17	-	-	-	14	15	29	-	-	-	-	-	-	-	-	-	14	15	29
141 Keown 8	-	-	-	-	-	-	-	-	-	-	-	-	14	8	22	14	8	22
119 McDonald 21	14	9	23	-	-	-	-	-	-	-	-	-	-	-	-	14	9	23
173 Morgan 2	-	-	-	-	-	-	-	1	1	-	1	1	-	-	-	-	2	2
118 Nickens 20	17	8	25	-	-	-	-	-	-	-	-	-	-	-	-	17	8	25
113 Price 11	-	-	-	-	-	-	13	10	23	-	-	-	-	-	-	13	10	23
110 Sanford 4	-	-	-	-	-	-	-	-	-	10	13	23	-	-	-	10	13	23
153 Youman 7	-	-	-	-	-	-	-	-	-	-	-	-	14	8	22	14	8	22
School Total:	31	17	48	25	31	56	23	25	48	25	25	50	28	16	44	132	114	246

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - PRIMARY

As of February 6, 2026

For the School Year of:	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/25	2025/26
August	207	215	198	185	216	224	231	214	208
September	213	217	205	165	216	224	232	215	213
October	210	217	207	172	212	227	235	218	210
November	216	210	209	179	215	230	235	218	205
December	218	206	207	186	210	235	234	219	208
January	219	203	210	188	213	235	233	227	208
February	226	205	209	191	210	231	230	227	207
March	228	202	208	196	208	228	230	232	
April	238	205	208	195	211	235	229	231	
May	237	208	208	200	208	240	229	227	
June	238	205	208	200	207	239	229	227	

Happy Valley Primary School

02/06/2026
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2025-2026

Enrollment by Teacher and Grade

Teacher	------- TK -------			------- K -------			------- 1 -------			------- 2 -------			------- 3 -------			--------- ALL ---------		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
141 Collver 7	-	-	-	-	-	-	3	-	3	-	1	1	-	-	-	3	1	4
143 Cumpston 4	-	-	-	10	9	19	-	-	-	-	-	-	-	-	-	10	9	19
	-	-	-	-	-	-	-	-	-				-	-	-			
135 Jaramillo 6	-	-	-	-	-	-	11	7	18	-	-	-	-	-	-	11	7	18
007 Kimball 8	-	-	-	-	1	1	3	-	3	2	-	2	-	-	-	5	1	6
118 Nibert 1	6	5	11	-	-	-	-	-	-	-	-	-	-	-	-	6	5	11
121 Piazza 5	-	-	-	-	-	-	10	8	18	-	-	-	-	-	-	10	8	18
126 Roach 13	-	-	-	-	-	-	-	-	-	11	10	21	-	-	-	11	10	21
134 Salcido 16	-	-	-	-	-	-	-	-	-	-	-	-	14	12	26	14	12	26
136 Sanders 12	-	-	-	-	-	-	-	-	-	12	10	22	-	-	-	12	10	22
120 Spencer 15	-	-	-	-	-	-	-	-	-	-	-	-	13	12	25	13	12	25
132 Stacey 2	8	7	15	-	-	-	-	-	-	-	-	-	-	-	-	8	7	15
129 Stotka 3	-	-	-	10	12	22	-	-	-	-	-	-	-	-	-	10	12	22
School Total:	14	12	26	20	22	42	27	15	42	2**5**	21	4**6**	27	24	51	11**3**	94	20**7**