Siskiyou County Board of Education
Wednesday, ~~February 18~~, 2026 – 2 p.m.
Rescheduled to March 4 due to lack of quorum

Siskiyou County Office of Education
609 S. Gold Street, Yreka CA 96097

AGENDA

Follow the instructions below to view the meeting via zoom. Please note that it is for broadcast purposes only. The County Board will not be accepting remote comments.

To watch this meeting, click on the link below:
https://us02web.zoom.us/j/85615627266?pwd=YjNTdUcwVGkxRTlsdmZXWVk2Zi9TZz09

Meeting ID: 856 1562 7266
Password: 686644
To join by telephone: 1-669-444-9171

In compliance with the Americans with Disabilities Act, the Siskiyou County Board of Education will make available to the public who has a disability, any needed modification or accommodation in order for that person to participate in the public meeting. Contact the Siskiyou County Office of Education at 530-842-8400 at least one (1) week prior to the scheduled meeting.

Public Comments: Persons who wish to address the Board for items listed on the agenda must complete the Speaker Card provided and hand it to the Board of Trustees' secretary, preferably prior to when the items are called on the agenda.

Meeting Schedule

- Call to Order
- Salute to the Flag
- Public Comment
- Announcements
- Agenda Items
- Adjournment

Hearing of persons desiring to address the Board or present petitions. Presentations not on the agenda will be limited to three minutes. The Board is prohibited by law from taking action on any item presented if it is not listed on the agenda.

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Item 01
Subject: County Board of Education Vacancy – Area 7
Discussion and possible action regarding appointment of Area 7 Trustee.

Type of Action: Discussion/Action

Item 02
Subject: Approval of Minutes
Approval of January 21, 2026, meeting minutes.

Type of Action: Action

Item 03
Subject: Facilities Update
Mr. Dimas Martinez, SCOE Maintenance and Operations Director, will provide an update on SCOE facilities.

Type of Action: Information

Item 04
Subject: Mid-Year Monitoring Report for the 2025-2026 LCAP
The Mid-Year Monitoring Report for the 2025-2026 LCAP (Local Control and Accountability Plan) will be submitted as an action item.

Type of Action: Action

Item 06
Subject: First Reading of SCOE Board Policy Updates
First Reading of SCOE Board Policy Updates:

- BP 1445 – Response to Immigration Enforcement (replacing BP 5145.13)
- AR 1445 – Response to Immigration Enforcement (replacing AR 5145.13)
- BP 1312.4 – Williams Uniform Complaint Procedures
- AR 1312.4 – Williams Uniform Complaint Procedures
- Exhibit (1) 1312.4 – Williams Uniform Complaint Procedures
- Exhibit (2) 1312.4 – Williams Uniform Complaint Procedures
- BP 6163.4 – Student Use of Technology
- Exhibit (1) 6163.4 – Student Use of Technology
- BB 9010 – Public Statements
- BB 9012 – Board Member Electronic Communications
- BP 0460 – Local Control and Accountability Plan
- BP 3100 – Budget Adoption and Revision
- BP 3320 – Claims and Actions Against the County Office of Education
- BB 9240 – Board Training

- BB 9270 – Conflict of Interest
- BP 5141.52 – Suicide Prevention
- BB 9224 – Oath or Affirmation
- BB 9260 – Legal Protection
- BP 0410 – Nondiscrimination in County Office Programs and Activities
- BP 0420.4 – Authorization of County Charter Schools
- BP 0420.41 – Oversight of County Charter Schools
- Exhibit (1) 0420.41 – Oversight of County Charter Schools
- BP 0440 – County Office of Education Technology Plan
- BP 0441 – Artificial Intelligence
- BP 1312.3 – Uniform Complaint Procedures
- Exhibit (1) 1312.3 – Uniform Complaint Procedures
- Exhibit (2) 1312.3 – Uniform Complaint Procedures
- Exhibit (3) 1312.3 – Uniform Complaint Procedures
- BP 5125.1 – Release of Directory Information
- AR 5125.1 – Release of Directory Information
- Exhibit (1) – 5125.1 Release of Directory Information
- BP 5145.3 – Nondiscrimination/Harassment
- AR 5145.3 – Nondiscrimination/Harassment
- BP 5145.7 – Sexual Harassment
- Exhibit (1) 5145.7 – Sexual Harassment
- Exhibit (1) 5145.71 – Title IX Sexual Harassment Complaint Procedures
- Exhibit (2) 5145.71 – Title IX Sexual Harassment Complaint Procedures
- BB 9011 – Disclosure of Confidential/Privileged Information

Type of Action: Discussion

Item 07
Subject: Superintendent's Report

Type of Action: Information, Discussion

Item 08
Subject: Board Comments

Type of Action: Information, Discussion

Item 09
Subject: Items for Next Agenda

Type of Action: Discussion

ADJOURNMENT OF MEETING

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This agenda and meeting materials are posted on the Siskiyou County Board of Education webpage. For more information concerning this agenda, please contact the Siskiyou County Office of Education at 530-842-8400.

Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an email to siskiyoucbe@siskiyoucoe.net with the item number clearly marked in the subject line no later than noon on Tuesday, March 3, 2026. The following information should be included in the body of the email:

- Commenter's first and last name
- Organization affiliation, if applicable
- Agenda item number or general public comment

Questions: Siskiyou County Office of Education | siskiyoucbe@siskiyoucoe.net | 530-842-8400

Posted: Friday, February 27, 2026

Siskiyou County Board of Education Meeting
Regular Meeting, Wednesday, January 21, 2026, 2 p.m.
Siskiyou County Office of Education
609 S. Gold Street, Yreka CA 96097

Meeting Minutes

Members Present
John Bennett, President
Michelle O'Gorman, Vice President
Michelle Harris
Stace Jankowski

Members Absent
Michael Sims

Call to Order
President Bennett called the meeting to order at approximately 2:00 p.m.

Public Comment
There was no public comment.

AGENDA ITEMS

Item 01
Approval of Minutes
Mrs. O'Gorman moved to approve the minutes of the December 17, 2025, meeting. Mr. Jankowski seconded. Motion carried unanimously.

Item 02
Expanded Learning Program
Ms. Kerry Criss, Expanded Learning Program Director, provided an overview of the SCOE Expanded Learning Program.

Item 03
Quarterly Report on Williams Uniform Complaints
The Quarterly Report on Williams Uniform Complaints for January 2026 was presented as an information item.

Item 04
School Accountability Report Card
After discussion, Mrs. O'Gorman moved to approve the School Accountability Report Card (SARC). Mrs. Harris seconded. Motion carried unanimously.

Item 05
Second Reading of SCOE Board Policy Updates
Mrs. Harris moved to approve the Second Reading of SCOE Board Policy Updates. Mr. Jankowski seconded. Motion carried unanimously.

Item 06
Superintendent's Report

- Mr. Carver shared that additional policy updates will be included in the February 18 county board agenda.
- Mr. Carver provided updates on Siskiyou County school districts receiving recent feedback from SCOE regarding their budgets.
- Mr. Carver reported that an individual has expressed interest in the Area 7 County Board position; however, the interest packet has not yet been submitted.
- Mr. Carver shared information on the plans for future improvements at the Larry Wehmeyer Environmental Education Area.

Item 07
Board Comments
Mrs. Harris shared her experience attending a Breaking the Cycle presentation earlier in the day at Etna High School.

Item 08
Items for Next Agenda
There were no suggested items for the next agenda.

Adjournment
The meeting was adjourned at approximately 2:59 p.m. The next county board meeting will be held on February 18, 2026, at 2 p.m.



Allan S. Carver, County Superintendent

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
Siskiyou County Office of Education	Tana Piersall SELPA Director	tpiersall@siskiyoucoe.net 530-842-8441

Goal 1

Goal Description
Increase student attendance and reduce chronic absenteeism by providing supports in the areas of parent and student communication.

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
1.1	Chronic Absenteeism Rate (%) Priority 5B Data source: CA Dashboard	2022-23 Chronic Absenteeism Rate 57%	2023-24 Chronic Absenteeism Rate 64.6%		2024-25 Chronic Absenteeism Rate 51%	2025-26 Chronic Absenteeism Rate 48%
1.2	Attendance Rates (%) Priority 5A Data source: Local LMS	2023-24 Attendance Rate 82%	2024-25 Attendance Rate 83%		2025 to December 31. Attendance Rate 66.6%	2025-26 Attendance Rate 91%

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
1.1	**Attendance MTSS Implementation** Develop and implement a tiered system for monitoring and supporting improvement in attendance and chronic absenteeism that includes parent contact and parent meeting as needed to communicate the importance of student attendance. Continue to use Alma student information system (Metrics 1.1 and 1.2). (Resource 6500) 01-6500-0-5710-5760-1190-000-10001	No		Metric 1.2 2025 to December 31. Attendance Rate		$2,000.00	$2000.00
1.2	**Attendance Monitoring staff consultation** Administrative Secretary will review attendance and chronic absenteeism data and	No		Metric 1.1 2024-25		$9,117.00	$4266.43

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
	consult monthly with staff and program manager to determine which students and parents will be contacted with supports. 10% of Administrative Secretary salary & benefits. (Metrics 1.1 and1.2) (Resource 6500) 01-6500-0-2400-5001-2200-000-10002			Chronic Absenteeism Rate 51%			
1.3	**Attendance Parent Communication** Have Teacher/Bus Driver make connection with families when student is absent. (Metric 1.2) No Additional Cost	No		Metric 1.2 - 2025 to December 31. Attendance Rate 66.6%		$0.00	$0.00

Goal 2

Goal Description
Siskiyou County Office of Education will maintain providing students appropriately credentialed and assigned teachers and classroom instruction/instructional materials aligned to the state standards, in facilities that are maintained in good repair, to facilitate and monitor student achievement.

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
2.1	Priority 2 local indicator self assessment tool with % of sections showing initial implementation or higher Priority 2A, 2B Data source: Priority 2 Self-assessment Tool	2022-23 Local Indicator met - 100% of sections showing initial implementation or higher except for NGSS	2023-24 Local Indicator met - 100% of sections showing initial implementation or higher except for NGSS		2024-25 Local Indicator met - 100% of sections showing initial implementation or higher except for NGSS	2025-26 Local Indicator met - 100% of sections will show initial implementation or higher
2.2	% of students with access to their own copies of standards-aligned instructional materials for use at school and at home. Priority 1B Data source: Priority 1 self assessment tool	2022-23 100% of students have access to instructional materials aligned with the state standards	2023-24 100% of students have access to instructional materials aligned with the state standards		2024-25 100% of students have access to instructional materials aligned with the state standards	2025-26 100% of students will have access to instructional materials aligned with the state standards
2.3	% of misassignments of teachers of ELs, teacher misassignments and vacant teacher positions. % of teachers fully credentialed % of teachers appropriately assigned. Priority 1A Data source: Priority 1 Local Indicator	2022-23 27% of misassignments of teachers of ELs, teacher misassignments and vacant teacher positions. (This portion of the Metric has been eliminated in Year 1 Outcome). 83% of teachers fully credentialed	2023-24 84% of teachers fully credentialed 100% of teachers appropriately assigned.		2024-25 50% of teachers fully credentialed 100% of teachers appropriately assigned.	2025-26 100% of teachers fully credentialed 100% of teachers appropriately assigned.

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
		100% of teachers appropriately assigned.				
2.4	Priority 2 local indicator - self assessment tool with % of Support for Teachers and Administrators showing initial implementation or higher. Priority 2A&2B Data source: Priority 2 Local Indicator	2022-23 100% of of Support for Teachers and Administrators showing initial implementation or higher.	2023-24 100% of of Support for Teachers and Administrators showing initial implementation or higher.		2024-25 100% of of Support for Teachers and Administrators showing initial implementation or higher.	2025-26 100% of of Support for Teachers and Administrators showing initial implementation or higher.
2.5	% of teachers observed and formally evaluated once every other year. Data Source: Local teacher evaluation forms	2022-23 100% of teachers were observed and formally evaluated once every other year. (Teachers are also observed and provided feedback informally throughout each year.)	2023-24 100% of teachers were observed and formally evaluated once every other year. (Teachers are also observed and provided feedback informally throughout each year.)		2024-25 100% of teachers were observed and formally evaluated once every other year. (Teachers are also observed and provided feedback informally throughout each year.)	2025-26 100% of teachers will be observed and formally evaluated once every other year. (Teachers are also observed and provided feedback informally throughout each year.)
2.6	% of facilities in good repair Priority 1C Data source: Facilities Inspection Tool (FIT) scores	2022-23 100% of facilities were in good repair	2023-24 100% of facilities were in good repair		2025 100% of facilities are in good repair	2025-26 100% of facilities will be in good repair
2.7	% of students participating in the CAASPP and CAA Assessments Priority 4A Data source: CAASPP and CAA scores	2022-23 96% of students participated in the CAASPP and CAA Assessments	2023-24 15% of students participated in the CAASPP and CAA Assessments		2024-25 70% of eligible students participated in the CAASPP and CAA Assessments	2025-26 100% of students will participate in the CAASPP and CAA Assessments.
2.8	% of EL learners assessed in the ELPAC or alternative ELPAC	2022-23 100% of EL learners were assessed in the	2023-24		2024-25	2025-26 100% of EL learners will be assessed in the

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
	Priority 4E Data source: CAASPP ELPAC monitoring data	ELPAC or alternative ELPAC.	Fewer than 11 students - data not displayed for privacy		Fewer than 11 students - data not displayed for privacy	ELPAC or alternative ELPAC.
2.9	% of eligible students that either graduated or received a certificate of completion. Priority 5E Data source: Local graduation data	2022-23 87.50% of eligible students that either graduated or received a certificate of completion.	2023-24 100% of eligible students that either graduated or received a certificate of completion.		2024-25 % of eligible students that either graduated or received a certificate of completion.	2025-26 100% of eligible students that will either graduate or receive a certificate of completion.
2.10	% of Middle School Students that Dropout Priority 5C Data source: DataQuest	2022-23 0%	2023-24 0%		2024-25 0%	2025-26 0%
2.11	% of High School Students that Dropout Priority 5D Data source: DataQuest	2022-23 4%	2023-24 0%		2024-25 0%	2025-26 0%
2.12	Other Outcomes - % of students showing progress on Quarterly Progress Reports Priority 8 Data source: Local Quarterly Progress Reports	2023-24 65% of students showing progress on Quarterly Progress Reports	2024-25 87% of students showing progress on Quarterly Progress Reports		2025 92% of students showing progress on Quarterly Progress Reports	2026-27 75% of students showing progress on Quarterly Progress Reports
2.13	% of EL learners Reclassified Priority 4F Data source: CAASPP ELPAC monitoring data	2022-23 Insufficient data due to low enrollment. Monitored locally, and unable to report small numbers publicly due to confidentiality.	2023-24 Insufficient data due to low enrollment. Monitored locally, and unable to report small numbers publicly due to confidentiality.		2024-25 Insufficient data due to low enrollment. Monitored locally, and unable to report small numbers publicly due to confidentiality.	2025-26 Insufficient data due to low enrollment.

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
2.14	% of Teachers provided Professional Development Opportunities Priority 2A, 2B Data source: Local Data	2023-24 100%	2024-25 100%		2025 100%	

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
2.1	**Curriculum Purchase** Purchase curriculum to provide ongoing access to standards based instructional materials to address priorities 2A and 2B. Unique $6,500, Learning A-Z $250, IXL $900, Inclusion TLC $260, Edmentum $3000 (Resource 6300) 01-6300-0-5800-5760-1110-000-20001 Read Naturally $2,500 (Metric 2.1, 2.12) (Resource 6300) 01-6300-0-5800-5760-1110-000-20001	No	Fully Implemented	Metric 2.2 - 2024-25 100% of students have access to instructional materials aligned with the state standards		$13,410.00	$13410
2.2	**Professional Development** Professional learning to support teachers and staff in meeting the academic and behavioral needs of students. Professional learning topics include: Behavior Management, Accessing Curriculum (Metric 2.2, 2.4, 2.5) (Resc 4035) 01-4035-0-4300-5760-1110-000-20002	No	Ongoing Implementation	Metric 2.14 - 2025 100%		$1,061.00	$1061.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
2.3	**Paraprofessionals** Continue to use Title I funds (Resource 3010) to provide supplemental aide time to support student growth (Metric 2.7, 2.8, 2.9, 2.12) (Resc 3010) 01-3010-0-2100-5760-1110-000-20003	No		Metric 2.12 - 2025 % of students showing progress on Quarterly Progress Reports		$2,285.00	$2285
2.4	**Record and monitor student progress** Continue to request school records in a timely manner and evaluate student transcripts and IEPs, monitor student achievement, and track student progress, including students on diploma track. (Metric 2.9, 2.10, 2.11, 2.12)	No		Metric 2.12 - 2025 % of students showing progress on Quarterly Progress Reports		$0.00	$0

Goal 3

Goal Description
Increase student and family engagement by providing a positive, engaging, and nurturing learning environment that meets the unique needs of all students, including students with exceptional needs. Also, provide opportunities to increase parent-teacher engagement.

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
3.1	CAC membership % parents participating Priority 3A 3B, & 3C Data source: CAC meeting sign-in sheets	2023-24 10% of parents with students in the program will participate in CAC meetings to provide input for decision making for the school and programs.	2024-25 0.5% of parents with students in the program participated in CAC meetings to provide input for decision making for the school and programs.		2025 (As of 12/31) 10% of parents with students in the program participated in CAC meetings to provide input for decision making for the school and programs.	2026-27 15% of parents with students in the program participate in CAC meetings to provide input for decision making for the school and programs.
3.2	% of parents and students reported positively on the sense of safety and school connectedness. Priority 6C Data source: Local Surveys	2023-24 95% of parents and 95% of students reported positively on the sense of safety and school connectedness.	2024-25 100% of parents and 100% of students reported positively on the sense of safety and school connectedness.		2025 (As of Dec. 31) 100% of parents and 100% of students reported positively on the sense of safety and school connectedness.	2026-27 97% of parents and 97% of students report positively on the sense of safety and school connectedness.
3.3	% Suspension Rate Priority 6A Data source: CA Dashboard	2022-23 0% Suspension Rate	2023-24 3.9% Suspension Rate		2024-25 0% Suspension Rate	2026-27 0% Suspension Rate
3.4	% Expulsion Rate Priority 6B Data source: CA Dashboard	2022-23 0% Expulsion Rate	2023-24 0% Expulsion Rate		2024-25 0% Expulsion Rate	2025-26 0% Expulsion Rate
3.5	% student Access to a Broad Course of Study as enrolled in programs and services developed and provided to all students.	2022-23 100%	2023-24 100%		2024-25 100%	2025-26 100%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
	Priority 7A, 7B, & 7C Data Source: Local Data					
3.6	Average rating of Parent Engagement implementation based on the ratings reported for each statement in sections 1 through 3 of the self reflection tool. 1 - Exploration and Research 2 - Beginning Development 3 - Initial Implementation 4 - Full Implementation 5 - Full Implementation and Sustainability Priority 3A, 3B, & 3C Data source: Priority 3 Self-reflection Tool	2022-23 Initial Implementation (3)	2023-24 Initial Implementation (3)		2024-25 Initial Implementation (3)	2025-26 Full Implementation (4)
3.8						

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
3.1	**Implement Science Program** Supplemental Science Program in the classrooms (Metrics 3.4, 3.6) Students will participate in the County Supplemental Science Program to increase engagement in a Broad Course of Study (Resc 4127) 01-4127-0-5710-5760-1110-000-30001	No	Ongoing Implementation	Metric 3.5 - 2024-25 100%		$6,000.00	$3000

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
3.2	**Provide Parent Trainings at CAC Meetings** Provide Parent Trainings at CAC Meetings that will include areas such as: How Students Qualify for Special Education, Behavior Strategies for student with special needs, Mental Health and the Special Education Population, and How to help special education students at home. (Metrics 3.1, 3.2)	No	Ongoing Implementation	Metric 3.1 - 2025 (As of 12/31) 10% of parents with students in the program participated in CAC meetings to provide input for decision making for the school and programs.		$0.00	$0
3.3	**Implement a Token Economy** Provide a Token Economy System to promote Academic and Student Engagement Support - Classroom Supplies - Lottery Funds (Metrics 3.3, 3.4, 3.5) (Resource 1100) 01-1100-0-4300-57xx-1110-000-30003	No	Ongoing Implementation	Metric 3.2 - 2025 (As of Dec. 31) 100% of parents and 100% of students reported positively on the sense of safety and school connectedness.		$1,300.00	$924.93
3.4	**Participate in Outdoor STEM Education** Continue Kidder Creek Outdoor STEM Program (Metric 3.6) Students will participate in the Outdoor STEM Education Program to increase engagement in a Broad Course of Study. (Resc 4126&4127) 01-4126-0-5800-5760-1110-000-30004; 01-4127-0-5800-5760-1110-000-30004	No	Ongoing Implementation	Metric 3.5 - 2024-25 100%		$4,410.00	$150.00

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures

Goal 4

Goal Description
Maintain coordination of services for Siskiyou County expelled youth.

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
4.1	Percent of Siskiyou County districts that consult with SCOE to implement the Siskiyou County Expelled Youth Plan Priority 9 Data source: Local Data	2023-24 100%	2024-25 100%		2024-25 100%	2026-27 100%

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
4.1	**Siskiyou County Expelled Youth Plan** Review, update, post, implement and monitor the Siskiyou County Expelled Youth Plan by consulting with administrators within the county to coordinate services. Upload the plan to CDE and post on the Siskiyou County Office of Education website at siskiyoucoe.net. (Metric 4.1)	No	Ongoing Implementation	2024-25 100%		$0.00	$0

Goal 5

Goal Description
SCOE will continue to coordinate services for all foster youth residing in Siskiyou County, in accordance with Ed. Code and to improve Foster Youth student outcomes in the metrics below.

Expected Annual Measurable Objectives

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
5.1	% of FY meeting standard ELA Priority 4A Data source: Smarter Balanced Test Scores ELA	2022-23 Combined Standard of FY Met 30.77%	2023-24 Combined Standard of FY Met 31.25%		2024-25 Combined Standard of FY Met 18.52%	2025-26 Combined Standard of FY Met 39%
5.2	% of FY meeting standard Math Priority 4A Data source: Smarter Balanced Test Scores Mathematics	2022-2023 Combined Standard of FY Met 7.69%.	2023-24 Combined Standard of FY Met 13.34%.		2024-25 Combined Standard of FY Met 18.51%.	2025-26 Combined Standard of FY Met 16%
5.3	% of FY Suspended Priority 6A Data source: CA dashboard	2022-2023 Unduplicated County of FY Suspended 8.2%	2023-24 Unduplicated County of FY Suspended 15.0%		2024-25 Unduplicated County of FY Suspended 11.6%	2025-26 Unduplicated County of FY Suspended 0%
5.4	% of FY expulsion rate. Priority 6B Data source: DataQuest	2022-2023 Expulsion Rate 1.6%	2023-24 Expulsion Rate 1.3%		2024-25 Expulsion Rate 2.3%	2025-26 Expulsion Rate 0%
5.5	% of Siskiyou County Foster Youth in Juvenile System Data Source: Foster Focus	2023-2024 0%	2024-25 3.5%		As of Nov. 30th 2025 - 11.6%	2025-26 0%
5.6	% of Chronically absent FY Priority 5B Data source: CA Dashboard	2022-2023 FY Chronic Absenteeism Rate 49.2%.	2023-24 FY Chronic Absenteeism Rate 26.0%.		2023-24 FY Chronic Absenteeism Rate 30.1%.	2025-26 FY Chronic Absenteeism Rate 40%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
5.7	% of FY student attendance rate Priority 5A Data source: CALPADS	2022-23 FY Attendance rate 88%	2023-24 FY Attendance rate 92.3%		2024-25 FY Attendance rate 92.16%	2025-26 FY Attendance rate 96%
5.8	% FY Graduating High School Priority 5E Data source: Ed-Data	2022-2023 FY Graduation Rate - NA (redacted from Ed-Data)	2023-24 FY Graduation Rate - 83.3%		2024-25 FY Graduation Rate - Fewer than 11 students - data not displayed for privacy	2025-26 FY Graduation Rate 100%
5.9	% FY Dropping Out of High School Priority 5D Data source: Ed-Data	2022-2023 FY Dropout Rate - NA (redacted from Ed-Data)	2023-24 FY Dropout Rate - 16.7%		2024-25 FY Dropout Rate - Fewer than 11 students - data not displayed for privacy	2025-26 FY Dropout Rate 0%
5.10	Successful Transitions to Post secondary - % of FY High School Completers Enrolled in College Data source: Local data	2022-2023 FY High School Completers Enrolled in College 0%	2023-24 FY High School Completers Enrolled in College 0%		2024-25 FY High School Completers Enrolled in College 0%	2025-26 FY High School Completers Enrolled in College 100%
5.11	% of FY Completed FAFSA/Dream Act forms Data source: Local data	2022-2023 FY Completed FAFSA/ Dream Act 100% .	2023-24 FY Completed FAFSA/ Dream Act 100%		2024-25 FY Completed FAFSA/ Dream Act 100%	2025-26 FY Completed FAFSA/ Dream Act 100%
5.12	# of Child Family Team (CFT) meetings attended by FYSCP staff Priority 10 Data Source: Foster Focus	2023-24 10	2024-25 26		2025-26 21	2026-27 20
5.13	# of professional development opportunities provided to LEAs and community partners that support coordination of FY services. Priority 10	2023-24 6 professional development opportunities per year	2024-25 2 professional development opportunities per year		2025-26 11 professional development opportunities per year	2026-27 10 professional development opportunities per year

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Mid-Year Outcome Data	Desired Outcome for 2026-2027
	Data Source: Local meeting agendas					

Actions & Measuring and Reporting Results

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
5.1	**Foster Youth Coordination** Monitor local policy/procedures and data infrastructure necessary to support and monitor educational success, including efficient transfer of health and education records and the health and education passport. 1. Work with CDE, districts and county child welfare and probation agencies to assist in the delivery of services to foster children, including educational status and progress information that is required to be included in court reports. (Priority 10.B). 2. Maintain and monitor MOUs with probation, HHSA and district agencies to increase graduation rates and minimize changes in school placement (Priority 10.A). 3. Ensure districts are informed of who their foster youth are and all pertinent information weekly utilizing Foster Focus Data Management System. ($1,800 annually) 4. Work with juvenile probation and juvenile court to ensure delivery and coordination of necessary educational services (Priority 10.C). 5. SCOE will work to collaborate with child welfare county services to establish an MOU to ensure the efficient expeditious transfer of health and education records and the health and education passport (Priority 10.D).	No	Ongoing Implementation	2025-26 21		$1,800.00	$1800

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
	(Program Coordinator, Program Assistant, and Foster Focus all paid with Foster Youth Grant) (Resc 7366) 01-7366-0-5800-8600-3110-000-50001						
5.2	**Communication with districts** Ensure foster youth liaisons (Ed Code 48853.5) and district level oversight staff have adequate time, knowledge, and resources to meet the needs of foster youth. 1. Train and support district liaisons and district level oversight staff to ensure district and school site staff are informed about and implement all laws and district policies affecting foster youth. 2. Monitor services provided to foster youth at the district level to ensure: * All foster youth have access to necessary education and school counseling services * To reduce school transfers and ensure foster youth are transported to their school of origin when in their best interest, including funding or otherwise facilitating transportation * Ensure priority access for foster youth to receive district level tutoring and other academic and social/emotional supports, after-school and summer enrichment programs, and extracurricular activities (FY Coordinator included in Action 1, Case Manager salary and benefits, FY Program Assistant salary and benefits paid through FY Grant) (Metrics 5.1, 5.2)	No	Ongoing Implementation	2025-26 11 professional development opportunities per year		$0.00	$0

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
5.3	**Coordinated Services** Districts will have a coordinated delivery of educational and social emotional intervention services through collaboration with Siskiyou County Health and Human Services Children's Division, Probation, Foster Youth Services Coordinating Program and Educational Rights Holder. Meetings are held in response to students in crisis and having significant needs. 1. Schedule trainings with district office staff and instructional staff to support the needs of foster youth. 2. Attend foster youth IEPs and SST meetings to review academic and behavioral successes and challenges 3. Invite District Liaisons to Critical Family Team Meetings (CFT) 4. Refer qualifying students to Independent Living Programs 5. Attend Regional Program Resource Committee meetings to support special education placements Metric 5.12	No	Ongoing Implementation	2025-26 21		$0.00	$0
5.4	**Student Supports** Ensure students have social-emotional, academic, and transition support.	No	Ongoing Implementation	2024-25 FY Attendance rate 92.16%		$15,000.00	$0

Goal # Action #	Action Title and Description	Contributing	Implementation Level	Mid-Year Outcome Data	Other Data/Evidence (qualitative, quantitative, artifacts)	Total Funds Budgeted	Mid-Year Expenditures
	(Case manager cost included in Action 2, AmeriCorps worker contract paid through FY Grant) (Metrics 5.10, 5.11) (Resc 7366) 01-7366-0-2200/3000s-8600-3110-000-50004 Metric 5.3						

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		

County Board 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), county offices of education (COEs) 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 County Board of Education 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 County Office Programs and Activities, BP 1340 – Access to County Office Records, BP 5125 - Student Records, and AR/E 5125.1 - Release of Directory Information. However, each COE 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 county boards consult CSBA's District and County Office of Education Legal Services or other 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, COEs 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 County Board of Education 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, it is prohibited to 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, to the extent practicable, 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 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 county office of education (COE) employee, personal information of any COE 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 COE-provided transportation, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring without a valid judicial warrant or court order if permission is given. Education Code 234.7, as amended by AB 495, removes the authority to grant such permission. Specifically, unless an exception applies, it is 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 COE, 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 COE property or facilities that are not COE schools, such as a COE's administrative offices, or COE-sponsored activities that are not school-sponsored activities, such as COE-wide professional development. However, Government Code 7285.1 prohibits 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 COE property or facility and to all COE-sponsored activities and should be modified, along with the applicable portion of the accompanying administrative regulation, to reflect local 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 COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring (Education Code 234.7; Government Code 7285.1)

CSBA NOTE: Due to federal preemption, an officer or employee of an agency conducting immigration enforcement who nonetheless enters a school bus, any other transportation provided by the COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring may not be obstructed, interfered with, or otherwise impeded. The following paragraph reiterates this caution.

However, an officer or employee of an agency conducting immigration enforcement who nonetheless enters COE-provided transportation, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring shall not be obstructed, interfered with, or otherwise impeded.

CSBA NOTE: Education Code 234.7, as amended by AB 495, requires the County Superintendent of Schools to report to the County 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 COE-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 COE property or facilities, or a nonpublic area where any COE-sponsored program or activity is occurring.

The County Superintendent of Schools or designee shall report to the County 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 COE employee, personal information of any COE 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 COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE -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 COEs 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 County Office Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment.

In accordance with law, County Board Policy 0410 - Nondiscrimination in County Office Programs and Activities, and County Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the COE'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 COEs 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 County Office Programs and Activities and BP 5125 - Student Records.

Resources and data collected by the COE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495, a COE 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.

Parents/guardians shall be provided 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.

Complaints alleging discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status shall be filed in accordance with County Board Policy/Administrative Regulation 1312.3 – Uniform Complaint Procedures.

The California Department of Education shall be provided, upon request and in the manner requested, copies of this policy, any associated administrative regulation, and any other County 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 County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1340	Access To County Office Records
1340	Access To County Office Records
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
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
5145.3	Nondiscrimination/Harassment

County Board 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), county offices of education (COEs) 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 County Board of Education 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 County Board policy, BP 0410 - Nondiscrimination in County Office Programs and Activities, BP 1340 – Access to County Office Records, BP 5125 - Student Records, AR/E 5125.1 - Release of Directory Information, and BP 5131.2 - Bullying. However, each COE 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 county boards consult CSBA's District and County Office of Education Legal Services or other legal counsel when determining whether other policies should be updated to comply with the March 1, 2026 deadline.

Responding to Requests for Information or Documents

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495, prohibits COE 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 county office of education (COE) employee as described in the accompanying County Board of Education policy, the request shall be denied, 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

   The response to the request shall be in accordance with County Board Policy/Administrative Regulation 5125.1 - Release of Directory Information.

2. The records or information are required to be released 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 local practice and the applicable collective bargaining agreement.

4. For records or information about a COE employee, the employee has provided written consent and the 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 local practice.

Regardless of whether the requested records or information are disclosed, all of the following shall occur when such a request has been received:

1. Make a copy of the request and notify the County Superintendent of Schools 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 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

Responding to Requests for Access to Students or for Access to COE-Provided Transportation, Nonpublic Area of COE Property or Facility, or Nonpublic Area in which COE-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 COE-provided transportation, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring without a valid judicial warrant or court order if permission is given. Education Code 234.7, as amended by AB 495, removes the authority to give such permission. **Specifically, unless an exception applies, it is prohibited to grant permission to an officer or employee of an agency conducting immigration enforcement to enter a school bus, or other transportation provided by the COE, 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 COE property or facilities that are not COE schools, such as a COE's administrative offices, or COE-sponsored activities that are not school-sponsored activities, such as COE-wide professional development. However, Government Code 7285.1 prohibits 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 COE property or facility and to all COE-sponsored activities and should be modified, along with the applicable portion of the accompanying County Board policy, to reflect local 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 COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring, the following actions shall be taken:

CSBA NOTE: The following list is consistent with the 2025 MPL but not required by law, and should be modified to reflect local practice.

1. Advise the officer or employee that no response to the request is permitted until first receiving notification and direction from the County Superintendent, principal or other site administrator, 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 COE records

4. Contact and consult with legal counsel or County Superintendent or designee

5. Follow the direction from legal counsel or County Superintendent or designee

For a request to access a student, the request shall be denied unless any of the following apply: (Education Code 234.7)

1. The officer or employee provides a valid judicial warrant or court order

2. The student's 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 COE 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, the County Superintendent or designee shall be notified 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 COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring, the request shall be denied 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, the officer's or employee's orders shall be complied with and then the County Superintendent or designee shall be immediately contacted, and then legal counsel shall be contacted.

CSBA NOTE: While not required by law, the 2025 MPL includes requirements that signs are posted at school entrances containing school hours and registration requirements and that the COE adopt measures for responding to outsiders in a manner that avoids classroom interruptions.

An officer or employee of an agency conducting immigration enforcement who, pursuant to this administrative regulation, is granted permission to enter COE property or facilities which are not open to all visitors shall first register in, 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)

Responding to Immigration Enforcement Activity on COE 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 COE 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 COE property, staff working at the property shall be notified and, if the COE property is a school, the parents/guardians of students at the school.

CSBA NOTE: The following paragraph is consistent with the 2025 MPL but not required by law, and should be modified to reflect local practice, including whether the COE maintains a police or security department.

The presence of any officer or employee of an agency conducting immigration enforcement on COE property shall be reported to COE police and other appropriate administrators.

CSBA NOTE: Due to federal preemption, an officer or employee of an agency conducting immigration enforcement who nonetheless enters a school bus, any other transportation provided by the COE, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring may not be obstructed, interfered with, or otherwise impeded. The following paragraph reiterates this caution.

However, an officer or employee of an agency conducting immigration enforcement who nonetheless enters COE-provided transportation, a nonpublic area of any COE property or facility, or a nonpublic area where any COE-sponsored program or activity is occurring shall not be obstructed, interfered with, or otherwise impeded.

After all officers and employees of an agency conducting immigration enforcement leave, legal counsel or other designated COE official shall be provided with relevant information related to observations and interactions.

Responding to the Detention or Deportation of Student's Parent/Guardian

Parents/guardians are encouraged to update their emergency contact information as needed at any time. Parents/guardians shall be notified that the COE 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 local practice.

Additionally, all students and families are encouraged 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 student shall be released 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. Child protective services shall only be contacted if COE 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: The following paragraph is consistent with the 2025 MPL but not required by law, and should be deleted or modified to reflect local practice.

A student or the student's family members may be referred 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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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 County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1340	Access To County Office Records
1340	Access To County Office Records
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
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
5145.3	Nondiscrimination/Harassment

County Board Policy 5145.13: Response To Immigration Enforcement

Status: ADOPTED

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

~~CSBA NOTE: Pursuant to Education Code 234.7, county boards of education 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 county boards "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 county office of education's (COE) response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that COEs consult with CSBA's District and County Office of Education Legal Service or other legal counsel when adopting this policy.~~

~~See the accompanying administrative regulation, BP 0410 - Nondiscrimination in County Office Programs and Activities, and BP 5131.2 - Bullying for additional language that is equivalent to the model policy language in the 2018 Guidance and 2024 Guidance.~~

~~The County Board of Education is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.~~

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

~~CSBA NOTE: Education Code 234.1 mandates that county boards 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 County Office Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.~~

~~In accordance with law, County Board Policy 0410 - Nondiscrimination in County Office Programs and Activities, and County Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the county office of education's (COE) programs and activities on the basis of the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)~~

CSBA NOTE: Government Code 8310.3 prohibits COEs 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 County Office Programs and Activities.

Resources and data collected by the COE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

CSBA NOTE: Pursuant to Education Code 234.7, a COE 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 BP 0410 - Nondiscrimination in County Office Programs and Activities.

Parents/guardians shall be notified regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

CSBA NOTE: The following optional paragraph reflects a recommendation from the 2024 Guidance and may be revised to reflect local practice.

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

The County Superintendent of Schools or designee shall report to the County Board in a timely manner any requests for information or access to a school site by a law enforcement officer for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

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

State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying

Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

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

Cross References

Code	**Description**
0410	Nondiscrimination In County Office Programs And Activities
1340	Access To County Office Records

~~1340~~	~~Access To County Office Records~~
~~3515.3~~	~~Campus Security Department~~
~~3515.3~~	~~Campus Security Department~~
~~3515.31~~	~~School Resource Officers~~
~~3555~~	~~Nutrition Program Compliance~~
~~3555-E(1)~~	~~Nutrition Program Compliance~~
~~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~~
~~5145.12~~	~~Search And Seizure~~
~~5145.12~~	~~Search And Seizure~~
~~5145.12-E(1)~~	~~Search And Seizure~~
~~5145.3~~	~~Nondiscrimination/Harassment~~
~~5145.3~~	~~Nondiscrimination/Harassment~~

County Office 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, county boards of education 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 county boards "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 county office of education's (COE) response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that COEs consult with CSBA's District and County Office of Education Legal Service or other legal counsel when adopting this policy.~~

~~See the accompanying County Board policy, BP 0410 - Nondiscrimination in County Office Programs and Activities, and BP 5131.2 - Bullying for additional language fulfilling this mandate.~~

~~The Attorney General recommends that, if feasible, COEs 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 COE.~~

~~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 COE 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, the following shall occur:~~

1. ~~Record or otherwise document the request and notify the County Superintendent of Schools 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 County~~

Office of Education (COE) 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, parents/guardians shall annually be notified that the COE 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

Parent/guardian consent or, if the student is at least 18 years old, the student's consent, must be received 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 COE post signs at school entrances containing school hours and registration requirements and that the COE adopt measures for responding to outsiders in a manner that avoids classroom interruptions.

A law enforcement officer who requests to enter COE property which is not open to all visitors shall be required to register similarly to all other visitors, 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, the County Superintendent or designee shall be notified of any immigration enforcement-related request by a law enforcement officer for access to a student or to COE property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

Responding to Law Enforcement Officers on County Office Property

CSBA NOTE: The following paragraph may be modified by county boards that do not maintain a police or security department.

The presence of any law enforcement officer on COE property for immigration enforcement purposes shall be reported to on-site COE police and other appropriate administrators.

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, the following actions shall be taken when such an officer is actually or imminently present on COE 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 County Superintendent, school administrator, 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 COE 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 COE records
5. Contact and consult with the COEs legal counsel or County Superintendent or designee
6. Follow the direction from the COEs legal counsel or County Superintendent or designee

If the officer declares that exigent circumstances exist and demands immediate access to the campus, the officer's orders shall be complied with and the County Superintendent or designee, and then the COEs legal counsel, shall be contacted immediately.

Regardless of whether the officer declares that exigent circumstances exist, no attempt to physically impede the officer shall be made, 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, the officer's actions while on campus shall be documented but only to the extent that it does not impede the officer's actions.

After the officer leaves COE property, notes of all interactions with the officer shall be promptly written, including:

1. A list or copy of the officer's credentials and contact information, if known
2. The identity of all other COE 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. Any response to the officer's request

6. Any further action taken by the officer

7. Copies of any documents presented by the officer

A copy of these notes and any associated documents collected from the officer shall be promptly provided to the COEs legal counsel or other official designated by the County Superintendent.

The COEs legal counsel or the County Superintendent or designee shall submit a timely report to the County Board of Education regarding the officer's requests and actions and the COEs response. (Education Code 234.7)

The Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) shall be emailed 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

Parents/guardians shall be encouraged to update their emergency contact information as needed at any time. Parents/guardians shall be notified that the COE will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose.

All students and families may be encouraged 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 student may be released 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. Child protective services may only be contacted if arrangements 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 are not made.

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 local practice.

A student or the student's family members may be referred 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:
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State	Description
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 48204.4	Evidence of residency for school enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 627-627.10	Access to school premises

Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

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

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1340	Access To County Office Records
1340	Access To County Office Records
3515.3	Campus Security Department
3515.3	Campus Security Department
3515.31	School Resource Officers
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
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
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.12-E(1)	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment

County Board Policy 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 06/01/2022 **| Last Revised Date:** 09/01/2024 **| Last Reviewed Date:** ~~06~~09/01/~~2022~~2024

CSBA NOTE: Education Code 35186 mandates that local educational agencies, including county offices of education (COE), establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, or emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the COE, the COE is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

CSBA recommends that the County Board of Education and the County Superintendent of Schools work together for the adoption of this policy, since some of the programs covered by the policy are subject to the independent statutory authority of both constitutional offices, and even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent will be necessary.

During the Federal Program Monitoring (FPM) process, the California Department of Education (CDE) staff will review the ~~COE's~~local policy and procedures to ensure that all required components are addressed. Therefore, the COE must ensure that all requirements of law, as reflected in the FPM instrument, are included in the ~~COE's~~local policy and/or regulations. The FPM process also includes a review of the complaint form and classroom notice.

The County Board of Education recognizes the responsibility of the County Board and the County Superintendent of Schools to ensure that the educational programs of the county office of education (COE) are implemented in accordance with law.

Any complaint against the COE regarding the insufficiency of textbooks or instructional materials, teacher vacancy or misassignment, or conditions of school facilities that pose an emergency or urgent threat to the health and safety of students and staff, as defined in Education Code 35186, shall be investigated and resolved in accordance with the Williams uniform complaint procedures described in 5 CCR 4680-4687 and County Superintendent policy and/or regulation. The Williams uniform complaint procedures may also be used to resolve any other complaint when authorized by the County Superintendent.

Reports

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement that the COE is required to report summarized data as specified below.

On a quarterly basis, the County Board shall, at a regularly scheduled County Board meeting, receive summarized data on the nature and resolution of all complaints against the COE. The report shall include the number of complaints by general subject area with the number of resolved and

unresolved complaints. (Education Code 35186; 5 CCR 4686)

Notices

A notice containing the components specified in Education Code 35186 shall be posted in each classroom in each COE school/program. (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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal	**Description**
20 USC 6314	Title I schoolwide program

Management Resources	**Description**
CSBA Publication	Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558#:~:text=Local%20boards%20have%20a%20responsibility,been%20approved%20by%20the%20SBE.)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	Department of Justice
Website	CSBA
Website	California Department of Education

State	**Description**

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4632	Appeal of LEA decision; grounds
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Health and safety complaints in license-exempt preschool programs
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17592.72	Urgent or emergency repairs~~,~~; School Facility Emergency Repair Account
Ed. Code 1980-1984	Establishment of county community school
Ed. Code 200-~~262.4~~4270	Prohibition of discrimination
Ed. Code 33126	School accountability report card
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48660-~~48667~~48666	Establishment of community day school
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Hearing on sufficiency of instructional materials
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures

5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
9012	Board Member Electronic Communications

County Office Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 06/01/2022 **| Last Revised Date:** ~~10~~09/01/~~2023~~2024 **| Last Reviewed Date:** ~~10~~09/01/~~2023~~2024

INSTRUCTIONS FOR USE: The following regulation presents sample procedures recommended for use by the County Superintendent of Schools to complement and/or implement ~~County Office of Education (COE)~~local policies. It is recommended that any County Superintendent intending to adopt this sample regulation for use in the ~~COE~~County Office of Education (COE) do so in cooperation with the County Board of Education. This regulation may be revised to reflect local practice and may be adopted as a regulation or for the COE's use as a County Superintendent Policy.

CSBA NOTE: Education Code 35186 **mandates** that local educational agencies, including ~~county offices of education (COE),~~COE's, establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the COE, the COE is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

It is recommended that COEs use these procedures only for complaints specified in law and this administrative regulation. See BP/~~AR~~E(1) 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR 4600-4670, and for license-exempt preschool programs pursuant to 5 CCR 4690-4694. -For complaints regarding the COE's nutrition program, see BP 3555 - Nutrition Program Compliance.

Types of Complaints

The County Office of Education (COE) shall use the procedures described in this administrative regulation to investigate and resolve the following:

CSBA NOTE: Education Code 242, as added by AB 1078 (Ch. 229, Statutes of 2023), 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.

Pursuant to Education Code 60119, county boards are required to hold a public hearing annually regarding the sufficiency of instructional materials. If, at the public hearing, the County Board makes a determination of "insufficient materials", Education Code 1240, as amended by AB 1078, requires the County Board to take certain actions and specifies potential consequences for not remedying the deficiency as required by law. For more information regarding the County Board's responsibilities regarding the sufficiency of instructional materials, see CSBA's Governance Brief, "Instructional Materials Adoptions: State and local governing board processes, roles, and

responsibilities," and Fact Sheet, "Instructional Materials Adoptions: Local governing board responsibilities."

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)

   a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or COE-adopted textbooks or other required instructional materials to use in class.

   b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

      This does not require two sets of textbooks or instructional materials for each student.

   c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

   d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)

   a. A semester begins and a teacher vacancy exists.

      CSBA NOTE: Education Code 35186, as amended by SB 114 (Ch. 48, Statutes of 2023), requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

   b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

   c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

      Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for the entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for the entire semester. (Education Code 35186; 5 CCR 4600)

      Beginning of the year or semester means the time period from the first day students attend classes for a year-long course or semester-long course, though not later than 20 business days afterwards. (5 CCR 4600)

      Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

3. Complaints regarding the conditions of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

   a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

      Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

   b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

      Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

      CSBA NOTE: Pursuant to Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), COEs may temporarily close a restroom for (1) a documented student safety concern, (2) an immediate threat to student safety, or (3) to repair the facility.

      Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for a documented student safety concern, an immediate threat to student safety, or to repair the facility. (Education Code 35292.5)

CSBA NOTE: The following optional paragraph is for use by COEs that maintain any of grades ~~6~~3-12, and may be revised to reflect the grade levels served by the COE. At its discretion, the COE may permit the use of the Williams uniform complaint procedures to resolve other complaints. For example, CSBA recommends that COEs which serve students in grades ~~6~~3-12 and are therefore required to stock school restrooms with menstrual products pursuant to Education Code 35292.6, as amended by AB 230 (Ch. 421, Statutes of 2023), permit a complaint for noncompliance to be filed in accordance with the Williams uniform complaint procedure. However, pursuant to 5 CCR 4610, any such COE-permitted complaint may not be appealed to CDE.

In any COE school or program serving any students in any of grades ~~6~~3-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

CSBA NOTE: Beginning July 1, 2026, Education Code 35292.5, as amended by SB 760, requires each school to provide and maintain at least one all-gender restroom for student use, as described below. The COE is required to ensure that an employee is designated as a point of contact to implement these requirements for each school, and that a notice regarding the requirements be posted in a prominent and conspicuous location outside the all-gender restroom, including contact information for the designated point of contact. CDE is required to post on its website guidance for

implementation of the requirements specified in Education Code 35292.5, including examples of signage and best practices.

As with Education Code 35292.6 described above, Education Code 35292.5, as amended by SB 760, does not require a complaint process. However, the COE may, at its discretion, permit the use of the Williams complaint procedures to address allegations of noncompliance with Education Code 35292.5 in order to ensure consistency in the procedures the COE uses to address allegations of noncompliance with all restroom maintenance requirements. Like complaints alleging noncompliance with Education Code 35292.6, CDE will not accept an appeal of a complaint alleging noncompliance with Education Code 35292.5.

Additionally, starting July 1, 2026, in any school that has more than one female and more than one male restroom designated exclusively for student use, a complaint may be filed alleging noncompliance with the requirements specified in Education Code 35292.5 to maintain at least one all-gender restroom for student use. (Education Code 35292.5)

Forms and Notices

The County Superintendent of Schools or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the COE's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

CSBA NOTE: Education Code 35186 requires that the COE's complaint form contain the elements stated in the following paragraph. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school, as specified below. See the accompanying exhibits for a sample complaint form and classroom notice.

The County Superintendent or designee shall ensure that the COE's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

The County Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186. (Education Code 35186)

Filing of Complaint

CSBA NOTE: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, CDE staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the County Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the ~~principal/program~~site coordinator or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the ~~principal/program~~site coordinator shall be forwarded to the County Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

CSBA NOTE: Pursuant to Education Code 35186, as amended by AB 1078, complaints related to instructional materials alleging that more than one student does not have sufficient textbooks or

instructional materials as the result of an act by the County Board, or the County Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the COE, and the SPI may directly intervene without waiting for an investigation, as described ~~in the section "Investigation and Response"~~ below.

Pursuant to Education Code 60150, as added by AB 1078, if the SPI finds that a COE has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, the SPI ~~shall~~is required to assess a financial penalty against the COE's local control funding formula allocation.

A complaint alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the County Board of Education, or the County Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the COE. Any such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186)

Investigation and Response

The ~~principal/program~~site coordinator or a designee of the County Superintendent shall make all reasonable efforts to investigate any problem within the ~~principal's/program~~site coordinator's or designee's authority. (Education Code 35186; 5 CCR 4685)

The ~~principal/program~~site coordinator or County Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the ~~principal/program~~site coordinator or County Superintendent's designee shall send written resolution of the complaint to the mailing address of the complainant as indicated on the complaint, within 45 working days of the initial filing of the complaint. If the ~~principal/program~~site coordinator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

CSBA NOTE: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in Item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the ~~principal/program~~site coordinator or County Superintendent or designee may file an appeal to the SPI within 15 days of receiving the COE's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. - (Education Code 35186; 5 CCR 4610, 4687)

However, no other type of complaint regarding the condition of school facilities as described in the section "Types of Complaints" above may be appealed to the SPI. (Education Code 35186; 5 CCR 4610, 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

CSBA NOTE: During the FPM process, CDE staff will expect to see the following statement.

On a quarterly basis, the County Superintendent or designee shall report to the County Board, at a regularly scheduled County Board meeting, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

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Federal	Description
20 USC 6314	Title I schoolwide program

Management Resources	Description
CSBA Publication	Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558#:~:text=Local%20boards%20have%20a%20responsibility,been%20approved%20by%20the%20SBE.)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)

CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	Department of Justice
Website	CSBA
Website	California Department of Education
State	**Description**
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4632	Appeal of LEA decision; grounds
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Health and safety complaints in license-exempt preschool programs
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17592.72	Urgent or emergency repairs~~,~~; School Facility Emergency Repair Account
Ed. Code 1980-1984	Establishment of county community school
Ed. Code 200-~~262.4~~270	Prohibition of discrimination
Ed. Code 33126	School accountability report card
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48660-~~48667~~48666	Establishment of community day school
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Hearing on sufficiency of instructional materials

Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
9012	Board Member Electronic Communications

Exhibit 1312.4-E(1): Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 06/01/2022 **| Last Revised Date:** ~~10~~09/01/~~2023~~2024 **| Last Reviewed Date:** ~~10~~09/01/~~2023~~2024

CSBA NOTE: Education Code 35186 requires that the following notice be posted in each K-12 classroom. During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that a notice is placed in each classroom in each school and that the notice contains all the information described below.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
K-12 COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials~~.~~

   That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.

   CSBA NOTE: Pursuant to Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), COEscounty offices of education (COE) may temporarily close a restroom for (1) a documented student safety concern, (2) an immediate threat to student safety, or (3) to repair the facility.

2. School facilities must be clean, safe, and maintained in good repair

   This includes the identification and resolution of emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff.

   CSBA NOTE: Education Code 35186, as amended by SB 114 (Ch. 48, Statutes of 2023), requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

3. There should be no teacher vacancies or misassignments~~.~~

   There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

   Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

CSBA NOTE: Education Code 35186 requires that the notice inform parents/guardians of the location to obtain a complaint form and provides that posting a notice downloadable from ~~the~~ CDE's website will satisfy this requirement. The law does not require that the complaint form be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect local practice~~.~~, including adding the school and COE website addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the county office of education's (COE) Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or COE office, or downloaded from the school or COE website. You may also download a copy of the California Department of Education (CDE) complaint form from CDE's website when available. However, a complaint need not be filed using either the COE's complaint form or the complaint form from CDE.

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Federal	Description
20 USC 6314	Title I schoolwide program

Management Resources	Description
CSBA Publication	Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558#:~:text=Local%20boards%20have%20a%20responsibility,been%20approved%20by%20the%20SBE.)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024

	(https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	Department of Justice
Website	CSBA
Website	California Department of Education
State	**Description**
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4632	Appeal of LEA decision; grounds
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Health and safety complaints in license-exempt preschool programs
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17592.72	Urgent or emergency repairs~~,~~; School Facility Emergency Repair Account
Ed. Code 1980-1984	Establishment of county community school
Ed. Code 200-~~262.4~~4270	Prohibition of discrimination
Ed. Code 33126	School accountability report card
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48660-~~48667~~48666	Establishment of community day school
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Hearing on sufficiency of instructional materials
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
9012	Board Member Electronic Communications

Exhibit 1312.4-E(2): Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 06/01/2022 **| Last Revised Date:** ~~10~~09/01/~~2023~~2024 **| Last Reviewed Date:** ~~10~~09/01/~~2023~~2024

CSBA NOTE: Education Code 35186 creates the Williams uniform complaint procedures for the filing of complaints concerning deficiencies in textbooks or instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The following form contains elements required by Education Code 35186 and 5 CCR 4681-4683. During the Federal Program Monitoring process, California Department of Education staff will check to ensure that the complaint form includes all of the elements specified below.

K-12 COMPLAINT FORM:
WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, including emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ___ Yes ___ No

Contact information: (if response is requested)
Name: _____
Address: _____
Phone number: Day: _____ Evening: _____
E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:
School name/address: _____
Course title/grade level and teacher name: _____
Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or county office of education (COE) for the appropriate complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

~~1.~~ 1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or COE-adopted textbooks or other required instructional materials to use in class~~.~~

- b. A student does not have access to textbooks or instructional materials to use at home or after school~~. This does not require two sets of textbooks or instructional materials for each student.~~

  This does not require two sets of textbooks or instructional materials for each student.

- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage~~.~~

- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials~~.~~

~~2.~~ 2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

- a. A semester begins and a teacher vacancy exists~~.~~

  A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (5 CCR 4600)

CSBA NOTE: Education Code 35186, as amended by SB 114 (Ch. 48, Statutes of 2023), requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class~~.~~

  This does not relieve the COE from complying with state or federal law regarding teachers of English Learners.

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency~~.~~

~~3.~~ 3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

- a. A condition exists that poses an emergency or urgent threat to the health or safety of students or staff while at school including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the COE.

- b. A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

CSBA NOTE: The following optional item is for county offices of education (COE) that choose to use the Williams uniform complaint procedures to address complaints alleging noncompliance with ~~requirements~~the requirement to stock restrooms at certain schools with menstrual products pursuant to Education Code 35292.6, which, as amended by AB 230 (Ch. 421, Statutes of 2023), has been expanded to include schools that serve students in any of grades 3-12; see the accompanying regulation.

- c. For a school or program serving students in any of grades ~~6~~3-12, the school has not, at all times, stocked and made available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom.

CSBA NOTE: The following optional item is for COEs that choose to use the Williams uniform complaint procedures to address complaints alleging noncompliance with the requirement, beginning July 1, 2026, to provide and maintain at least one all-gender restroom for student use pursuant to Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023); see the accompanying administrative regulation.

d. Starting July 1, 2026, for a school that has more than one female and more than one male restroom designated exclusively for student use, the school has not maintained at least one all-gender restroom for student use in accordance with Education Code 35292.5

CSBA NOTE: Pursuant to Education Code 35292.5, as amended by SB 760 ~~(Ch. 227, Statutes of 2023),~~, COEs may temporarily close a restroom for (1) a documented student safety concern, (2) an immediate threat to student safety, or (3) to repair the facility.

e. The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes.

- This does not apply when temporary closing of the restroom is necessary for a documented student safety concern, an immediate threat to student safety, or to repair the facility.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as ~~necessary~~you wish to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition

poses a threat to the health or safety of students or staff.

_____
_____
_____
_____
_____
_____
_____

CSBA NOTE: Education Code 35186 requires that complaints be filed with the principal/program coordinator or designee and that the complaint form specify the location for filing the complaint. COEs should specify the name and/or location in the spaces below.

Please file this complaint at the following location:

_____
(principal/program coordinator or designee)

_____
(address)

CSBA NOTE: Pursuant to Education Code 35186, as amended by AB 1078 (Ch. 229, Statutes of 2023), complaints related to instructional materials alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the County Board of Education, or the County Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly, and the SPI may directly intervene without waiting for an investigation by the COE; see the accompanying administrative regulation ~~for more information.~~. The following paragraph may be used by COEs to inform complainants about the option to file complaints directly with the SPI.

Please be aware that you may file a complaint directly with the Superintendent of Public Instruction if you are alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the County Board of Education, or the County Board's failure to remedy the deficiency.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

_____ _____
(Signature) (Date)

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Federal	Description

20 USC 6314	Title I schoolwide program

Management Resources	**Description**
CSBA Publication	Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-LocalRoles.ashx?la=en&rev=94453dc92df043379995b07589a4d558#:~:text=Local%20boards%20have%20a%20responsibility,been%20approved%20by%20the%20SBE.)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx?la=en&rev=9880900e6d334c81a7f64d637e40dc56)
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	Department of Justice
Website	CSBA
Website	California Department of Education

State	**Description**
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4632	Appeal of LEA decision; grounds
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Health and safety complaints in license-exempt preschool programs
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17592.72	Urgent or emergency repairs~~,~~; School Facility Emergency Repair Account
Ed. Code 1980-1984	Establishment of county community school
Ed. Code 200-~~262.4~~270	Prohibition of discrimination

Ed. Code 33126	School accountability report card
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48660-~~48667~~48666	Establishment of community day school
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Hearing on sufficiency of instructional materials
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
9012	Board Member Electronic Communications

County Board Policy 6163.4: Student Use Of Technology

Status: ADOPTED

Original Adopted Date: 09/01/2024 **| Last Reviewed Date:** 09/01/2024

CSBA NOTE: This policy addresses student use of technology, including artificial intelligence (AI), and may be modified to reflect local practice. The U.S. Department of Education's (USDOE), "2024 National Education Technology Plan," provides actionable recommendations to advance the effective use of technology to support teaching and learning and aims to close the digital divide by ensuring that all students can equitably access the latest digital tools and technology. In addition, USDOE's Office of Educational Technology's, "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challenges in doing so, and recommendations to guide further policy development. County Offices of Education (COEs) are encouraged to continue to monitor the development of new technologies, including AI.

The County Board of Education believes that effective use of technology is integral to the education and development of students. In order to promote digital citizenship, the County Board recognizes that students must have access to the latest digital tools and receive instruction that allows students to positively engage with technology in ways that respect human rights and avoids Internet dangers. Technological resources provided to students, including technology based on artificial intelligence (AI), shall be aligned to county office of education (COE) goals, objectives, and academic standards. The use of technology shall augment the use of County Board adopted instructional materials.

The County Board intends that technological resources provided by the COE be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. Students shall be allowed to use such technology, including AI technology, in accordance with local policies, including, but not limited to, policies on academic honesty, data privacy, nondiscrimination, and copyright protections. All students using these resources shall receive instruction in the proper and appropriate use of technology. Such instruction shall incorporate students' responsibilities regarding academic honesty, honoring copyright provisions, assessing the reliability and accuracy of information, protecting personal data, and understanding the potential for biases and errors in artificially generated content

COE technology includes, but is not limited to, computer hardware, software or software as a service provided or paid for by the COE, whether accessed on or off site or through COE-owned or personally owned equipment or devices, including tablets and laptops; computer servers, wireless access points (routers), wireless computer networking technology (wi-fi); the Internet; email; applications (apps), including AI apps; telephones, cellular or mobile telephones, smartphones, smart devices, and wearable technology; or any wireless communication device, including radios.

Technological resources and online sites that will be used in the classroom or assigned to students shall be reviewed to ensure that they are appropriate for the intended purpose and the age of the students.

CSBA NOTE: The following optional paragraphs may be revised to reflect local practice. It is recommended that COEs develop an "Acceptable Use Agreement" containing rules for the use of COE technology, which students and their parents/guardians should be required to sign. See the accompanying Exhibit for an example of an "Acceptable Use Agreement" for students.

Students and parents/guardians shall be notified about authorized uses of COE technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this County Board policy and the COE's Acceptable Use Agreement.

Before a student is authorized to use COE technology, the student and the student's parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the parent/guardian shall agree not to hold the County Board, the COE, the County Superintendent of Schools, or any COE staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the County Board, the COE, the County Superintendent, and COE staff for any damages or costs incurred.

CSBA NOTE: The following optional paragraph may be revised to reflect local practice. If the COE chooses to monitor student use of COE equipment or other technological resources, it is recommended that the COE adopt an express, written policy and notify students of the policy through the Acceptable Use Agreement.

Searches of students' personally owned devices (e.g., cell phones, computers, other communications devices) may be subject to the Fourth Amendment of the U.S. Constitution which prohibits unreasonable search and seizure. In *New Jersey v. T.L.O.*, the U.S. Supreme Court held that the legality of a search of a student's belongings depends on whether the search is "reasonable." The "reasonableness" of a search depends on two factors: (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction. See BP 5145.12 - Search And Seizure.

The COE reserves the right to monitor student use of technology within the jurisdiction of the COE without advance notice or consent. Students shall be informed that the use of COE technology, as defined above, is not private and may be accessed by the COE for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in the use of COE technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, local policy, or school rules.

CSBA NOTE: The following optional paragraph is for use by COEs that have adopted a program, pursuant to Education Code 49073.6 to gather or maintain information from students' social media activity that pertains directly to school safety or student safety. COEs that choose to adopt such a program must comply with specified notification and program requirements.

Information pertaining directly to school safety or student safety from the social media activity of any COE student may be gathered and maintained in accordance with Education Code 49073.6.

Whenever a student is found to have violated local policy or the COE's Acceptable Use Agreement, the student's user privileges may be cancelled or limited or there may be increased supervision of the student's use of the COE's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law

and local policy.

With input from students and appropriate staff, procedures to enhance the safety and security of students using COE technology shall regularly be reviewed and updated to help ensure that the COE adapts to changing technologies and circumstances.

Internet Safety

CSBA NOTE: 20 USC 7131 **mandates** that COEs adopt an Internet safety policy as a condition of receiving federal Student Support and Academic Achievement Grants (20 USC 7101-7122) for the purpose of purchasing computers with Internet access or paying for direct costs associated with accessing the Internet. 47 USC 254 **mandates** that COEs adopt an Internet safety policy in order to qualify for federal universal service discounts for Internet access (E-rate discounts). This mandate applies to COEs that receive E-rate discounts for Internet access, Internet services, or internal connections, but not to COEs that receive discounts for telecommunications services only.

Both 20 USC 7131 and 47 USC 254 require that the local policy include the operation and enforcement of a "technology protection measure" that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors. As part of the funding application process, a COE is required to certify that it has the required policy in place and is enforcing the operation of the technology protection measure.

The following paragraph is **mandated** for COEs that use E-rate discounts or Student Support and Academic Achievement Grants and may be adapted by other COEs that choose to install technology protection measures.

All COE computers with Internet access shall have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 7131; 47 USC 254; 47 CFR 54.520)

CSBA NOTE: COEs receiving E-rate discounts for Internet access, Internet services, or internal connections are also **mandated** by 47 USC 254 to adopt policy that addresses (1) access by minors to "inappropriate matter" on the Internet, (2) safety and security of minors when using email, chat rooms, and other forms of direct electronic communication, (3) unauthorized access, including "hacking" and other unlawful online activities by minors, (4) unauthorized disclosure, use, and dissemination of personal identification information regarding minors, (5) measures designed to restrict minors' access to harmful materials, and (6) education of students about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms as well as cyberbullying awareness and response.

The remainder of this section addresses these mandates and may be revised to reflect local practice. COEs that do not receive E-rate discounts may choose to use or adapt this material at their discretion.

To reinforce these measures, rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet shall be implemented, to ensure that students do not engage in unauthorized or unlawful online activities.

CSBA NOTE: "Inappropriate matter" is not defined in the law and the determination of what matter is considered inappropriate for minors is a local decision to be made by the COE. Penal

Code 313 provides a definition of "harmful matter" as specified below. COEs that have adopted their own definition should revise the following paragraph as appropriate.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The COE's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy COE equipment or materials or manipulate the data of any other user, including so-called "hacking"

CSBA NOTE: Penal Code 653.2 makes it a crime for a person to distribute another person's personal identification information electronically with the intent to cause harassment by a third party or to threaten a person's safety or that of the person's family (e.g., placing a person's picture or address online so that the person receives harassing messages).

3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

CSBA NOTE: Government Code 11549.3 authorizes COEs, at COE expense, to request the Military Department, in consultation with the California Cybersecurity Integration Center, to perform an independent security assessment of the COE or individual COE school. COE's 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.

The current guidance regarding cybersecurity, data privacy, and digital media awareness shall regularly be reviewed and recommended practices may be incorporated into the COE's processes and procedures related to the protection of the COE's network infrastructure, the monitoring and response to cyberattacks, ensuring data privacy, and monitoring suspicious and/or threatening digital media content.

Age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services shall be provided to COE students. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

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State	Description
Civ. Code 3120-3123	Digital equity bill of rights
Ed. Code 49073.6	Student records; social media
Ed. Code 51006	Computer education and resources
Ed. Code 51007	Programs to strengthen technological skills
Ed. Code 60044	Prohibited instructional materials
Pen. Code 313	Harmful matter
Pen. Code 502	Computer crimes; remedies
Pen. Code 632	Eavesdropping on or recording confidential communications
Pen. Code 653.2	Electronic communication devices; threats to safety

Federal	Description
15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR 312.1-312.12	Children's Online Privacy Protection Act
20 USC 7101-7122	Student Support and Academic Enrichment Grants
20 USC 7131	Internet Safety
47 CFR 54.520	Internet safety policy and technology protection measures; E-rate discounts
47 USC 254	Universal service discounts (E-rate)

Management Resources	Description
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
California Department of Education Publication	Artificial Intelligence: Learning With AI Learning About AI
U.S. Department of Education Publication	2024 National Education Technology Plan

U.S. Department of Education Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations
Website	CSBA District and County Office of Education Legal Services
Website	California Coalition for Children's Internet Safety
Website	California Governor’s Office of Emergency Services
Website	Center for Safe and Responsible Internet Use
Website	Federal Trade Commission, Children's Online Privacy Protection
Website	American Library Association
Website	Federal Communications Commission
Website	California Department of Education
Website	U.S. Department of Education
Website	CSBA

Cross References

Code	Description
4040	Acceptable Use Of Technology
4040	Acceptable Use Of Technology
5131.2	Bullying
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6154	Homework/Makeup Work

County Exhibit 6163.4-E(1): Student Use of Technology

Status: ADOPTED

Original Adopted Date: 09/01/2024 **| Last Reviewed Date:** 09/01/2024

ACCEPTABLE USE AGREEMENT
AND RELEASE OF COUNTY OFFICE OF EDUCATION FROM LIABILITY (STUDENTS)

CSBA NOTE: The following Exhibit presents a sample Acceptable Use Agreement outlining obligations and responsibilities of students using the county office of education's (COE) technological resources. It is recommended that the COE consult CSBA's District and County Office of Education Legal Services or other legal counsel in the development of such an agreement. COEs using an Acceptable Use Agreement should require students and their parents/guardians to sign the agreement as an acknowledgment that they have read and understood its contents; see the accompanying County Board of Education policy.

For a sample Acceptable Use Agreement for employees, see E(1) 4040 - Acceptable Use Of Technology.

The ___Siskiyou_____County Office of Education (COE) authorizes students to use technology, as defined in County Board Policy 6163.4 – Student Use Of Technology. The use of COE technology is a privilege permitted at the COE's discretion and is subject to the conditions and restrictions set forth in applicable local policies, administrative regulations, and this Agreement. The COE reserves the right to suspend access at any time, without notice, for any reason.

The COE expects all students to use technology responsibly in order to avoid potential problems and liability. The COE may place reasonable restrictions on the sites, material, and/or information that students may access through the system.

The COE makes no guarantee that the functions or services provided by or through the COE will be without defect. In addition, the COE is not responsible for financial obligations arising from unauthorized use, or misuse, of the system.

Each student who is authorized to use COE technology and the student's parent/guardian shall sign this Agreement, which indicates that the student has read and understands the Agreement and County Board Policy 6163.4 – Student Use of Technology.

Student Obligations and Responsibilities

Students are expected to use COE technology safely, responsibly, and for educational purposes only, and in accordance with the accompanying County Board policy and applicable copyright laws. The student in whose name COE technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic

communications. Furthermore, students shall not attempt to access any data, documents, emails, or programs in the COE's system for which they do not have authorization.

Students are prohibited from using COE technology for improper purposes, including, but not limited to, use of COE technology to:

1. Access, post, display, create, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive

2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying")

3. Disclose, use, or disseminate personal identification information (such as name, address, email, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

4. Share confidential information or personally identifiable information with an open artificial intelligence (AI) system of themselves, another student, staff member, or other person

5. Adjust the privacy settings on any technology tool or AI app unless directed to do so by a teacher or staff member

6. Violate the direction of teachers or other staff members, age restrictions, or the intended use of the technology

7. Infringe on copyright, license, trademark, patent, or other intellectual property rights

8. Intentionally disrupt or harm COE technology or other COE operations (such as destroying COE equipment, placing a virus on COE computers, adding or removing a computer program without permission from a teacher or other COE personnel, changing settings on shared computers)

9. Install unauthorized software

10. "Hack" into the system to manipulate data of the COE or other users

11. Engage in or promote any practice that is unethical or violates any law or local policy, administrative regulation, or practice

Privacy

Since the use of COE technology is intended for educational purposes, students shall not have any expectation of privacy in any use of COE technology.

The COE reserves the right to monitor and record all use of COE technology, including, but not limited to, access to the Internet or social media, Internet searches, browsing history, use of AI, communications sent or received from COE technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of COE technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any COE technology are the sole property of the COE. The creation or use of a password by a student on COE technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If a student uses a personally owned device to access COE technology, the student shall abide by all applicable local policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting

If a student becomes aware of any security problem (including, but not limited to a cyberattack, phishing, or any compromise of the confidentiality of any login or account information) or misuse of COE technology, the student shall immediately report such information to the teacher or other COE personnel.

Consequences for Violation

Violations of the law, local policy, or this Agreement may result in revocation of a student's access to COE technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, local policy, or this Agreement may be reported to law enforcement agencies as appropriate.

Student Acknowledgment

I have received, read, understand, and agree to abide by this Agreement and other applicable laws and local policies and regulations governing the use of COE technology. I understand that there is no expectation of privacy when using COE technology. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Name: _____ Grade: _____
(Please print)
School: _____
Signature: _____ Date: _____

Parent or Legal Guardian Acknowledgment

If the student is under 18 years of age, a parent/guardian must also read and sign the agreement.

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Agreement. By signing this Agreement, I give permission for my child to use COE technology and/or to access the school's computer network and the Internet. I understand that, despite the COE's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, COE, COE personnel, the County Superintendent of Schools, and the County

Board of Education, against all claims, damages, and costs that may result from my child's use of COE technology or the failure of any technology protection measures used by the COE. Further, I accept full responsibility for supervision of my child's use of my child's access account if and when such access is not in the school setting.

Name: _____ Date: _____
(Please print)
Signature: _____

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Pen. Code 653.2	Electronic communication devices; threats to safety

Federal	Description
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20 USC 7131	Internet Safety
47 CFR 54.520	Internet safety policy and technology protection measures; E-rate discounts
47 USC 254	Universal service discounts (E-rate)

Management Resources	Description
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325

CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
California Department of Education Publication	Artificial Intelligence: Learning With AI Learning About AI
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Website	California Governor’s Office of Emergency Services
Website	Center for Safe and Responsible Internet Use
Website	Federal Trade Commission, Children's Online Privacy Protection
Website	American Library Association
Website	Federal Communications Commission
Website	California Department of Education
Website	U.S. Department of Education
Website	CSBA

Cross References

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4040	Acceptable Use Of Technology
4040	Acceptable Use Of Technology
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5145.12	Search And Seizure
5145.12	Search And Seizure
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5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6154	Homework/Makeup Work

County Board Bylaw 9010: Public Statements

Status: ADOPTED

Original Adopted Date: 01/01/2016 **| Last Revised Date:** 09/01/2024 **| Last Reviewed Date:** 0109/01/20162024

~~CSBA NOTE: Pursuant to Government Code 54960, the district attorney or any interested person can sue the County Board of Education in order to stop or prevent violations of the Brown Act or to determine whether any County Board rule or action which penalizes or otherwise discourages the expression of one or more of its members is valid or invalid under law.~~

The County Board of Education recognizes the responsibility of County Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the county office of education (COE), and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding COE issues, County Board members are expected to respect the authority of the County Board to choose its ~~spokesperson~~representatives, to communicate its positions, and to abide by established protocols.

County Board Spokesperson

CSBA NOTE: ~~The County Board may~~Many county boards designate the County Board of Education president~~, the County Superintendent of Schools, or another spokesperson~~ to communicate with the public on its behalf. The following paragraph should be revised to reflect ~~County Board~~local practice.

All public statements authorized to be made on behalf of the County Board shall be made by the County Board president or, ~~if appropriate,~~with respect to a specific issue or topic, other representative as designed by the County ~~Superintendent of Schools or other designated spokesperson.~~Board or County Board president.

When speaking for the County Board, ~~the~~a County Board spokesperson ~~is encouraged to~~shall exercise restraint and tact and ~~to~~ communicate ~~the message~~ in a manner that promotes public confidence in the County Board's leadership.

~~When making public statements~~ County Board ~~members~~spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the County Board~~.~~ ~~(Government Code 54963)~~ or by law. (Government Code 54963)

Statements by Individual County Board Members

CSBA NOTE: The following paragraph is responsive to the recent U.S. Supreme Court holding in *Lindke v. Freed*, which held that a public official, such as a county board member, who limits or prevents critics from speaking, such as by blocking them on social media, violates the First Amendment only if the official (1) has been granted the power to speak on behalf of the public entity, and (2) claims to be actually exercising that power. For more information, see BB 9012 – Board Member Electronic Communications.

When speaking to community groups, members of the public, or the media, individual County Board members should recognize that their statements may be perceived as reflecting the views and positions of the County Board. County Board members have a responsibility to identify when a viewpoint is held by an individual County Board member rather than the County Board as a whole. For example, a County Board member may include a disclaimer on the County Board member's personal social media account that the County Board member is expressing personal viewpoints ~~as such~~ and not ~~as the viewpoint~~ those of the County Board~~.~~or the COE.

~~In addition,~~County Board members who ~~participate on social networking sites, blogs, or other discussion~~opt to express their opinions on County Board or ~~informational sites~~COE matters, whether in-person or online, are ~~encouraged~~expected to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for COE students and the community. ~~Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.~~

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Management Resources	Description
Court Decision	Lindke v. Freed (2024) 601 U.S. 187
Website	CSBA
Website	California County Boards of Education

State	Description
Gov. Code 54960	Actions to stop or prevent violation of meeting provisions
Gov. Code 54963	Confidential information in closed session
Gov. Code 7920.000-7930.170	California Public Records Act

Cross References

Code	Description
9012	Board Member Electronic Communications
9230	Orientation

County Board Bylaw 9012: Board Member Electronic Communications **Status:** ADOPTED

Original Adopted Date: 01/01/2021 **| Last Revised Date:** 09/01/2024 **| Last Reviewed Date:** ~~01/01/2021~~09/09/2024

CSBA NOTE: The following optional bylaw should be modified to reflect local practice. The Brown Act (Government Code 54950-54963) requires that the County Board ~~of Education~~ conduct its official business at properly noticed and agendized public meetings. In general~~, County Board members should keep in mind that~~, for purposes of the Brown Act, electronic communications are subject to the same conditions and the same rules of confidentiality that are applicable to other forms of communication, such as individual conversations, telephone calls, or paper copies of documents. ~~However, the ease with which electronic communication can be shared and forwarded requires extra caution.~~

~~Furthermore, although County Board members are not considered employees, there may be tax implications if the county office of education (COE) provides County Board members with laptop computers or subsidies for an Internet connection. In some circumstances, such provision or reimbursement may be considered a taxable benefit.~~

The County Board of Education recognizes that electronic communication is an efficient and convenient way for County Board members to communicate and expedite the exchange of information ~~within the county office~~with each other, the County Superintendent of ~~education (COE)~~Schools, and ~~with~~ members of the public. ~~However, electronic communications~~County Board members shall ~~not be used as a means for the County Board~~ exercise caution to ~~deliberate outside of an agendized meeting, circumvent~~ensure compliance with the Brown Act, the ~~public's right to access records regarding COE business, or restrict access to a public forum~~Public Records Act, and other applicable laws.

CSBA NOTE: Government Code 54952.2 defines a "meeting" as any congregation of a majority of the members of the County Board at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item that is within the subject matter jurisdiction of the County Board. Government Code 54952.2 prohibits a serial meeting, defined as a series of communications of any kind, directly or through intermediaries, involving a majority of the ~~members of a~~ County Board to discuss, deliberate, or take action on any item of County Board business outside of an authorized meeting; see BB 9320 - Meetings and Notices. Thus, a series of emails, as well as other electronic communications such as text messages or ~~postings on an online forum~~replying directly to social media posts, that ultimately include a majority of the County Board could lead to a Brown Act violation. ~~While the safest course of action is to not send an email to another County Board member that, if forwarded, could lead to a discussion about County Board business by a majority of the members of the County Board, given the prevalence of email, such a practice may not be practical. However, in~~In order to help prevent an inadvertent violation, County Board members may wish to consider ~~including~~"bcc'ing" other County Board members to avoid the recipient "replying all", a "do not reply/forward alert" in the subject line of emails, or other cautionary measures, as appropriate.

~~Furthermore, County Board members should not communicate electronically with each other during a public meeting as such communication would deprive the public of information regarding County Board deliberations.~~

A majority of County Board members shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

~~CSBA NOTE: CSBA's GAMUT Meetings is an electronic board meeting management application for use by districts and COEs that streamlines meeting preparation and provides easy and secure access to meeting materials, including County Board meeting agendas, supporting documents, and minutes. Further information is available on CSBA's web site.~~

Examples of permissible electronic communications concerning county office of education (COE) business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the County Superintendent ~~of Schools~~, and reminders regarding meeting times, dates, and places.

~~To avoid inadvertently violating the prohibition of law against a serial meeting, a County Board member shall not forward any comments on an electronic communication received from another member regarding an issue within the subject matter jurisdiction of the County Board to any other member.~~

~~CSBA NOTE: Pursuant to Government Code 54952.2, as amended by AB 992 (Ch. 89, Statutes of 2020), County Board members may engage in separate conversations or communications with members of the public on an Internet-based social media platform that is open and accessible to the public, as long as a majority of the County Board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the County Board. Members also may not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other County Board members. Consequently, a County Board member is prohibited from responding directly to any communication from other members of the County Board on a social media platform regarding matters that are within the subject matter jurisdiction of the County Board.~~

County Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the County Board, as long as a majority of the County Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the County Board. ~~A County Board member is prohibited from responding directly to any communication from other~~ Additionally, County Board members ~~regarding matters that~~ are ~~within the subject matter jurisdiction of the County Board or~~ prohibited from using digital icons (e.g., "likes" or emojis) ~~to~~that express reactions to communications made by other County Board members regarding matters within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

~~CSBA NOTE: County Board members who use a social media platform to communicate with the public about COE business or County Board activities should be cautious about blocking access to members of the public. In Knight First Amendment Institute at Columbia University v. Trump, the court held that President Donald Trump's twitter account was a public forum from which the~~

government may not exclude people based on their views and that blocking critics from viewing and replying to the account excluded individuals from a public forum in violation of the First Amendment. While there is not a clearly defined rule as to whether a board member's social media account is a public forum, the holding has been used in cases restricting school board members from blocking members of the public from their social media. See Garnier v. Poway Unified School District.CSBA NOTE: Public statements by County Board members is a sensitive and complicated area of County Board governance. As a result, many county boards have established bylaws or other protocols for public statements by County Board members; see BB 9010 – Public Statements.

Whenever a County Board member uses a social media platformmembers shall make every effort to communicate with the public about COE business or ensure that their electronic communications conform to County Board activities, theBylaw 9010 – Public Statements and shall forward any complaints or requests for information to the appropriate individual in accordance with applicable County Board member shall not block access to a member of the public based on the viewpoint expressed by that individualbylaws.

CSBA NOTE: The prohibitions in the Brown Act apply only to discussions regarding COE business. Like other citizens, County Board members are permitted to use email to discuss personal, non-COE matters.CSBA NOTE: Electronic communications received and sent by County Board members may be subject to disclosure upon request pursuant to the Public Records Act (Government Code 7920.000-7930.215), including communications regarding county office of education (COE) business sent or received on a County Board member's personal account or device. For further information, see CSBA's, "Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications." It is recommended that County Boards with specific questions regarding this issue consult CSBA's District and County Office of Education Legal Services or other legal counsel. Also see BP/AR 1340 - Access To County Office Records and BP/AR 3580 – County Office of Education Records.

County Board members may use electronic communications to discuss matters that are outside the jurisdiction of the County Board, regardless of the number of members participating in the discussion.

CSBA NOTE: The following optional paragraph may be revised to reflect local practice. Many county boards have established bylaws or other protocols describing how questions, concerns, or complaints received from members of the community will be handled. BB 9121 - Board President suggests that the County Board president represent the County Board as spokesperson to respond to media inquiries.

When communicating electronically, County Board members shall make every effort to adhere to the same standards and protocols established for other forms of communication. A County Board member may respond to an electronic communication received from a member of the community and should make clear that the response does not necessarily reflect the views of the County Board as a whole. As appropriate, complaints or requests for information shall be forwarded to the County Superintendent so that the issue may receive proper consideration and be handled through the appropriate COE process. Communication received from the media shall be forwarded to the County Board president and the County Superintendent.

CSBA NOTE: Electronic communications received and sent by County Board members may be subject to disclosure upon request pursuant to the California Public Records Act (CPRA) (Government Code 7920.000-7930.170) depending on the content of the communication and whether it is "prepared, owned, used, or retained" by the County Board in its normal course of

~~business. COE legal counsel should be consulted as appropriate.~~

~~In City of San Jose v. Superior Court, the California Supreme Court held that a public official's communications about public business, even if sent or received on the official's personal account or device, are public records and are not categorically excluded from disclosure under the CPRA. The court observed that the CPRA requires public agencies to use "reasonable effort" to locate existing records in response to a public records request, but that 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.~~

~~CSBA recommends that County Board members maintain a COE email account, whenever available, for conducting County Board business.~~

To the extent possible, electronic communications regarding any County Board business shall be transmitted through a COE-provided device or account. When any such communication is transmitted through a County Board member's personal device or account, the County Board member shall copy the ~~communications to a COE electronic storage device for easy retrieval.~~ communication to a COE electronic storage device for easy retrieval.

CSBA NOTE: Pursuant to the U.S. Supreme Court's decision in *Lindke v. Freed*, a County Board member's social media account becomes a public forum subject to the First Amendment when the County Board member (1) has been granted the power to speak on behalf of the County Board and (2) claims to be actually exercising that power. The determination as to whether a County Board member's action meets these two conditions is a fact-specific undertaking. It is recommended that COEs with questions regarding this issue consult CSBA's District and County Office of Education Legal Services or other legal counsel.

This Bylaw does not apply to County Board member electronic communications not related to COE business or not conducted by a County Board member in the County Board member's official capacity.

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

Management Resources	**Description**
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Lindke v. Freed (2024) 601 U.S. 187
Court Decision	Knight First Amendment Institute at Columbia University v Trump~~,~~ (2019) 928 F.3d 226 ~~(2019)~~

Court Decision	Garnier v Poway Unified School District, No. 17-cv-2215-W (JLB), 2019 WL 4736208 (S.D. Cal. September 26, 2019)
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
Website	CSBA GAMUT Meetings
Website	CSBA
Website	California Attorney General's Office

State	Description
Ed. Code 1011	Time and place of meetings
Gov. Code 11135	State programs and activities, discrimination
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.2	Meeting defined
Gov. Code 54953	Meetings to be open and public; attendance
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 7920.000-7930.~~170~~215	California Public Records Act

Cross References

Code	Description
1112	Media Relations
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1312.4	Williams 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
9005	Governance Standards
9010	Public Statements

9121	President
9230	Orientation
9320	Meetings And Notices
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

County Board Policy 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 07/01/2014 **| Last Revised Date:** 12/01/~~2023~~2024 **| Last Reviewed Date:** 12/01/~~2023~~2024

CSBA NOTE: Pursuant to Education Code 52066-52069, the County Superintendent of Schools must develop, and the County Board of Education must adopt, a three-year local control and accountability plan (LCAP) with the involvement of specified stakeholder groups. The LCAP, which must be updated annually on or before July 1, must address the state priorities listed in Education Code 52066 and any additional local priorities established by the County Board.

Pursuant to Education Code 52070, the County Superintendent also has the responsibility to review and approve the LCAPs of school districts within the jurisdiction of the county office of education (COE). The law assigns no responsibilities to the County Board related to district LCAPs.

The County Board of Education desires to ensure the most effective use of available state funding to improve student achievement and other outcomes for all students. A comprehensive, data-driven planning process involving local stakeholders shall be used to identify annual goals for the county office of education (COE) and specific actions which are aligned with the COE budget.

The County Board shall consider for adoption a proposed local control and accountability plan (LCAP) presented by the County Superintendent of Schools. The LCAP shall address the state priorities specified in Education Code 52066 and any additional local priorities established by the County Board. The LCAP shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52066)

CSBA NOTE: Education Code 52066 requires that the LCAP include annual goals to be achieved for all students and for each numerically significant student subgroup as defined in Education Code 52052. In addition, several state priorities address programs and services for "unduplicated students," as defined in Education Code 42238.01-42238.02, for purposes of supplemental and concentration grants allocated through the local control funding formula (LCFF).

The LCAP shall focus on improving outcomes for all students, particularly those who are identified as "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

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

CSBA NOTE: Education Code 52052, as amended by SB 114 (Ch. 48, Statutes of 2023), has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

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

~~**Content and Structure**~~

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

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

Content and Structure

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

The LCAP and the annual update shall be based on the most up-to-date template adopted by the State Board of Education (SBE) and shall include, for each school or program operated by the County Superintendent, all of the following: (Education Code 52066)

1. A description of the annual goals to be achieved for all students and for each numerically significant student subgroup, for each of the following state priorities as applicable to the students served:

    a. The degree to which teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

    b. Implementation of the academic content and performance standards adopted by SBE, including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards

for purposes of gaining academic content knowledge and English language proficiency

CSBA NOTE: Pursuant to Education Code 52066, the LCAP must include goals for parent/guardian involvement and family engagement. Education Code 52066 provides that family engagement may include, but need not be limited to, efforts by the COE and schools to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting student success, and empowering families to advocate for equity and access. It may also include partnering with families to inform, influence, and create practices and programs that support student success and collaboration with families and the broader community, expand student learning opportunities and community services, and promote civic participation.

c. Parent/guardian involvement and family engagement, including efforts to seek parent/guardian input in making decisions for each school site and COE program, and how the County Superintendent will promote parent/guardian participation in programs for unduplicated students and students with disabilities

CSBA NOTE: Pursuant to Education Code 52066, the LCAP must address student achievement as measured by specified indicators, as applicable. County boards may use data from the California School Dashboard (e.g., measures of academic performance, high school graduation rate, English learner progress, and college/career preparation) as well as other indicators.

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

   i. Statewide assessments of student achievement

   ii. The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; have successfully completed career technical education (CTE) sequences or programs of study that align with SBE-approved CTE standards and frameworks, including, but not limited to, those described in Education Code 52302(a), 52372.5(a), or 54692(e)(2); and have successfully completed both college entrance courses and CTE sequences or programs

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

   iv. The English learner reclassification rate

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

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

e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220(a)-(i), as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220(a)-(i), as applicable

i. How the County Superintendent will coordinate instruction of expelled students offered pursuant to Education Code 48926

j. How the County Superintendent will coordinate services for foster youth, including, but not limited to, all of the following:

i. Working with the county child welfare agency to minimize changes in school placement

ii. Providing education-related information to the county child welfare agency to assist the agency in the delivery of services to foster youth, including, but not limited to, educational status and progress information that is required to be included in court reports

iii. Responding to requests from the juvenile court for information and working with the juvenile court to ensure the delivery and coordination of necessary educational services

CSBA NOTE: When a child is placed in foster care, the case plan for the child includes a summary of the child's health and education information or records specified in Welfare and Institutions Code 16010. This summary may be maintained in the form of a health and education passport or a comparable format designed by the child protective agency.

iv. Establishing a mechanism for the efficient and expeditious transfer of health and education records and the health and education passport

CSBA NOTE: In addition to goals aligned with the state priorities described in Item #1 above, Education Code 52066 provides that the LCAP may include goals for local priorities established by the County Board. Optional Item #2 below may be revised to reflect local priorities.

2. Goals identified for any local priorities established by the County Board~~.~~

3. A description of the specific actions the County Superintendent will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in Items #1-2 above~~.~~

___Such actions shall not supersede provisions of existing collective bargaining agreements within the jurisdiction of the County Superintendent.

CSBA NOTE: Pursuant to Education Code 52070.5, as amended by SB 114, any COE that is provided technical assistance pursuant to Education Code 52071.5 or 52072.5 is required to include in its LCAP any actions and services that implement the work related to technical assistance for improving the outcomes of the student group or groups that led to technical assistance.

If the COE is required to be provided technical assistance pursuant to Education Code 52071.5 and/or 52072.5, then the LCAP shall include actions and services that implement the work related to technical assistance for improving the outcomes of the student group or groups that lead to the need for technical assistance. (Education Code 52070.5)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52066)

Increase or Improvement in Services for Unduplicated Students

CSBA NOTE: The following section is for use by COEs that receive LCFF supplemental and/or concentration grant funds. Such COEs are required to increase or improve services for unduplicated students in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. 5 CCR 15494-15496 specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

The LCAP shall demonstrate the applicable level of increased or improved services to unduplicated students. The LCAP shall explain how the funding apportioned based on the number and concentration of unduplicated students is used and how services are provided, whether by school site or countywide, to meet the needs of unduplicated students and to improve the performance of all students in the state priority areas. (5 CCR 15494, 15496)

Services that may be considered for this purpose include, but are not limited to, those associated with the delivery of instruction, administration, facilities, student support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services. (5 CCR 15495)

When supplemental and/or concentration grant funds are to be expended on a countywide basis, the LCAP shall identify the services being funded and describe how they are principally directed towards, and effective in, meeting the COE's goals for unduplicated students in the state and local priority areas, as applicable. (5 CCR 15496)

Development and Consultation

CSBA NOTE: Pursuant to Education Code 52066, in developing goals and actions for the LCAP, the County Board may consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052 authorizes the Superintendent of Public Instruction (SPI), with SBE approval and conditional upon an appropriation in the state budget, to develop and implement a program of school quality

reviews that feature locally convened panels to visit schools, observe teachers, interview students, and examine student work.

For the purpose of reviewing the proposed LCAP, the County Board may consider quantitative data presented by the County Superintendent as well as qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52066)

The County Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update. The public hearing shall be held at the same meeting as the public hearing that is required prior to the adoption of the COE budget in accordance with Education Code 1620. (Education Code 1620, 52068)

Adoption and Submission

CSBA NOTE: Pursuant to Education Code 1622, the County Board must not adopt the budget for the COE until the LCAP or an annual update to the LCAP is in place for the budget year. The budget must include the expenditures necessary to implement the plan that is in effect during the subsequent fiscal year. If it does not, the SPI must disapprove the COE's budget.

At the same public meeting at which the COE budget is adopted, but prior to considering and adopting the budget, the County Board shall adopt the LCAP or the annual update to the LCAP. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 1622, 52068)

At the same meeting and in the same manner as the adoption of the LCAP and annual update to the LCAP, the County Board shall adopt a ~~local control funding formula~~ (LCFF) budget overview for parents/guardians to be attached as a cover to the LCAP. The overview shall include specified information related to the COE's budget and shall be based on the template developed by the Superintendent of Public Instruction (SPI). (Education Code 52064.1)

At any time during the period in which the LCAP is in effect, the County Board may adopt revisions to the plan presented by the County Superintendent, provided that the County Board follows the same process for adopting the LCAP pursuant to Education Code 52068 and the revisions are adopted in a public meeting. (Education Code 52068)

CSBA NOTE: Education Code 52070.5 requires the County Board to submit to the SPI the LCAP or the annual update to the LCAP, not later than five days after adoption. The SPI may seek written clarification of the contents of the plan and subsequently may submit recommendations for amendments, in accordance with the timelines specified in law as provided below. The SPI is required to approve the LCAP or the annual update on or before October 8 if it is determined that (1) the LCAP adheres to the SBE template, (2) the COE budget includes expenditures sufficient to implement the specific actions and strategies in the LCAP, and (3) the LCAP adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students.

Education Code 52064.1 also requires the COE to file the LCFF budget overview for

parents/guardians with the SPI to be reviewed for adherence with the template adopted by the SPI. If the budget overview is not approved, the SPI will withhold approval of the LCAP and will provide technical assistance pursuant to Education Code 52071.5.

Not later than five days after adoption of the LCAP, the COE budget, and the LCFF budget overview for parents/guardians, the County Board shall file the LCAP, the budget, and the budget overview with the SPI. (Education Code 1622, 52064.1, 52070.5)

If the SPI sends, by August 15, a written request for clarification of the contents of the LCAP or the annual update, the County Board shall respond in writing within 15 days of the request. If the SPI then submits recommendations for amendments to the LCAP within 15 days of receiving the County Board's response, the County Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070.5)

CSBA NOTE: Education Code 52065, as amended by SB 609 (Ch. 494, Statutes 2023), requires the approved LCAP to be posted on the performance overview portion of the Dashboard.

The LCAP, once approved, shall be posted on the performance overview portion of the Dashboard. (Education Code 52065)

CSBA NOTE: Pursuant to Education Code 52064.5, as amended by SB 153, if the County Board is unable to review local indicator data (data adopted by SBE to measure COE and school site performance in regard to specified state priorities), due to any emergency specified in Education Code 46392, the County Board is required to review such data at its next County Board meeting, adopt a resolution describing the emergency event and the date on which the local indicator data was reviewed, and submit the resolution to CDE.

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

Revisions

The County Board may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the County Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52068 and the revisions are adopted in a public meeting. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

Monitoring Progress and Complaints

CSBA NOTE: The following optional section may be revised to reflect the COE's timeline for reviewing the progress and effectiveness of strategies included in the LCAP. Reports should be provided to the County Board in sufficient time to allow for any necessary changes to the annual update to the LCAP by July 1 of each year, as required by Education Code 52067. The Dashboard provides a tool to assist in evaluation of COE and school performance and includes all of the state priorities for the LCAP described in Education Code 52066.

At least annually, the County Board shall review data presented by the County Superintendent

regarding the COE's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of COE and school performance reported on the Dashboard and any additional indicators established by the County Board and County Superintendent for state and local priorities.

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

IDEA Addendum

CSBA NOTE: Pursuant to Education Code 52064.3, as ~~added~~amended by ~~AB 181 (Ch. 52, Statutes of 2022),~~SB 153, SBE is required to adopt, by January 31, ~~2025~~2027, an Individuals with Disabilities Education Act (IDEA) ~~addendum~~Addendum relating to improvements in services for students with disabilities to be completed, as specified, by COEs identified as needing an improvement plan pursuant to 34 CFR 300.600-300.647. COEs that were identified by CDE and adopted an improvement plan prior to July 1, ~~2025~~2027 are not required to develop an IDEA ~~addendum~~Addendum until the expiration of the existing plan, or by July 1, ~~2028~~2030, whichever is first. Education Code 52064.3~~, as added by AB 181,~~ also requires an IDEA Addendum to be developed, reviewed, and approved using the same process as for the LCAP or annual update to the LCAP.

When the County Board is presented with an Individuals with Disabilities Education Act (IDEA) Addendum, required pursuant to Education Code 52064.3, resulting from SBE notification that the COE is needing an improvement plan pursuant to 34 CFR 300.600-300.647, the County Board shall consider the Addendum for adoption in the same manner as the COE LCAP or annual update to the LCAP.

No later than 15 days after the adoption of the IDEA Addendum, when applicable, the Addendum shall be filed with the SPI. (Education Code 52064.3)

Technical Assistance

CSBA NOTE: Pursuant to Education Code 52071.5, if the SPI does not approve a COE's LCAP and annual update, including the annual update and the budget overview for parents/guardians, then technical assistance is required to be provided.

If the SPI does not approve the LCAP and the annual update, the County Board shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.5.

District LCAPs

CSBA NOTE: Education Code 52066, as amended by SB 153, requires the County Superintendent to prepare a summary of how districts and schools, including charters schools, within the county will be supported in implementing their LCAP, and to present the summary to the County Board, as reflected below.

At the same public meeting that the County Board adopts the LCAP and annual update, the County Board shall receive the County Superintendent's plan to support districts and schools, including charter schools, within the county in implementing their LCAPs. (Education Code 52066)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
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State	Description
5 CCR 15494-15497	Local control and accountability plan and spending requirements
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair
Ed. Code 305-306	English language education
Ed. Code 33430-33436	Learning Communities for School Success Program; grants for LCAP implementation
Ed. Code 41020	Requirement for annual audit
Ed. Code 41320-41322	Emergency apportionments
Ed. Code 42127	Public hearing on budget adoption
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 46392	Emergency Average Daily Attendance
Ed. Code 47604.33	Submission of reports by charter schools
Ed. Code 47606.5	Charter schools; local control and accountability plan
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52302	Regional occupational centers and programs
Ed. Code 52372.5	Linked learning program
Ed. Code 54692	Partnership academies
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution

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

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

Management Resources	**Description**
California Department of Education Publication	Local Control and Accountability Plan and Annual Update (LCAP) Template https://www.cde.ca.gov/re/lc/
California Department of Education Publication	LCFF Frequently Asked Questions https://www.cde.ca.gov/Fg/aa/lc/lcfffaq.asp
California Department of Education Publication	Family Engagement Framework: A Tool for California School Districts, 2014 https://www.cde.ca.gov/ls/pf/pf/documents/famengageframeenglish.pdf
California Department of Education Publication	California School Dashboard https://www.caschooldashboard.org/
California Department of Education Publication	California School Accounting Manual https://www.cde.ca.gov/fg/ac/sa/documents/csam2019complete.pdf
California Department of Education Publication	California English Language Development Standards, 2012 https://www.cde.ca.gov/sp/el/er/eldstandards.asp
California Department of Education Publication	California Common Core State Standards: Mathematics, rev. 2013 https://www.cde.ca.gov/be/st/ss/documents/ccssmathstandardaug2013.pdf
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

	https://www.cde.ca.gov/re/cc/
California Department of Education Publication	California Career Technical Education Model Curriculum Standards, 2013
	https://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp
CSBA Publication	The California School Dashboard and Small Districts, October 2018
	https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201810GovBriefCASchoolDashboard.ashx?la=en&rev=ef641be9b91742d8a1568091b15b44a1
CSBA Publication	Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016
	https://www.csba.org/GovernanceAndPolicyResources/LCFF-LCAP/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBLCAPPromisingPractices.ashx
CSBA Publication	LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016
	https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201608_GB_LCFFRubricsIssue1.ashx?la=en&rev=44794ecc188741d3b1fdaacee8de2123
Website	CSBA
Website	California School Dashboard
Website	California Department of Education

Cross References

Code	Description
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools
1112	Media Relations
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
3100	Budget Adoption And Revision
~~3110~~	~~Transfer Of Funds~~

~~3517~~	~~Facilities Inspection~~
~~3517-E(1)~~	~~Facilities Inspection~~
~~3553~~	~~Free And Reduced Price Meals~~
~~3553~~	~~Free And Reduced Price Meals~~
~~4112.2~~	~~Certification~~
~~4112.2~~	~~Certification~~
5131.2	Bullying
5131.2	Bullying
~~6162.5~~	~~Student Assessment~~
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
~~6173.1~~	~~Education For Foster Youth~~
~~6173.1~~	~~Education For Foster Youth~~
9000	Role Of The Board
9000-E(1)	Role Of The Board
9230	Orientation
9310	Board Policies

County Board Policy 3100: Budget Adoption And Revision

Status: ADOPTED

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

CSBA NOTE: Education Code 33129 requires the county office of education (COE) to develop a budget and manage its expenditures in accordance with standards and criteria adopted by the State Board of Education as listed in 5 CCR 15467-15479. Education Code 1040 and 1622 require the County Board of Education to adopt the annual budget prepared by the County Superintendent of Schools before its submission to the Superintendent of Public Instruction (SPI).

Pursuant to Education Code 42120, if the County Board neglects or refuses to adopt a budget in accordance with law, the SPI will not make any apportionment to the COE of state or federal funds for the current school year.

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

It is the responsibility of the County Superintendent of Schools or designee to develop a budget to be adopted within the time limits set by law. The budget shall show a complete plan and itemized statement of all proposed expenditures in each fund of the COE, and the estimated cash balances and estimated revenues of the COE for the current budget year and for the next two fiscal years. The budget shall include a comparison of expenditures, cash balances, and revenues estimated for the budget year with the unaudited actual amounts of the expenditures, cash balances, and revenues for the prior fiscal year.

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

The budget shall be developed in accordance with standards and criteria adopted by the State Board of Education. (Education Code 33127, 33129; 5 CCR 15467-15479)

CSBA NOTE: The following optional paragraph may be revised as desired.

In reviewing a proposed budget, the County Board may consider past, current, and future fiscal obligations of the COE, stability of funding sources, the LCAP, enrollment trends, anticipated increases and/or decreases in the cost of services and supplies, use of one-time resources, and any other factors necessary to ensure that the budget is a realistic plan for COE revenues and expenditures.

CSBA NOTE: 5 CCR 15474 establishes minimum percentages or amounts that the COE must maintain as a general fund reserve for economic uncertainty. The following paragraph may be revised to reflect the specific percentage or amount applicable to the COE.

The COE budget shall include a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15474.

Adoption of County School Service Fund Budget

CSBA NOTE: The following section is based on Education Code 1620-1630 which addresses county school service fund budgets only. Fiscally independent COEs may revise this section to make it applicable to their consolidated budgets. Fiscally dependent COEs may also revise this section to address the County Superintendent budget and may add their own process for adopting the County Superintendent budget, if that process is different from the one described below.

Pursuant to Education Code 1620 and 1622, a public hearing must be held before the adoption of the county school service fund budget by July 1. The County Superintendent must present the proposed budget to the County Board in time to allow for the holding of the public hearing in accordance with law. The budget may not be adopted by the County Board or approved by the SPI before the COE's LCAP, or the update to the LCAP, is approved for the budget year.

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

The County Board expects the County Superintendent or designee to present the proposed county school service fund budget to the County Board early enough in the fiscal year to allow the County Board sufficient time to meet the requirement to adopt the budget by July 1. The budget shall include the expenditures identified in the LCAP and any updates to the LCAP that will be effective for the budget year. (Education Code 1622)

CSBA NOTE: Pursuant to Education Code 52064.1, ~~as added by AB 1808 (Ch. 32, Statutes of 2018),~~ COEs are required, by July 1 each year, to develop a local control funding formula budget overview for parents/guardians with specified information, based on a template created by the SPI. The budget overview must be developed in conjunction with, and attached as a cover to, the LCAP and annual update to the LCAP. The adoption, review, approval, and posting of the budget overview are subject to the same requirements as for the LCAP, including the requirement for a public hearing.

Pursuant to Education Code 52064.1, as amended by SB 114, the budget overview is required to include add-on funding provided for the purposes of juvenile court schools, county community schools, and the Student Support and Enrichment Block Grant.

The County Board shall hold a public hearing on the proposed budget at the same meeting as the public hearing on the COE's LCAP and local control funding formula (LCFF) budget overview for parents/guardians. An agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be

available for public inspection at least three working days before this hearing. During the hearing, any taxpayer directly affected by the budget may speak to the proposed budget or any item in the budget. (Education Code 1620, 52064.1)

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

The location and dates at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, shall be published in a newspaper of general circulation at least 10 days, but not more than 45 days before the hearing, as specified in Education Code 42103. Beginning January 1, 2027 this notification, rather than being published in a newspaper of general circulation as described above, shall be prominently posted on the COE's website rather than in a newspaper of general circulation.

At a public meeting held after the date of the public hearing but on or before July 1 of each year, the County Board shall adopt a county school service fund budget for the budget year. The County Board shall adopt the budget following its adoption of the LCAP, or annual update to the LCAP, and the LCFF budget overview for parents/guardians. (Education Code 1622, 52064.1)

The County Board shall file the adopted budget with the Superintendent of Public Instruction (SPI), the County Board of Supervisors, and the County Auditor. (Education Code 1622)

CSBA NOTE: Pursuant to Education Code 1622, as amended by SB 153, on or before September 15, the SPI ~~must~~is required to approve, conditionally approve, or disapprove the county school service fund budget ~~and, if disapproved,~~. In the event of a conditional approval or disapproval, the SPI will provide the COE with recommendations regarding revision of the budget and the reasons for those recommendations~~. The~~, after which, but no later than October 8, the County Superintendent and County Board ~~may subsequently revise the budget in response~~are required to review the ~~SPI's~~ recommendations at a ~~regular~~regularly scheduled meeting of the County Board ~~meeting by October 8 without a second public hearing.~~

to respond to the recommendations, including any revisions to the adopted budget and other proposed actions to be taken.

Education Code 1622 requires the SPI to approve or disapprove the revised budget by November 8. If the SPI disapproves the budget, the SPI must call for the formation of a budget review committee. Budget review committee formation, convening procedures, and timelines are set forth in Education Code 1623.

If the SPI conditionally approves or disapproves the county school service fund budget, the County Board and County Superintendent shall review and respond to the SPI's recommendations at a regularly scheduled County Board meeting on or before October 8. That response shall include the proposed actions to be taken, if any, as a result of those recommendations. (Education Code 1622)

No later than 45 days after the Governor signs the annual Budget Act, it is the responsibility of the County Superintendent to make available for public review any revisions made to the budget to reflect the funding made available by the Budget Act. (Education Code 1622)

Transfer of Funds

CSBA NOTE: The following paragraph is optional and may be revised by the County Board ~~as desired~~.

The County Board recognizes that the County Superintendent or designee may spend funds appropriated in the budget within major object budget categories without County Board approval and may make transfers of appropriated funds between major object budget categories to meet necessary expenses. Any transfer of funds between major object budget categories shall be included in timely financial reports to the County Board.

Financial Reports

The County Board shall review interim budget reports presented by the County Superintendent twice annually. The first interim report shall cover the financial and budgetary status of the COE for the period ending October 31. The second interim report shall cover the period ending January 31. Both reports shall be reviewed by the County Board no later than 45 days after the close of the period being reported. (Education Code 1240)

Budget Revision

As defined in the California School Accounting Manual, a budget revision means a net increase or decrease to the budget. Any revision to the budget in excess of $25,000, whether a net increase or decrease in the amount of funds appropriated, shall be incorporated into the next interim financial report or other County Board report and presented to the County Board for discussion and approval at a regularly scheduled public meeting of the County Board. (Education Code 1280)

Any budget revision of $25,000 or less may be included in timely financial reports to the County Board but shall not be subject to County Board approval.

A consultant's contract for $25,000 or more may constitute a budget revision requiring County Board approval if the contract causes a net increase or decrease to the total budget. (Education Code 1280, 1281)

Unappropriated Fund Balance

The budget may contain amounts known as the unappropriated fund balance. These funds shall be available for appropriation by a majority vote of the County Board.

Increases of Salary or Retirement Benefits to Employees by County Superintendent

The County Superintendent shall bring to the County Board at a regularly scheduled County Board meeting for discussion purposes only any proposed salary increase or bonus for any COE employee that is $10,000 or more. The County Superintendent shall also bring to the County Board at a regularly scheduled meeting for discussion and approval any proposed increase to the retirement benefits of any COE employee. (Education Code 1302)

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Policy Reference Disclaimer:

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

State	Description
5 CCR 15060	Standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 1622	County office of education budget approval
Ed. Code 33127-33131	Standards and criteria for local budgets and expenditures
Ed. Code 41202	Determination of minimum level of education funding
Ed. Code 42103	Publication of proposed budget; hearing
Ed. Code 42122-42129	Budget requirements
Ed. Code 42130-42134	Financial reports and certifications
Ed. Code 42140-42142	Public disclosure of fiscal obligations
Ed. Code 42238-42251	Apportionments to districts
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42602	Use of unbudgeted funds
Ed. Code 42610	Appropriation of excess funds and limitation thereon
Ed. Code 45253	Annual budget of personnel commission
Ed. Code 45254	First year budget of personnel commission
Ed. Code 46211	Attendance Recovery Program
Ed. Code 52060-52077	Local control and accountability plan
Gov. Code 21710-21716	California Employer's Pension Prefunding Trust Program
Gov. Code 7900-7914	Appropriations limit

Management Resources	Description
California Department of Education Publication	New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011 https://www.cde.ca.gov/fg//ac/co/documents/gasb54.doc
California Department of Education Publication	California School Accounting Manual

	https://www.cde.ca.gov/fg/ac/sa/documents/csam2019complete.pdf
Fiscal Crisis & Management Assistance Team Pub.	Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, June 2019 https://www.fcmat.org/PublicationsReports/Fiscal_Oversight_Guide_final_11-8-2019.pdf
Government Finance Officers Association	Best Practice: Fund Balance Guidelines for the General Fund, September 2015 https://www.gfoa.org/materials/fund-balance-guidelines-for-the-general-fund
Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015 (https://www.gasb.org/page/document?pdf=gasbs75_final_cropped.pdf&title=GASB%20Statement%20No.%2075,%20Accounting%20and%20Financial%20Reporting%20for%20Postemployment%20Benefits%20Other%20Than%20Pensions)
Governmental Accounting Standards Board Statement	Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, February 2009 https://gasb.org/page/pronouncement?pageId=/standards-and-guidance/pronouncements/status-statement-no-54.html&isStaticPage=true
Website	School Services of California, Inc.
Website	Governmental Accounting Standards Board
Website	Government Finance Officers Association
Website	Fiscal Crisis and Management Assistance Team
Website	CSBA
Website	California Department of Finance
Website	California Department of Education, Finance and Grants
Website	Association of California School Administrators

Cross References

Code	Description
~~0000~~	~~Vision~~
~~0200~~	~~Goals For The County Office Of Education~~
~~0400~~	~~Comprehensive Plans~~
~~0440~~	~~County Office Of Education Technology Plan~~

0440	County Office Of Education Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
3000	Concepts And Roles
3110	Transfer Of Funds
3220.1	Lottery Funds
3230	Federal Grant Funds
3230-E(1)	Federal Grant Funds
3231	Impact Aid
3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3300	Expenditures And Purchases
3312	Contracts
3350	Travel Expenses
3400	Management Of County Office Assets/Accounts
3400	Management Of County Office Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3540	Transportation
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund

~~3553~~	~~Free And Reduced Price Meals~~
~~3553~~	~~Free And Reduced Price Meals~~
~~4131~~	~~Staff Development~~
~~4131.1~~	~~Beginning Teacher Support/Induction~~
~~4131.1~~	~~Beginning Teacher Support/Induction~~
~~4141~~	~~Collective Bargaining Agreement~~
~~4143~~	~~Negotiations/Consultation~~
~~4151~~	~~Employee Compensation~~
~~4154~~	~~Health And Welfare Benefits~~
~~4154~~	~~Health And Welfare Benefits~~
~~4156.2~~	~~Awards And Recognition~~
~~4231~~	~~Staff Development~~
~~4241~~	~~Collective Bargaining Agreement~~
~~4243~~	~~Negotiations/Consultation~~
~~4251~~	~~Employee Compensation~~
~~4254~~	~~Health And Welfare Benefits~~
~~4254~~	~~Health And Welfare Benefits~~
~~4256.2~~	~~Awards And Recognition~~
~~4331~~	~~Staff Development~~
~~4351~~	~~Employee Compensation~~
~~4354~~	~~Health And Welfare Benefits~~
~~4354~~	~~Health And Welfare Benefits~~
~~4356.2~~	~~Awards And Recognition~~
~~5142.2~~	~~Safe Routes To School Program~~
~~5142.2~~	~~Safe Routes To School Program~~
~~6141.4~~	~~International Baccalaureate Program~~
~~6141.5~~	~~Advanced Placement~~
~~6151~~	~~Class Size~~
~~6173.1~~	~~Education For Foster Youth~~
~~6173.1~~	~~Education For Foster Youth~~
~~6181~~	~~Alternative Schools/Programs Of Choice~~

~~6181~~	~~Alternative Schools/Programs Of Choice~~
9130	Board Committees
9140	Board Representatives
9240	Board Training
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9322	Agenda/Meeting Materials
9323	Meeting Conduct

County Board Policy 3320: Claims And Actions Against The County Office of Education

Status: ADOPTED

Original Adopted Date: 06/01/2021 **| Last Revised Date:** 12/01/2024 **| Last Reviewed Date:** ~~06~~12/01/~~2021~~2024

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

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

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

Any claim against the County Board of Education, County Superintendent of Schools, and/or county office of education (COE) for money or damages shall be filed and acted upon in accordance with the Government Claims Act (Government Code 810-996.6) or other applicable law. Claims that are specifically excepted from the Government Claims Act by Government Code 905 and are not governed by any other statute or regulation may be filed and acted upon in accordance with COE-established procedures pursuant to Government Code 935.

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

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

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

Upon receipt of a claim against the COE, written notice shall be promptly provided to the COE's joint powers authority ~~(JPA)~~ or insurance carrier in accordance with the applicable conditions of coverage.

Time Limitations

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

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

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

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

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

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

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

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

Receipt of Claims

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

CSBA NOTE: The following optional paragraph is for use by COEs that authorize a claim, amendment to a claim, or a claim or application for a late claim to be submitted through electronic means, as authorized by Government Code 915, ~~as amended by SB 1473 (Ch. 371, Statutes of 2020).~~and may be revised to specify the electronic means authorized. Pursuant to Government Code 915, electronic submission is only authorized if the County Board adopts a resolution allowing such submission. In practice, such electronic means involve online completion of a fillable form and/or transmission by email. ~~The following paragraph may be revised to specify the electronic means authorized by the COE.~~

Pursuant to Government Code 915.4~~, as amended by SB 1473~~, if the County Board authorizes electronic submission, then any notice required of the COE in response to a claim, amendment, or application for a late claim ~~must~~is required to be sent to the electronic address from which the COE received the claim or application, unless the claimant or applicant specified an alternative electronic address for that purpose. For more information regarding COE notice requirements, see "Notice of Claim Insufficiency," "Late Claims," and "Action on Claims", below.

If authorized by a resolution adopted by the County Board, claims may be submitted through electronic means. (Government Code 915, 915.2)

Review of Contents of Claim

CSBA NOTE: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the COE, but must comply with Government Code 910 and 910.2.

Any claim received shall be reviewed to ensure that the claim contains all of the following information: (as specified in Government Code 910, and 910.2):

1. The name and post office address of the claimant

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

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

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

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

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

   If the amount claimed exceeds $10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case of $25,000 or less. as specified in Code of Civil Procedure 85 and 86.

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

Notice of Claim Insufficiency

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

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

COEs should investigate the background of each claim thoroughly, be cautious before rejecting a claim because of insufficiency of information, and consult CSBA's District and County Office of Education Legal Services or other legal counsel, and/or the COE's JPA or insurance provider, as appropriate. In *Stockett v. Association of California Water Agencies Joint Powers Insurance Authority,*

the California Supreme Court held that a claim is sufficient, and may not be barred, so long as enough information is disclosed to allow the COE to adequately conduct an investigation of the claim's merits, even if the claim was not indicated in the claimant's initial notice.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the claimant shall be notified, within 20 days of receipt of the claim and in the manner specified in Government Code 915.4, of the particular defects or omission in the claim. If a notice of insufficiency is provided, no action shall be taken on the claim until at least 15 days after the notice. (Government Code 910.8~~, 915.4~~)

Amendment to Claims

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

Late Claims

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

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

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

If the claim is presented late and is not accompanied by an application to present a late claim, the claimant ~~may~~shall be provided, within 45 days after the claim is presented, written notice, in the manner specified in Government Code 911.3, that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

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

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

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

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

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

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

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

If no action is taken on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Action on Claims

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

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

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

~~CSBA NOTE: The grounds for accepting or rejecting a claim are specified in Government Code 912.4 and 912.6. The COE should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the COE's JPA or insurance provider, as appropriate.~~

~~Courts have held that a claim is sufficient as long as enough information is disclosed to allow the agency to adequately conduct an investigation of the claim's merits.~~

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

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

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

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

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

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

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

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

Registry of Public Agencies

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

Pursuant to Government Code 960.2 and 960.3, if the information is not on file or is not accurate, the court may allow a person to ~~proceed with~~serve a claim ~~against~~on the COE ~~even if the time limit for~~ by mailing or personally delivering process to the Secretary of State's office. Additionally, pursuant to Government Code 946.4, if the information is not on file or is not accurate, then if a plaintiff fails to present a claim to the COE before filing ~~such a claim has expired.~~ suit, this will not constitute a defense for the COE. Thus, it is imperative that all required information be current and accurate.

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

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

Management Resources	Description
Court Decision	CSEA v. South Orange Community College District (2004) 124 Cal.App.4th 574
Court Decision	CSEA v. Azusa Unified School District (1984) 152 Cal.App.3d 580
Court Decision	Connelly v. County of Fresno (2006) 146 Cal.App.4th 29
Court Decision	City of Stockton v. Superior Court (2007) 42 Cal. 4th 730
Court Decision	Stockett v. Association of California Water Agencies Joint Powers Insurance Authority (2004) 34 Cal.4th 441
Court Decision	Hovd v. Hayward Unified School District (1977) 74 Cal.App.3d 470
Website	CSBA District and County Office of Education Legal Services
Website	Fiscal Crisis and Management Assistance Team
Website	California Secretary of State's Office

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

Gov. Code 800	Cost in civil actions
Gov. Code 810-996.6	Government Claims Act
Pen. Code 72	Fraudulent claims

Cross References

Code	Description
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Board Bylaw 9240: Board Training

Status: ADOPTED

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

CSBA NOTE: The following optional bylaw may be revised to reflect local practice.

CSBA's Professional Governance Standards for County Boards include expectations that each ~~individual~~ County Board of Education member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's ~~web site~~website for education opportunities including, but not limited to, the Institute for New and First-Term Board Members, Masters in Governance ~~program~~Program, Annual Education Conference and Trade Show, ~~Good Beginnings Workshop,~~ Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, ~~Back-to-School Webcast, County Board Advanced Workshop, California County Boards of Education Annual Conference,~~Policy Update Webinars, and Ethics Trainings, as well as other workshops and webinars on specific topics, and governance consulting services.

Pursuant to Education Code 1095, a County Board may subscribe for membership in, or otherwise become a member of, CSBA, with the costs of such membership payable out of the county general fund.

The County Board of Education believes that its ability to effectively and responsibly govern is essential to promoting student achievement, building positive community relations, and protecting the public interest in county schools. County Board members shall ~~be provided sufficient~~ participate in mandatory ethics training, as outlined below, and are encouraged to participate in ongoing opportunities for professional development ~~that helps~~sufficient to help them understand their responsibilities, stay abreast of new developments in education, and ~~develop boardsmanship~~improve governance skills.

CSBA NOTE: Government Code 53234-53235.2 requires a County Board member, except for a member whose term of office ends before January 1, 2026, to receive specified training in ethics by January 1, 2026, and at least once every two years thereafter, and for records of such training to be maintained. Additionally, Government Code 53235, as amended by AB 2631 (Ch. 201, Statutes of 2024), requires the Fair Political Practices Commission, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials, including County Board members.

Unless a County Board member's term expires prior to January 1, 2026, each County Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter. (Government Code 53235)

Once completed, the County Board member shall inform the County Board president. A record of each County Board member's participation in the required ethics training shall be retained.

The County Board president shall work with the County Superintendent of Schools or designee to provide an orientation to newly elected or appointed County Board members ~~which includes comprehensive information regarding County Board roles, policies, and procedures and the county office of education's (COE) vision and goals, operations, and current challenges. Throughout their first term, County Board members shall continue to participate in additional educational opportunities designed to assist them~~consistent with County Board Bylaw 9230 - Orientation.

The County Board president shall work with the County Superintendent or designee to include funds for professional development and associated reasonable travel expenses for the County Board as a whole and for each individual County Board member in the County Office of Education's (COE) proposed annual budget.

Consistent with the availability of funds in the COE's adopted annual budget, the County Board president or designee shall annually develop, and bring to the County Board for adoption at a County Board meeting, a County Board professional development calendar designed to assist the County Board as a whole in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, community relations, ~~program evaluation,~~ open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

~~All County Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association and California County Boards of Education in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the county on issues that involve the entire governance team.~~

~~CSBA NOTE: CSBA recommends that County Board training and travel expenses be budgeted as separate items. While training is essential to maintain an effective, well-informed County Board, travel expenses are incurred for a variety of reasons.~~

~~It is also recommended that the County Board determine the manner in which training activities that require the use of county office of education (COE) funds will be selected or approved. COEs may allocate funds equally to each County Board member and allow each member discretion to select activities that meet his/her needs, or may require that all activities, or activities over a specified cost, be approved by the full County Board. The following paragraph may be revised to reflect County Board practice.~~

~~Funds for training shall be budgeted annually for the County Board and each County Board member. In selecting appropriate activities, the County Board and/or individual County Board members shall consider activities that are aligned with the COE's vision and goals and the needs of the County Board or individual County Board members to obtain specific knowledge and skills. The County Board shall annually develop a training calendar in order to schedule and track training activities and to schedule opportunities for County Board members to report on the activities in which they participated.~~

CSBA NOTE: The following paragraph permits individual County Board members to identify and participate in additional professional development opportunities, with the only condition that there

are funds available in the COE's adopted annual budget for such purpose. It may be revised to reflect local practice.

Consistent with the availability of funds in the COE's adopted annual budget, individual County Board members may identify and participate in additional professional development opportunities, and shall timely inform the County Board president upon doing so. Additionally, County Board members shall follow any established timelines and procedures for how an individual County Board member shall request that the COE pay for such professional development opportunities, whether in advance or by reimbursement.

County Board members are encouraged to consider participating in the professional development opportunities offered by CSBA such as the Institute for New and First-Term Board Members, Masters in Governance Program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Policy Update Webinars, and Ethics Trainings.

Individual County Board members are encouraged to share the knowledge or skills acquired from individual professional development opportunities with the full County Board.

CSBA NOTE: Pursuant to Government Code 54952.2, a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the County Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the County Board. Also see BB 9320 - Meetings and Notices.

Consistent with County Board Bylaw 9320 - Meetings And Notices, County Board members may attend a professional development opportunity as part of a conference or similar public gathering ~~with other County Board members and/or with the County Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In~~, such ~~cases,~~as the Annual Education Conference and Trade Show hosted by CSBA, so long as a majority of the County Board members ~~shall~~do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the COE's jurisdiction~~, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.~~

~~County Board members shall report orally or in writing on the training activities they attend, for the purpose of sharing the acquired knowledge or skills with the full County Board and enlarging the benefit of the activity to the County Board and COE.~~ .

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Policy Reference Disclaimer:
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State	Description
Ed. Code 1095	Membership in organizations
Gov. Code 53234-53235.2	Ethics Training
Gov. Code 54950-54963	The Ralph M. Brown Act

Gov. Code 54952.2	Meeting defined

Management Resources	**Description**
~~California County Boards of Education Publication~~	~~County Board Member Handbook: A Guide to Effective Governance, 2015~~
CSBA Publication	Professional Governance Standards for County Boards~~, October 2014~~
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings~~, 2015~~
Website	CSBA
~~Website~~	~~California County Boards of Education~~

Cross References

Code	**Description**
3100	Budget Adoption And Revision
9000	Role Of The Board
9000-E(1)	Role Of The Board
9005	Governance Standards
9121	President
9150	Student Board Members
9230	Orientation
9320	Meetings And Notices
9400	Board Self-Evaluation

Board Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 06/01/2016 **| Last Revised Date:** ~~03~~12/01/~~2023~~2024 **| Last Reviewed Date:** ~~03~~12/01/~~2023~~2024

CSBA NOTE: ~~The following County Board of Education Bylaw addresses legal requirements related~~Pursuant to ~~conflict of interest for California~~ Government Code 87300, a local government such as a county board of education is **mandated** to adopt a conflict of interest code and, pursuant to Government Code 1126, is **mandated** to adopt policy regarding incompatible offices and activities. This bylaw is intended to meet both of those mandates, but its scope is limited only to county boards ~~of education only. County boards that hire~~. Therefore, where the County Superintendent of Schools ~~(Sacramento, San Diego, San Francisco, and Santa Clara) and the Los Angeles County Board of Supervisors who hire the County Board and the County Superintendent, may modify the bylaw to make~~ is appointed rather than elected, this bylaw should be modified to make it applicable to the County Superintendent as appropriate. ~~In addition, in appropriate circumstances, sections of this bylaw that are expressly applicable only to a county board may~~Additionally, where a county board hires other staff directly, this bylaw should be modified to make ~~them applicable to a hired county superintendent or any consultant hired by the County Board as appropriate. For example, the section below entitled "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract" may be modified to include references to the County Superintendent and/or consultant, if appropriate.~~

~~Generally, the County Superintendent will adopt a superintendent policy that meets conflict of interest code requirements and designates the disclosure requirements and categories applicable to the County Superintendent and county office of education staff (COE). However, if such a County Superintendent policy has not been adopted, the County Board of Education should consult with the County Superintendent~~ it applicable to ~~ensure that all conflict of interest code requirements are being met.~~

~~The determination~~those positions as ~~to~~well.

Determining whether a conflict of interest exists ~~must be analyzed under two separate sets of statutes:~~requires an analysis under (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87505), ~~detailed in the section below entitled~~as specified in "Conflict of Interest under the Political Reform Act," ~~and~~ (2) Government Code 1090-1098, ~~detailed in the section below entitled~~as specified in "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract~~."~~ ~~Even when a conflict does not exist pursuant to those statutes, a violation may still occur under~~," and (3) the common law doctrine against conflict of interest~~; see the section below entitled~~, as specified in "Common Law Doctrine Against Conflict of Interest~~."~~

~~Because the~~ " below. Additionally, different conflict of interest law ~~and definitions are quite complex~~provisions apply to different officials and positions. Therefore, it is strongly recommended that ~~the County Board~~county boards consult ~~with~~ CSBA's District and County Office of Education Legal Services or ~~COE~~other legal counsel, and staff from the Fair Political Practices Commission (FPPC), as soon as a potential conflict is ~~presented~~identified.

The County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the ~~county office~~County Office of ~~education~~Education (COE) and the public. ~~In accordance with law,~~Accordingly, no County Board ~~members~~member shall ~~disclose any conflict~~participate in the making of any decision for the COE when the decision will or may be affected by the County Board member's financial, family, or other personal interest ~~and~~or consideration, as ~~necessary,~~defined by law.

Additionally, a County Board member shall abstain from ~~participating in any decisions or discussions~~voting on a matter that ~~could affect or be effected by those interests, especially,~~uniquely affects the County Board member's relatives except as ~~prohibited by Government Code 1090, those interests~~permitted by law. Relative means an adult who is related to ~~contracts. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.~~the County Board member by blood or affinity within the third degree, as determined by common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

CSBA NOTE: The following paragraph reflects the common law definition of "relative within the third degree."~~CSBA NOTE: The County Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. County Board members are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. Pursuant to Government Code 87302, the disclosure requirements for most County Board members are determined by the County Board and set forth in the conflict of interest code. However, for County Board members who "manage public investments," Government Code 87200 also applies. Those County Board members referred to by the FPPC as Government Code 87200/Article 2 filers must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.~~

~~Pursuant to Government Code 87303, the conflict of interest code must be approved by the appropriate code reviewing body. For COE's that have jurisdictions entirely in one county, the code reviewing body is the board of supervisors of the county in which the COE is located. The FPPC is the code reviewing body for those COEs with jurisdiction covering more than one county.~~

~~Pursuant to FPPC regulation 2 CCR 18730, the requirements of the Government Code are satisfied if the County Board adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions and disclosure categories. The accompanying exhibit contains a sample resolution which includes an appendix with designated positions and disclosure categories which, once adopted by the County Board, will comprise the terms of the conflict of interest code that should be submitted to the County Board of Supervisors. The~~

designated positions in the County Board's conflict of interest code will include County Board members, and, when applicable County Board consultants and the County Superintendent if hired by the County Board. If the County Board does not wish to adopt a resolution as its conflict of interest code, it should modify the following paragraph accordingly.

The County Board shall adopt a resolution that specifies the terms of its conflict of interest code, designates any consultant positions required to complete conflict of interest reporting, and establishes disclosure categories required for each position. The conflict of interest code must be approved by the appropriate code reviewing body. Upon request by the code reviewing body, the County Board shall review the conflict of interest code and submit any changes to the code reviewing body.

When a change in the conflict of interest code is necessitated due to changed circumstances, such as the hiring of a new consultant in a position that is not already designated in the conflict of interest code or a change to an existing consultant's scope of work in a manner that changes the consultant's position to a designated position, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the conflict of interest code, the County Board shall provide members of the community, the County Superintendent of Schools, COE staff, and consultants of the County Board adequate notice and a fair opportunity to present their views. A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner, unless the individual is widowed or divorced.

Conflict of Interest Code

(Government Code 87311)County Board members shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the conflict of interest code. A County Board member who leaves office shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

CSBA NOTE: The County Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. CSBA NOTE: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755, and interpretive opinions, to determine whether a conflict of interest exists under the PRA. When such a conflict exists, the affected County Board member must disclose the interest and not participate in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards to a County Board member's spouse is also applicable to a registered domestic partner.Pursuant to Government Code 87303, the County Board's conflict of interest code is required to be approved by the board of supervisors.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a County Board adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of disclosure categories for County Board members. The accompanying exhibit contains a sample resolution that includes an appendix with such disclosure categories which, once adopted by the County Board, will comprise the terms of the County Board's conflict of interest code that should be submitted to the code reviewing body.

The County Board shall adopt a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the board of supervisors for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body.

Upon direction by the code reviewing body, the County Board shall review its conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the County Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the County Board's conflict of interest code is necessitated due to changed circumstances, the County Board shall amend the code, which shall then be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the County Board's conflict of interest code, officers, employees, consultants, and members of the community shall be provided with adequate notice and a fair opportunity to present their views. (Government Code 87311)

Conflict of Interest under the Political Reform Act

~~A County Board member shall not make, participate in making, or in any way use or attempt to use the official position to influence a governmental decision in which the County Board member knows or has reason to know that there is a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board member's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)~~

~~A County Board member is involved in making a governmental decision when, acting within the authority of the office or position, votes on a matter, appoints a person, obligates or commits the County Board to any course of action, or votes to enter into or approve any contractual agreement on behalf of the County Board. (2 CCR 18704)~~

~~A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from voting on the matter. Although the County Board member may remain on the dais, if the County Board member chooses to stay the County Board member's presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed~~

session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18700)

Conflict of Interest from Campaign Contributions

CSBA NOTE: Pursuant to Government Code 84308, as amended by SB 1439 (Ch. 848, Statutes of 2022), elected COE officers, such as County Board members, and "agency heads", which likely include County Superintendents, are prohibited from participating in decisions involving parties who have provided campaign contributions of more than $250 in the prior 12 months to the officer's campaign committee. Such officers are also prohibited from accepting, soliciting, or directing campaign contributions of more than $250 from a party or participant who has a financial interest in a County Board decision, to any campaign committee while the decision is pending and for 12 months after the decision is made. These provisions do not apply to labor contracts, competitively bid contracts, and personal employment contracts.CSBA NOTE: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18707, and interpretive opinions, to determine whether a conflict of interest exists under the PRA for a County Board member. When such a conflict exists, the individual with a conflict is required to disclose the interest and not participate in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regard to a County Board member's spouse is also applicable to a registered domestic partner.

To avoid improper influence over the County Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, COE officers, which includes County Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

A COE officer is A County Board member shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the County Board member knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the County Board member's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A County Board member makes a governmental decision when, acting within the authority of the office or position, the County Board member authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before the County Board for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

CSBA NOTE: 2 CCR 18705 permits a County Board member who is financially interested in a contract to participate in making a decision on the contract if (1) the County Board member discloses the existence of the conflict and describes with particularity the nature of the financial interest in the contract, (2) gives a summary description of the circumstances under which the County Board member believes the conflict may arise, and (3) either the County Board member, or

another County Board member, discloses the legal basis for concluding that no alternative source of decision exists for the County Board.

However, a County Board member is not prohibited from ~~accepting, soliciting, or directing a contribution of more than $250 from any party or participant to~~ participating in the making of a contract in which the County Board member has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Conflict of Interest from Campaign Contributions

CSBA NOTE: Government Code 84308, as amended by SB 1181 (Ch. 785, Statutes of 2024) and SB 1243 (Ch. 1017, Statutes of 2024), imposes specified disclosure requirements and restrictions on accepting, soliciting, or directing campaign contributions of more than $500 by a County Board member from a party or participant to a proceeding before the County Board involving a contract, license, permit, or other entitlement for use, as defined, or from an agent of such a party or participant, with limited statutory exceptions. Some disclosure requirements and restrictions apply before the County Board's decision on the proceeding is made, some apply while the decision is pending, and some apply after the decision has been made.

~~1.~~ Prior to the County Board rendering a decision in a proceeding involving a contract, license, permit, or other entitlement for use, ~~including a contract, or from that person's agent, while the proceeding is pending before the County Board and for 12 months following the date a final decision is rendered in the proceeding, if the County Board member knows or has reason to know that the party or participant has a financial interest in the County Board's decision.~~

~~2.~~ Any ~~COE officer who~~as defined by Government Code 84308, a County Board member whose campaign committee received a contribution of more than $~~250~~500 from ~~a~~any party or participant ~~in the preceding 12 months~~to the proceeding, or from an agent of such a party or participant, in the prior 12 months, and the party who made such a contribution, shall both publicly disclose that fact on the record of the proceeding ~~prior to the County Board rendering a decision in the proceeding~~. ~~If the COE officer~~Additionally, if a County Board member willfully or knowingly received ~~the~~a contribution to the County Board member's campaign committee of more than $500 from any party or participant to such a proceeding, or from an agent of a party or participant, in the prior 12 months, and knows or has reason to know that the participant has a financial interest in the County Board's decision, the ~~COE officer~~County Board member shall not make, participate in making, or in any way attempt to use the County Board member's official position to influence the County Board's decision~~.~~

~~3.~~ ~~A COE officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding~~ in the proceeding. However, a County Board member may make, participate in making, or attempt to use the County Board member's official position to influence the decision if the contribution is returned within 30 days ~~from~~after the ~~time~~decision was made or after the ~~COE officer~~County Board member knows or should have known about the contribution and the proceeding~~.~~

~~4.~~ ~~A COE officer who unknowingly accepts, solicits, or directs a contribution of more than $250 during the 12 months after the date of the County Board's final decision on the proceeding may cure the violation by returning~~, whichever is later.

All County Board members are prohibited from accepting, soliciting, or directing a contribution of more than $500 to a candidate or ballot measure campaign committee from any party or participant to a proceeding before the County Board involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, or from an agent of a party or participant, while the proceeding is pending before the County Board and for 12 months following the date the County Board renders a final decision in the proceeding, if the County Board member knows or has reason to know that the participant has a financial interest in the decision. However, if a County Board member does accept, solicit, or direct such a contribution during those 12 months but did not do so knowingly or willingly, the County Board member may cure the violation by ensuring that the contribution, or the portion exceeding $~~250,~~500, is returned within ~~14~~30 days of accepting, soliciting, or directing the contribution~~, provided the COE officer did not knowingly or willfully accept, solicit, or, direct the prohibited contribution.~~. The ~~COE officer~~County Board member shall maintain records of curing the violation.

~~The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and~~ (Government Code 84308)

For a County Board member, a proceeding becomes "pending" when an item involving the contract, license, permit, or other entitlement for use, as defined by Government Code 84308, is placed on a County Board agenda for discussion or decision or when it is reasonably foreseeable that the proceeding will come before the County Board for a decision. For a party or participant, and the agent of a party of participant, a proceeding becomes "pending" when an application is filed with the COE, or, if the proceeding process does not require an application, when the proceeding is before the County Board for a decision or other action. (Government Code 84308)

The contributions disclosure requirements and restrictions above do not apply to contracts that are required to be competitively bid, personal employment contracts~~.~~, contracts valued under $50,000, contracts where no party receives financial compensation, or contracts with another governmental agency. (Government Code 84308)

Form 700

CSBA NOTE: Government Code 87500 requires all County Board members to annually file a Form 700 (also known as a Statement of Economic Interest). Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category, pursuant to Government Code 87302, which is applicable to most County Boards, the disclosure requirements are determined by the County Board and set forth in its conflict of interest code. The second category, pursuant to Government Code 87200, is applicable to County Board members who "manage public investments." Individuals in such positions, referred to by the FPPC as Government Code 87200/Article 2 filers, are required to file broader disclosure statements in accordance with the disclosure requirements specified in law and FPPC regulation. See "Additional Requirements for County Boards that Manage Public Investments" below.]

Each County Board member shall annually file a Form 700/Statement of Economic Interest in accordance with the disclosure categories specified in the County Board's conflict of interest code.

An individual who ceases to be a County Board member shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date the individual ceased to be a County Board member. (Government Code 87302)

Additional Requirements for County Boards that Manage Public Investments

CSBA NOTE: The following optional section is for use only by county boards with Government Code 87200/Article 2 filers and should be deleted by all other county boards. See the accompanying exhibit for further information.

According to the FPPC, Government Code 87200/Article 2 filers are those positions which manage the investment of county office of education (COE) surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Such filers include county board members on county boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if the county boards delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds. Such filers do not include County Board members on county boards where there are no surplus or special reserve funds to invest and where all funds received are deposited (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued.

Any County Board member who manages public investments, as defined by Government Code 87200, and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required

2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100

   The County Board member shall not be counted toward achieving a quorum while the item is discussed.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded

   However, the County Board member who manages public investments, as defined by Government Code 87200, may speak on the issue during the time that the general public speaks on it. Additionally, for a County Board member, if the matter has been placed on the consent calendar, the County Board member shall abstain from voting on the consent calendar or, if the County Board removes the item from the consent calendar, the County Board member shall abstain from voting on the item. In any event, the County Board member shall refrain from discussing or voting on the item. However, the County Board member is not required to leave the room during consideration of the consent calendar.

4. If a decision is made during closed session, disclose the interest orally during the open session preceding the closed session

This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The County Board member who manages public investments, as defined by Government Code 87200, shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the decision.

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

CSBA NOTE: Pursuant to Government Code 1090, if a County Board member has a financial interest in a contract, it is an absolute bar for that County Board to ~~enter into~~approve the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot ~~be resolved by having the financially interested County Board member abstain from participating in the matter. However, there are two categories of exceptions. If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the County Board can enter into the contract. Secondly, if a County Board member's interest is deemed a "remote interest" pursuant Government Code 1091, then the County Board can enter into the contract as long as certain conditions are satisfied, as specified below.~~

~~Pursuant to Education Code 1042, the County Board may, on a limited basis, contract with and employ persons for the purpose of furnishing the County Board with special services. The prohibitions in Government Code 1090 apply to any County Board employees and consultants, including a hired county superintendent. However, the Attorney General has opined in 63 Ops.Cal.Atty.Gen. 868 (1980) that an employee's financial interest would not prohibit the County Board from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed~~, in most instances, be resolved by having the financially interested County Board member recuse themselves from participating in the matter. However, there are two categories of exceptions, "remote interest" and "noninterest", both of which are specified below.

Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. ~~Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and CSBA's District and County Office of Education Legal Services or COE legal counsel should be consulted as appropriate.~~

Violators of Government Code 1090 may be subject to a fine or, unlike the PRA, even criminal charges and/or imprisonment.

A County Board ~~members~~member shall not be financially interested in any contract ~~made~~approved by the County Board ~~and shall not be included~~, including in the development, ~~preliminary~~internal discussions, negotiations, ~~compromises~~modifications, planning, ~~reasoning~~deliberation of issues, and specifications and solicitations for bids ~~for such contracts.~~. If a County Board member has such a financial interest~~,~~ in a contract approved by the County Board ~~is barred from entering into~~, the contract is void. (Government Code 1090)

Remote Interest Exception to Government Code 1090

CSBA NOTE: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the County Board can enter into the contract. One of the noninterests listed in Government Code 1091.5 is when a County Board member's spouse has been employed by the County Board for at least one year prior to the County Board member's election or appointment. The Attorney General has opined in 80 Ops.Cal.Atty.Gen. 320 (1997) that when a spouse has not been employed for at least one year prior the County Board member's election or appointment, the exception does not apply and Government Code 1090 prohibits the County Board from entering into a new contract to hire the spouse.

Attorney General opinions and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a different position during the County Board member's term. Generally, these opinions (92 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) have held that a lateral transfer or change of classification that does not require County Board approval is the same employment not requiring a new contract and thus constitutes a noninterest. However, in Thorpe v. Long Beach Community College District and 69 Ops.Cal.Atty.Gen. 255 (1986)) it was found that when a new contract is involved, the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because County Board approval of the contract is required.

To avoid the appearance of impropriety, County Board members may decide not to participate in any discussion or action involving contracts where the County Board member's interest is a "noninterest" or "remote interest."

Because this area of law is complex, it is strongly recommended that CSBA's District and County Office of Education Legal Services or COE legal counsel be consulted if a County Board member's spouse is an employee of the County Board or the COE, or when analyzing whether an interest is a noninterest or remote interest.CSBA NOTE: When the "remote interest" conditions specified in Government Code 1091 are satisfied (e.g., County Board member is an employee of a nonprofit organization), then the County Board may approve the contract as long as the affected County Board member discloses the remote interest and abstains from the matter.

A County Board member shall not be considered to be financially interested in a contract if the interestin which there is only a "noninterest"remote interest," as definedspecified in Government Code 1091.5.

CSBA NOTE: The County Board may vote to enter into or approve a contract when a County Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the County Board wishes to enter into a contract with the County Board member's employer. When the conditions specified in Government Code 1091 are satisfied (e.g., County Board member is an employee of a nonprofit organization, the employer has at least 10 employees, and the County Board member has been employed more than three years), then the County Board may enter into the contract as long as the affected County Board member discloses the remote interest and abstains from the matter. County Board members who willfully fail to

disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.

A County Board member shall not be considered to be financially interested in a contract if the County Board member has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote, if the interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member's vote.member to enter into the contract. (Government Code 1091)

Noninterest Exception to Government Code 1090

To avoid the appearance of impropriety, A County Board members may decidemember shall not to participatebe considered to be financially interested in a contract for any discussion or action involving contracts where the County Board member's interest is a "“noninterest" or "remote interest" as described” specified in EducationGovernment Code 1091 and 1091.5.

Common Law Doctrine Against Conflict of Interest

CSBA NOTE: Even when there is not a conflict pursuant to the PRA (Government Code 87100-87505) or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety.

The County Board is encouraged to consult CSBA's District and County Office of Education Legal Services or COE legal counsel if situations arise that raise the question as to whether such a conflict exists.advisable under the common law doctrine against conflict of interest.

A County Board member shall abstain from any official action in which the County Board member's private or personal interest may conflict with official duties. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

County Board members shall abstain from voting on personnel matters that uniquely affect relatives. Relative means an adult who is related to the County Board member by blood, affinity, or adoptive relationship within the third degree.

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Rule of Necessity or Legally Required Participation

~~CSBA NOTE: Pursuant to Government Code 87101, when a conflict exists under the PRA, the County Board may still enter into a contract if the rule of necessity or legally required participation applies. In general, this rule will permit a County Board to acquire an essential supply or service. The rule also permits a County Board member to carry out an essential duty of the office in accordance with 2 CCR 18705, where the County Board member is the only one who may legally act and there is no alternative source of decision-making authority. It is recommended that CSBA's District and County Office of Education Legal Services or COE legal counsel be consulted when situations arise involving the rule of necessity.~~

~~On a case-by-case basis and upon advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18705~~official duties pursuant to the common law doctrine against conflict of interest.

Incompatible Offices and Activities

CSBA NOTE: Government Code 1099 and 1126 prohibit County Board members from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties as ~~a County Board member.~~

~~The Attorney General has opinioned (105 Ops.Cal.Atty.Gen. 69 (2022); 85 Ops.Cal.Atty.Gen. 60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)) that it would be incompatible for County Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the COE.~~ County Board members. Government Code 1126 mandates that County Board adopt procedures regarding this prohibition.

If a County Board member is sworn into an incompatible office, then the County Board member's position in the prior office is automatically terminated.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that CSBA's District and County Office of Education Legal Services or ~~COE~~other legal counsel be consulted as appropriate.

County Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's official duties ~~as an officer of the COE~~. (Government Code 1099, 1126)

Gifts

CSBA NOTE: Pursuant to 2 CCR ~~18730~~18940.2, the gift ~~limitation~~limit is ~~currently~~ ~~$520. This amount is adjusted in odd-numbered years by~~ $630 for the ~~FPPC.~~term January 1, 2025 through December 31, 2026. Pursuant to Government Code 89503, County Board members and candidates are subject to gift ~~limitation~~limits for gifts from all sources ~~except when~~unless exempted by law or regulation. For those County Board members who file a Form 700 based on the disclosure categories specified in the County Board's conflict of interest code pursuant to Government Code

87302 (see the accompanying exhibit), the gift limit is only applicable to those individuals and entities that are disclosed on the Form 700.

~~Exceptions~~Several exceptions exist within the Government ~~Codes 82028, 82030, 82033, and 82034 as specified in the~~Code's definitions of gifts, income, interest in real property, and investment~~.~~; see Government Code 82028, 82030, 82033, and 82034. If questions arise as to such exceptions, the ~~COE~~County Board may seek clarification from the FPPC through email to advice@fppc.ca.gov or consult CSBA's District and County Office of Education Legal Services or ~~COE~~other legal counsel.

County Board members may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503 and 2 CCR 18730.

~~The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)~~

CSBA NOTE: County Board members may, in the circumstances described in Government Code 89506, receive payments, advances, or reimbursements for travel and related lodging and subsistence, which will not be subject to the gift limit set in Government Code 89503.

Gifts of travel and related lodging and subsistence shall be subject to the current gift ~~limitation~~conditions and limitations, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a County Board member, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States

2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as ~~described in Government Code 89506~~defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Form 700/Statement of Economic Interest as required by law.

A gift of travel does not include travel provided by the COE for County Board ~~for its~~ members. (Government Code 89506)

Honoraria

County Board members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering~~, in accordance with law~~. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the COE for donation into the general fund without being claimed as a deduction from income for tax purposes

Advice

Any County Board member, who, in good faith, believes that they may be subject to the requirements of this Bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of this Bylaw to any particular instance or situation, may seek advice from the County Board's legal counsel with the permission of the County Board President or majority of the County Board.

Training

CSBA NOTE: Government Code 53234-53235.2 require a County Board member, except for a member whose term of office ends before January 1, 2026, to receive specified training in ethics by January 1, 2026, and at least once every two years thereafter, and for records of such training to be maintained. Additionally, Government Code 53235, as amended by AB 2631 (Ch. 201, Statutes of 2024), requires the FPPC, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials, including County Board members.

Unless a County Board member's term expires prior to January 1, 2026, each County Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter as specified in County Board Bylaw 9240 – Board Training.

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

State	Description
2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest

2 CCR 18700-18760	Conflicts of Interest
2 CCR 18722-18740	Disclosure of interests
2 CCR 18753-18756	Conflict of interest codes
2 CCR 18940.2	Gift limit amount
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code ~~52334~~53234-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act ~~of 1974~~
Gov. Code 82011	Code reviewing body
Gov. Code 82019	~~Designated~~Definition; designated employee~~; definition~~
Gov. Code 82028	~~Gift; definition~~Definition; gift
Gov. Code 82030	~~Income; definition~~Definition; income
Gov. Code 82033	~~Interest in real property; definition~~Definition; interest in real property
Gov. Code 82034	~~Investment; definition~~Definition; investment
Gov. Code 84308	~~Campaign disclosure~~Campaign Disclosure
Gov. Code 87100-~~87103.6~~87505	Political Reform Act; conflict of interest
~~Gov. Code 87200-87210~~	~~Disclosure~~
~~Gov. Code 87300-87313~~	~~Conflict of interest code~~
~~Gov. Code 87500~~	~~Statement of economic interests~~
Gov. Code 89501-89503	Honoraria and gifts

Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
~~Public Contract~~Pub. Cont. Code 6102	~~Awarding of contracts~~Bribery of public official; voidable contract
Rev. & Tax Code 203	~~Taxable and exempt property - colleges~~Taxable and exempt property;colleges

Management Resources	**Description**
Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138 (2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal.App.4th 235
Court Decision	Thorpe v. Long Beach Community College District (2000) 83 Cal.App.4th 655

CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Advice Letter: A-96-314 (December 18, 1996)
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	CSBA

Cross References

Code	Description
3230	Federal Grant Funds
3230	Federal Grant Funds
9000	Role Of The Board
9005	Governance Standards
9140	Board Representatives
9200	Limits Of Board Member Authority
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9222	Resignation
9230	Orientation
9240	Board Training
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

CSBA Sample Policies for COEs
CSBA Sample Manual Site

County Board Policy 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 08/01/2020 **| Last Revised Date:** ~~06~~03/01/~~2021~~2025 **| Last Reviewed Date:** ~~06~~03/01/~~2021~~2025

CSBA NOTE: Education Code 215 **mandates** ~~that~~ the County Board of Education to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components applicable to schools that serve students in grades K-12.

~~The following policy is consistent with the California Department of Education's (CDE) Model Youth Suicide Prevention~~

Pursuant to Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), the California Department of Education (CDE) is required, by July 1, 2026, to update its, "Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," to address crisis intervention protocols in the event of a student suicide crisis. On or after July 1, 2026, the County Board is required, during its next regularly scheduled review of its student suicide prevention policy, to update its policy to include the best practices identified in CDE's updated Model Policy.

The following policy is consistent with CDE's Model Policy, which also includes an extensive list of resources to assist in the prevention, intervention, and postvention of student suicide. County offices of education (COE) are encouraged to work closely with their county behavioral health department to identify and access resources at the local level.

The Mental Health Services Oversight and Accountability Commission developed a suicide prevention plan for the state which is published in, "Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025~~,~~," available on its ~~web site~~website. The plan presents strategic aims, with related goals, objectives, and an implementation schedule. COEs may find the strategic plan useful in learning more about the stigma associated with behavioral health needs, myths and misconceptions about suicidal behavior and its hinderance to prevention efforts, suicidal behavior, risk and protective factors, and best practices in suicide prevention.

~~The following policy should be revised to reflect local practice.~~ Additionally, the Commission published, "Accelerating Transformational Change: Strategic Plan for 2024-2027," which includes the goals of supporting school-based mental health.

The California Department of Public Health, Office of Suicide Prevention (OSP) is the designated state entity responsible for coordinating and aligning statewide suicide prevention efforts and resources. OSP's youth suicide prevention projects, including the Youth Suicide Prevention Media and Outreach Campaign, are available on OSP's website. The California Department of Health Care Services provides free mental health and wellness resources to schools through its CalHOPE Schools Initiative.

Additionally, SchoolSafety.gov is an interagency website created by the U.S. Department of Homeland Security, U.S. Department of Education (USDOE), U.S. Department of Justice (DOJ), and

U.S. Department of Health and Human Services to provide COEs with actionable recommendations to create safe and supportive learning environments for students, including information about suicide management.

The following policy should be revised to reflect local practice.

The County Board of Education recognizes that suicide is a leading cause of death among youth, prevention is a collective effort that requires stakeholder engagement, and school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior, its impact on students and families, and other trauma associated with suicide, the County Board shall incorporate any measures, strategies, practices, and supports developed by the County Superintendent of Schools for suicide prevention, intervention, and postvention in county office of education (COE) schools.

~~Policies~~Developing and updating policies and procedures for suicide prevention, intervention, and postvention shall include consultation with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, for the policy for students in grades K-6, coordination with the county mental health plan. (Education Code 215)

CSBA NOTE: The following optional paragraph may be revised to reflect local practice. Education Code 215 does not define "school and community stakeholders" or "school-employed mental health professionals" who must be consulted in the development of policy. The following examples are consistent with CSBA and CDE recommendations.

Consultation with school and community stakeholders may include COE and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the COE's risk manager or insurance carrier. Collaboration may also occur with county and/or city governments in an effort to align COE policy with any existing county, city, and/or statewide suicide prevention plans.

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318, if the COE does not have a school mental health professional or contract with a mental health professional, the County Board is encouraged to consider, when reviewing its policy on suicide prevention, whether funding should be identified for purposes of hiring a school mental health professional.

When developing or reviewing COE policy on suicide prevention, consideration may be made regarding the need to hire a mental health professional for the COE, or for any school that is not currently served by a mental health professional, and the possible funding source(s) for such hiring.

COE measures and strategies for suicide prevention, intervention, and postvention, as prepared by the County Superintendent, may include, but are not limited to:

~~CSBA~~CSBA NOTE: Education Code 215 **mandates** that the COE's policy address any training on suicide awareness and prevention to be provided to teachers of students in all grades served by COE schools. ~~In addition~~Additionally, Education Code 49604 encourages the COE to provide suicide prevention training at least once to each middle, junior high, and high school counselor.

CDE recommends that employees receive training on the core components of suicide prevention at the beginning of employment, and also receive training each year on risk factors, protective factors, warning signs of suicide, suicide prevention, intervention, referral, and postvention, with a minimum of one hour of general suicide prevention training.

Education Code 216 requires CDE to identify evidence-based online training program(s), aligned with the requirements of Education Code 215, that COEs may use to train students and staff.

Pursuant to Education Code 49428.15, CDE has identified and posted on its website, "Youth Mental Health First Aid," an evidence-based and evidence-informed training program for use by schools to address student behavioral health.

Additionally, the California Surgeon General has developed, "Safe Spaces: Trauma Informed Training," an online training designed to help recognize and respond to signs of student trauma and stress.

Additional training and funding is available through the federal Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021 (STANDUP ACT) (42 USC 290bb-33), which provides best practices for suicide awareness and prevention training policies.

Item #1 should be revised to specify the categories of employees who will receive the training.

1. Staff development on suicide awareness and prevention offered by the County Superintendent for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, expanded day learning staff, tutors, and volunteers

CSBA NOTE: Items #2-9 below reflect optional strategies for suicide prevention, intervention, and postvention and may be revised to reflect ~~COE~~local practice.

The state's ~~academic~~ content standards for health education include voluntary standards for mental, emotional, and social development at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school. CDE recommends that the instruction be under the supervision of COE-employed mental health professionals following consultation with county and community health agencies, and that it may be incorporated into areas of the curriculum in addition to health classes.

2. Age and developmentally appropriate instruction in problem-solving, coping skills, and resiliency to promote students' mental, emotional, and social health and well-being; help-seeking strategies and resources; and recognition of and appropriate response to warning signs of suicidal intent in others

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students

4. The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide

5. The provision of information to parents/guardians and caregivers regarding risk and protective factors, warning signs of suicide, the severity of the suicide problem among

youth, the COE's suicide prevention curriculum, the COE's suicide prevention policy and procedures, basic steps for helping suicidal youth, the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training, and/or school and community resources that can help youth in crisis

6. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions

7. Crisis intervention procedures for addressing suicide threats or attempts which include, but are not limited to, the following actions:

    a. Immediately securing medical treatment and/or mental health services as necessary

    b. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened

    c. Keeping the student under continuous adult supervision and providing comfort to the student until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene

    d. Removing other students from the immediate area as soon as possible

CSBA NOTE: Education Code 215 **mandates** that the COE's policy and procedures address suicide postvention.

Research has identified an increased risk of suicide among youth who are grieving the suicide of another (so-called "suicide contagion"). The National Association of School Psychologists (NASP), in its , "Preventing Suicide: Guidelines for Administrators and Crisis Teams~~,~~," recommends that memorials should be implemented with care so as not to sensationalize or glamorize suicide and thereby increase the suicide risk to other students. If a memorial is conducted for a student who dies by suicide, the association suggests a living memorial, such as making donations to a local crisis center, participating in an event that raises awareness about suicide prevention, or providing other opportunities for service activities in the school that emphasize the importance of students taking care of each other.

8. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

CSBA NOTE: NASP recommends that the COE and/or school sites create a suicide prevention crisis team to assist in effectively identifying and intervening with students who are at risk of suicidal behavior, including adoption and implementation of policies and procedures. It is recommended that such teams include, at a minimum, administration, mental health staff, and school security personnel. CDE also recommends that students are included on the team, to represent the student voice. The same crisis intervention team may be established to address broader mental health concerns.

9. Establishment by the County Superintendent of COE and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other ~~COE~~local practices related to the emotional and behavioral wellness of students, including, but not limited to, the oversight of mental health and suicide prevention training, ensuring the suicide prevention policy, protocols, and resources are posted on the COE and school

websites, collaboration with community mental health organizations, identification of resources and organizations that provide evidence-based treatment, collaboration to build community response, and compliance with Education Code 215

CSBA NOTE: Education Code 215 **mandates** that the COE's policy specifically address the needs of high-risk groups, including, but not limited to, those listed in the following paragraph.

CDE's Model Policy encourages COEs to use the California School Climate, Health, and Learning Surveys or other survey data to determine the prevalence of suicidal ideation and behaviors, including patterns or trends, among all students, particularly among identified high-risk populations.

Pursuant to Education Code 218.3, CDE has developed and posted on its website, "Providing Relevant Inclusive Support that Matters for LGBTQ+ Students (PRISM)," a training curriculum for certificated staff to support lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) cultural competency. Beginning with the 2025–26 school year, through the 2029–30 school year, COEs are required to provide at least one hour of training annually to all certificated employees serving students in grades 7-12, in accordance with Education Code 218.3.

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

CSBA NOTE: USDOE and DOJ's joint publication, "Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19," provides that anxiety, depression, or substance use disorder may be considered a mental health disability that entitles a student to special education or related services in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act. While this is written in response to the pandemic, the guidance may be interpreted as having a more general applicability. The following optional paragraph reflects this guidance.

As appropriate, trauma-informed crisis management procedures may be developed to address student mental health disabilities. In accordance with law, such procedures may include an individualized assessment of a student's circumstances; provide and facilitate access to mental health evaluations and services; reasonably modify policies, such as attendance policies, for individual students; and train staff to recognize and respond appropriately to signs of distress and suicidal ideation in students.

The measures and strategies may also address the needs of students with individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors.

CSBA NOTE: The following optional paragraph is consistent with CDE's Model Policy that recommends protocols for maintaining staff connection with students during school closures, in order to support student mental wellbeing and provide guidance on suicide prevention, and may be revised to reflect local practice.

As may be determined by the County Superintendent, processes may be established for maintaining regular contact between school staff and students, including during school closures.

Measures and strategies for students in grades K-6 shall be age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

CSBA NOTE: Education Code 215.5, as amended by SB 1063 (Ch. 642, Statutes of 2024), requires schools that issue or reissue student identification cards to have printed on either side of the card the telephone number ~~of~~for the 988 Suicide and Crisis Lifeline and the National Suicide Prevention Lifeline (1-800-273-8255~~), and allows to~~). Pursuant to Education Code 215.5, as amended by SB 1063, student identification cards may have printed on the card the Crisis Text Line (texting HOME to 741741~~) and/or~~); the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number; a local suicide prevention hotline telephone number~~.~~; and/or a quick response (QR) code that links to the county's mental health resources website.

Student identification cards for students in grades 7-12, when issued by the County Superintendent, shall include the 988 Suicide and Crisis Lifeline and National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line ~~and/or~~, campus police or security, a local suicide prevention hotline telephone number, and/or a quick response (QR) code for the county's mental health resources website. (Education Code 215.5)

~~CSBA NOTE:~~ CSBA NOTE: Education Code 215 **mandates** that the COE's policy address suicide intervention.

The following paragraph is for use by COEs that have formed and trained COE and/or school site crisis intervention team(s) to assist with suicide intervention. NASP recommends that crisis intervention teams assign one or more individuals as a "designated reporter" to receive and act upon all reports from teachers, other staff, and students who may be suicidal.

The name, title, and contact information of the members of the COE and/or school site crisis intervention team(s) shall be provided to students, staff, parents/guardians, and caregivers and posted on school and COE ~~web sites~~websites. Such notifications shall identify the mental health professional who serves as the crisis intervention team's designated reporter to receive and act upon reports of a student's suicidal intention.

Students shall be encouraged to notify a teacher, principal, counselor, designated reporter, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. It is the responsibility of the County Superintendent to ensure that any staff member who suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm is encouraged to promptly notify the principal, school counselor, or designated reporter, who shall implement COE intervention protocols as appropriate.

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the COE shall coordinate and consult with the county mental health plan. (Education Code 215)

Mental or behavioral health services for students in need shall be provided in accordance with protocols established by the County Superintendent.

Nothing in this policy shall be construed as authorizing or encouraging employees to act outside of the authorization or scope of their credential or to diagnose or treat mental illness unless specifically licensed and employed to do so. (Education Code 215)

CSBA NOTE: Education Code 215 requires that the COE's student suicide prevention policy be updated to incorporate best practices identified in CDE's Model Policy. Education Code 215 also requires that the COE's suicide prevention policy be updated at least every five years. Given the severity of the issue and importance of maintaining an up-to-date suicide prevention policy, CSBA and CDE recommend reviewing and updating this policy annually. The following paragraph may be revised to reflect local practice.

The County Board shall review, and update as necessary, this policy at least every five years. The County Board may, at its discretion, review the policy more frequently. (Education Code 215)

COE data pertaining to school climate and reports of suicidal ideation, attempts, or death shall be periodically reviewed to identify patterns or trends and make recommendations regarding program development.

This policy shall be posted in a prominent location on the COE's ~~web site~~website in a manner that is easily accessible to parents/guardian and students. (Education Code 234.6)

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Policy Reference Disclaimer:
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State	Description
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 216	Suicide prevention online training programs
Ed. Code 218.3	Training curriculum to support lesbian, gay, bisexual, queer, and questioning students
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 49060-49079	Student records
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.2	Referral protocols for addressing student behavioral health concerns in grades 7-12

Ed. Code 49428.5	Student mental health poster
Ed. Code 49429	Telehealth technology in schools
Ed. Code 49602	Confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5850-5886	Children's Mental Health Services Act

Federal	**Description**
42 USC 290bb-33	Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021

Management Resources	**Description**
California Department of Education Publication	Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students, February 2023 (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019 (https://www.cde.ca.gov/ci/he/cf/index.asp)
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008 (https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf)
California Department of Education Publication	Telehealth Guidance for School Districts, July 2024 (https://www.cde.ca.gov/ls/mh/documents/telehealthguidance.docx)
CDC Publication	Promoting Mental Health and Well-Being in Schools, December 2023 (https://www.cdc.gov/mental-health-action-guide/about/index.html)
CSBA Publication	Safe Schools Toolkit: Bullying and Cyberbullying, July 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/SafeSchoolsToolkit/Safety-Toolkit-5.ashx?la=en&rev=40ec0e57416844f2ad701180a754cc3e)
Centers for Disease Control and Prevention ~~Publica~~Pub.	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009 (https://stacks.cdc.gov/view/cdc/5767)
Court Decision	Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554

Nat's Assoc. of School Psychologists Publication	Comprehensive School Suicide Prevention in a Time of Distance Learning, 2020 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/comprehensive-school-suicide-prevention-in-a-time-of-distance-learning)
Nat's Assoc. of School Psychologists Publication	Conducting a Virtual Suicide Assessment Checklist (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/conducting-virtual-suicide-assessment-checklist)
Nat'l Assoc. of School Psychologists Publication	Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015 (https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis/mental-health-resources/preventing-youth-suicide/preventing-suicide-guidelines-for-administrators-and-crisis-teams)
Mental Health Svcs Oversight & Accountability Pub.	Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025 (https://sprc.org/wp-content/uploads/2022/11/CA-Suicide-Prevention-Plan_2020_2025.pdf)
Mental Health Svcs Oversight & Accountability Pub.	Accelerating Transformational Change: Strategic Plan for 2024-2027 (https://bhsoac.ca.gov/wp-content/uploads/MHSOAC-Strategic-Plan-2024-2027.pdf)
USDOE, Ofc for CR & USDOJ, CRT Pub.	Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021 (https://archive.ada.gov/students_self-harm_fact_sheet.pdf)
U.S. Dept. of Health & Human Services Publication	Preventing Suicide: A Toolkit for High Schools, 2012 (https://store.samhsa.gov/product/preventing-suicide-toolkit-high-schools/sma12-4669)
U.S. Dept. of Health & Human Services Publication	National Strategy for Suicide Prevention~~: Goals~~ , 2024 (https://www.hhs.gov/programs/prevention-and ~~Objectives for Action, rev. 2012~~-wellness/mental-health-substance-abuse/national-strategy-suicide-prevention/index.html)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Public Health, Office of Suicide Prevention (https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/Office-of-Suicide-Prevention-(OSP).aspx)
Website	California Surgeon General, Safe Spaces: Trauma-Informed Training (https://osg.ca.gov/safespaces/)

Website	Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) (https://www.metricscenter.org/)
Website	U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration
Website	Trevor Project
Website	Suicide Prevention Resource Center
Website	Suicide Prevention Messaging (https://suicidepreventionmessaging.org)
Website	Suicide Prevention Lifeline
Website	National Institute for Mental Health
Website	National Child Traumatic Stress Network (https://www.nctsn.org/)
Website	National Action Alliance for Suicide Prevention (https://theactionalliance.org/)
Website	National Association of School Psychologists
Website	HEARD Alliance (https://www.heardalliance.org/)
Website	Each Mind Matters: California's Mental Health Movement (https://emmresourcecenter.org/)
Website	Crisis Text Line (https://www.crisistextline.org/)
Website	Centers for Disease Control and Prevention, Mental Health
Website	California Mental Health Services Authority (https://www.calmhsa.org/)
Website	California Department of Health Care Services, Mental Health Services
Website	California Department of Education, Mental Health
Website	California School Climate, Health, and Learning Surveys (CalSCHLS) (https://calschls.org)
Website	SchoolSafety.gov (https://www.schoolsafety.gov/mental-health)
Website	CalHOPE Schools Initiative (https://www.calhopeschools.org/)
Website	American School Counselor Association
Website	American Psychological Association
Website	American Foundation for Suicide Prevention

Website	American Association of Suicidology
Website	American Academy of Pediatrics (https://www.aap.org/)

Cross References

Code	Description
1112	Media Relations
5131.2	Bullying
5131.2	Bullying
~~5142~~5145.3	~~Safety~~Nondiscrimination/Harassment
~~5142~~5145.3	~~Safety~~Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior

Board Bylaw 9224: Oath Or Affirmation

Status: ADOPTED

Original Adopted Date: 01/01/2016 **| Last Revised Date:** 03/01/2025 **| Last Reviewed Date:** ~~01~~03/01/~~2016~~2025

CSBA NOTE: The oath or affirmation required of County Board of Education members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. Government Code 1303 provides that any person who exercises any function of a public office, including the office of a County Board member, without taking the oath of office is guilty of a misdemeanor~~, and~~ . Additionally, Government Code 1367 ~~provides that no~~prohibits payment of any compensation or reimbursement for any expenses ~~shall be paid unless the officer~~to any individual who has not taken the oath or affirmation.

If an incoming County Board member raises a concern about taking the oath or affirmation, it is recommended that the County Board consult CSBA's District and County Office of Education Legal Services or local legal counsel.

Prior to entering upon the duties of ~~their~~the office~~, all members~~ of ~~the~~a County Board of Education member or exercising any function of a County Board member, each County Board member shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

CSBA NOTE: In addition to the persons listed below, Education Code 60 specifies state- and local-level officers who may administer the oath.

The oath or affirmation may be administered and certified by any County Board member, the secretary or assistant secretary to the County Board, the County Superintendent of Schools, the Superintendent of Public Instruction, or any other person authorized in Education Code 60 or Government Code 1225.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

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State	Description
CA Constitution Article 20, Section 3	Oath of office
Ed. Code 60	Persons authorized to administer and certify oaths
Gov. Code 1225	Right to administer and certify oaths
Gov. Code 1303	Misdemeanor for failure to take oath

Gov. Code 1360-1369	Oath of office
Gov. Code 3100-3109	Oath or affirmation of allegiance
Management Resources	**Description**
Court Decision	Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18~~, 22~~
Court Decision	Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544
Website	CSBA District and County Office of Education Legal Services

Board Bylaw 9260: Legal Protection

Status: ADOPTED

Original Adopted Date: 01/01/2016 **| Last Revised Date:** 03/01/2025 **| Last Reviewed Date:** 0103/01/20162025

Liability Insurance

CSBA NOTE: Education Code 35208 requires the governing boards of school districts to insure against liability of the district, for board members, district officers, and employees for death, personal injury, or damage/loss of property caused by theira Board member's negligent act or omission when acting within the scope of theirthe Board member's office or employment.. Although not expressly stated in Education Code 35208, similar requirements are likely to apply to county boardsCounty Boards of Education. County Offices of education.Education may self-insure pursuant to Education Code 35214.

The County Board of Education shall provide insurance necessary to protect itsCounty Board members againstfrom liability for death, personal injury, or damage or loss of property caused by theira negligent act or omission when actingthat occurs within the scope of theirthe County Board member's office.

~~**Protection Against Liability**~~

~~CSBA NOTE: The Teacher Protection Act, 20 USC 6731-6738, limits the liability of County Board members when they are acting within the scope of their office.~~

CSBA NOTE: Pursuant to Government Code 820.9, County Board members are not vicariously liable for injuries caused by the county office of education'sCounty Board's acts or omissions. The Additionally, in *Caldwell v. Montoya*, the California Supreme Court determined, in Caldwell v. Montoya, that County Boardboard members are also immune from suits pursuant to Government Code 820.2 when performing "discretionary acts," such as basic governmental policy decisions, within the scope of their duties. Personal and/or criminal liability existsmay exist, however, for injuries caused by the individual's own "wrongful" conduct and may also exist, in some circumstances, for some civil rights violations, or knowing violations of the Brown Act. See BB 9323.2 - Actions by the Board. Because the determination as to whether personal liability exists is dependent on the specific facts of each case, it is strongly recommended that the County Board consult CSBA's District and County Office of Education Legal Services or other legal counsel be consultedif a question arises when questions arisemaking such a determination.

Protection Against Personal Liability

No County Board member shall be liable for any harm caused by his/herthe County Board member's negligent act or omission when acting within the scope of his/herthe County Board member's responsibilities, including, but not limited to, County Board responsibilities as specified in County Board Bylaw 9000 – Role Of The Board. Additionally, no County Board member shall be vicariously liable for the county office of education. The injuries caused by the County Board's acts or omissions. (Education Code 35208; Government Code 820.9).

In addition, no County Board member shall be liable for any harm caused by the County Board member's act or omission ~~must be~~if the County Board member was acting within the scope of the County Board member's responsibilities, made in conformity with federal, state, and local laws, and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC ~~6733, 6736)~~ 7946)

~~The~~This protection against liability shall not apply when: (20 USC ~~6736~~7946)

1. The County Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety~~.~~
2. The County Board member caused harm by operating a motor vehicle~~.~~
3. The County Board member was not properly licensed, if required, by the ~~state~~State for such activities~~.~~
4. The County Board member was found by a court to have violated a federal or state civil rights law~~.~~
5. The County Board member was under the influence of alcohol or any drug at the time of the misconduct~~.~~
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the County Board member has been convicted in a court~~.~~
7. The misconduct involved a sexual offense for which the County Board member has been convicted in a court~~.~~

Nothing in this County Board bylaw is intended to protect a County Board member from criminal or civil liability for injury caused by the County Board member's own wrongful conduct, for certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the County Board or County Office of Education under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

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State	**Description**
Ed. Code 35208	Liability insurance
Gov. Code 1090-1098	Conflicts of interest, prohibitions applicable to specified officers
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort Claims Act

Gov. Code 825-825.6	Indemnification of public entity
Gov. Code 87100-89503	Conflicts of interest

Federal	**Description**
18 USC 16	Crime of violence defined
20 USC 6731-6738	Teacher Protection Act

Management Resources	**Description**
Court Decision	Caldwell v. Montoya (~~Paramount Unified School District~~)1995) 10 Cal .4th 972 ~~(1995)~~

Cross References

Code	**Description**
9000	Role of the Board
9124	Attorney
9323.2	Actions by the Board

County Board Policy 0410: Nondiscrimination In County Office Programs And Activities

Status: ADOPTED

Original Adopted Date: 01/01/2019 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: Education Code 234.1 mandates county offices of education (COEs) to adopt policy as well as a process to ensure that COE programs and activities are free from unlawful discrimination. Education Code 234.1 requires that the COE's nondiscrimination policy include a statement that the policy applies to all acts related to school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statutes of 2023), to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE. Education Code 234.1, as amended by AB 1078, contains similar language regarding a district governing board and district superintendent.~~

~~In accordance with various provisions of state and federal law, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on race or ethnicity, nationality, immigration status, sex, sexual orientation, gender, gender identity, gender expression, religion, disability, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Education Code 260 prohibits discrimination based on age. Government Code 11135 prohibits discrimination based on many of the foregoing characteristics and on an individual's genetic information and medical condition. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688; 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474) prohibits discrimination on the basis of sex, including sex stereotypes; sex characteristics; gender; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital and family status. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability.~~

~~Education Code 260 and 5 CCR 4900-4965 require the County Board to monitor compliance with these state and federal laws. The federal laws are enforced by the Office for Civil Rights (OCR) of the U.S. Department of Education (USDOE), and the California Department of Education (CDE) may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.~~

~~OCR's May 2024 Dear Colleague Letter, "Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," which expands and clarifies USDOE's 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools," provides that Title VI's protections from race, color, and national origin discrimination extends to students who experience discrimination based on actual or perceived (1) shared ancestry or ethnic characteristics, or (2) citizenship or residency in a country with a dominant religion or distinct religious identity. While Title VI does not protect individuals based solely on religious discrimination, it does apply to antisemitism and other forms of discrimination when based on shared ancestry or~~

ethnic characteristics. The guidance includes clarifying examples regarding existing legal requirements under Title VI.

Additionally, OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter provides that Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.

OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a COE may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

Additionally, OCR's May 2023 Dear Colleague Letter, "Resource on Confronting Racial Discrimination in Student Discipline," published in conjunction with the U.S. Department of Justice (DOJ), states that a COE's responsibility not to discriminate against students applies to any of its programs or activities, whether directly or through contractual or other arrangements.

In addition to the prohibitions to discrimination described above, Government Code 12940 provides protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, reproductive health decisionmaking, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, or gender expression.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the county office of education (COE).

The County Board is committed to providing equal opportunity for all individuals in COE programs and activities. COE programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family or marital status; reproductive health decisionmaking; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; veteran or military status; or genetic information; a perception of one

or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

CSBA NOTE: Education Code 234.7 mandates that COEs adopt policy consistent with the California Attorney General's model policy contained in the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues." That model policy includes statements regarding the equitable provision of services and a prohibition against the use of school resources or data for creating a registry based on specific characteristics. In addition, Government Code 8310.3 prohibits COEs from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry.

All individuals shall be treated equitably in the receipt of services in COE programs and activities. Personally identifiable information collected in the implementation of any COE program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of that program, except when the County Board or, when applicable, the County Superintendent authorizes its use for another purpose in accordance with law. Resources and data collected by the COE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on any of the categories identified above.

CSBA NOTE: Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the County 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 County 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 County Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any County 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 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 County 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.

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 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."

~~COE programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.~~

~~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 shall not be rejected or prohibited by the County Board or COE 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. (Education Code 243)~~

~~Additionally, 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 shall not be adopted by the County Board or COE if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)~~

~~CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames to be contrary to an equal education and specifically prohibit public schools from using the term "Redskins" as a school or athletic team name, mascot, or nickname. The following paragraph expands this prohibition to include any racially derogatory or discriminatory athletic team name, mascot, or nickname and may be revised to reflect local practice.~~

~~COE programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.~~

~~CSBA NOTE: Pursuant to Education Code 221.5, students must be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of the gender as listed on the student's educational records.~~

~~Additionally, Title IX, 34 CFR 106.31, as amended by 89 Fed. Reg. 33474, provides that a COE (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 COE 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 student's gender identity would subject the student to more than de minimis harm on the basis of sex. In commentary accompanying the Final Rule, 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 COEs 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. See BP/E 5145.7 - Sex Discrimination and Sex-Based Harassment.~~

~~County boards with questions about the rights of transgender and gender-nonconforming students should consult CSBA's District and County Office of Education Legal Services or COE legal counsel~~

as appropriate. For further information, see CSBA's, "Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools," and CSBA's Recently Asked Questions, "Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students."

Annually, COE facilities, programs, and activities shall be reviewed to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing COE programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

CSBA NOTE: 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, related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library as described above, may be brought under the COE's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the COE. See BP/E 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a COE with knowledge of alleged conduct, which occurs in a COE 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 BP/E 1312.3 - Uniform Complaint Procedures, for students, it is unclear whether COEs would additionally be required to follow the procedures specified in BP/E 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing such a complaint process for this purpose.

Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

CSBA NOTE: Many nondiscrimination laws and regulations contain a notification requirement. For example, pursuant to 34 CFR 104.8 and 106.8, a COE that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability or sex in its educational programs or activities. In addition, Education Code 221.61 requires COEs to post specified information relating to Title IX on their websites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 106.8, students, parents/guardians, applicants for admission, and the public shall be notified about the County Board's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the COE. The notification shall also

be posted on the COE's website and social media and in COE program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

CSBA NOTE: Education Code 234.7 requires the following notification. Information about the educational rights of all students is contained in the appendix of the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues."

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, 20 USC 6311 and 6312 require that COEs receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The County Board's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

Access for Individuals with Disabilities

CSBA NOTE: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, COE facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a COE need not make structural changes to existing facilities if other methods are effective and the COE can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the DOJ.

In addition, pursuant to 28 CFR 35.136, the COE must permit an individual with a disability to be accompanied by a service animal on COE premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a COE program or activity. County boards with questions about compliance with the ADA should consult CSBA's District and County Office of Education Legal Services or COE legal counsel as appropriate.

COE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing COE facilities are needed to provide individuals with disabilities access to programs,

services, activities, or facilities, a transition plan shall be developed that sets forth the steps for completing the changes.

CSBA NOTE: It is the responsibility of the County Superintendent to identify and make available to the public the name of the staff member designated as the ADA Coordinator.

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires COEs to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the COE can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the COE need not provide them.

The requirement to provide services and aids extends to qualified individuals with speech, hearing, or vision disabilities who participate in Medi-Cal, and, in accordance with the Department of Health Care Services Policy and Procedure Letters No. 21-017R and No. 23-004, COEs are required to have a plan to meet these alternative format requirements.

In addition, Government Code 54953.2 requires that all County Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160, 36.303). The County Board must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available. Additionally, Government Code 54953 requires the County Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that websites be accessible to individuals with disabilities. In April 2024, the DOJ published updated regulations which include specific technical standards to ensure that content available through a COE's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters, and DOJ's April 2024, "Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments."

The COE shall ensure that COE's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford

~~individuals with disabilities equal opportunity to participate in or enjoy the benefits of COE services, programs, or activities. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to COE websites, notetakers, written materials, taped text, and Braille or large-print materials.~~

~~Individuals with disabilities shall notify the ADA Coordinator if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a COE and school-sponsored functions, programs, or meetings.~~

CSBA NOTE: Education Code 234.1 **mandates** county offices of education (COEs) to adopt policy as well as a process to ensure that COE programs and activities are free from unlawful discrimination.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on 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. For more information specific to the protection of students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/E(1) 5145.7 - Sexual Harassment.

Government Code 12940 provides additional protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived age; religious creed; reproductive health decision-making; sex, which includes some of the characteristics listed in the prior paragraph, as well as breastfeeding; and veteran or military status.

Additionally, Education Code 200 and 210.2, and Government Code 12920 and 12926, 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.

Education Code 260 and 5 CCR 4900-4965 also require the County Board of Education to monitor COE compliance with these state and federal laws. The federal laws are enforced by the U.S. Department of Education's Office for Civil Rights (OCR), and the California Department of Education (CDE) may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE 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 County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The County Board of Education is committed to providing equal opportunity for all individuals in county office of education (COE) programs and activities.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the County Board and the County Superintendent of Schools in enacting policies and procedures that govern the COE. (Education Code 234.1)

COE programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination or two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; a perception of one or more of such characteristics; or 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, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

All individuals shall be treated equitably in the receipt of services in COE programs and activities. Personally identifiable information collected in the implementation of any COE program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of that program, except when the County Board or, when applicable, the County Superintendent authorizes its use for another purpose in accordance with law. Resources and data collected by the COE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on any of the categories identified above.

CSBA NOTE: 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 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."

COE programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

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, shall not be rejected or prohibited by the County Board or COE 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. (Education Code 243)

Additionally, 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 shall not be adopted by the County Board or COE if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education. Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074, prohibits public schools, other than those operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames without the written consent of a local federally recognized Indian tribe. Education Code 33315, as amended by AB 3074, requires that the uniform complaint procedures (UCP) be used to investigate and resolve complaints alleging a violation of Education Code 221.3. See BP/E(1) 1312.3 – Uniform Complaint Procedures.

COE programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

Annually, COE facilities, programs, and activities shall be reviewed to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing COE programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, or 244, as added by SB 153 (Ch. 38, Statutes of 2024), related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, may be brought under the COE'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 COE. See BP/E(1) 1312.3 - Uniform Complaint Procedures.

All complaints alleging unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. Complaints alleging sex discrimination, including sexual harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

CSBA NOTE: Pursuant to 34 CFR 104.8 and 106.8, a COE that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability

or sex in its educational programs or activities. Additionally, Education Code 221.61 requires COEs to post specified information relating to Title IX on their websites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 106.8, students, parents/guardians, applicants for admission, and the public shall be notified about the County Board's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the COE. The notification shall also be posted on the COE's website and social media and in COE program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

CSBA NOTE: Pursuant to Education Code 234.7, a COE is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The Attorney General's, "Promoting a Safe and Secure Learning Environment: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," updated in December 2024, 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 BP/AR 5145.13 – Response to Immigration Enforcement.

Additionally, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, and their rights related to immigration enforcement. Alternatively, such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. Additionally, 20 USC 6311 and 6312 require that COEs receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The County Board's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. Additionally, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

Access for Individuals with Disabilities

CSBA NOTE: Pursuant to the Americans with Disabilities Act (ADA) and its implementing regulations, COE facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a COE need not make structural changes to existing facilities if other methods are effective, the COE can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity, or the COE can demonstrate an undue financial or

administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice (DOJ).

Additionally, pursuant to 28 CFR 35.136, the COE is required to permit an individual with a disability to be accompanied by a service animal on COE premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a COE program or activity. It is recommended that County boards with questions about compliance with the ADA consult CSBA's District and County Office of Education Legal Services or other legal counsel as appropriate.

COE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing COE facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, a transition plan shall be developed that sets forth the steps for completing the changes.

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires COEs to provide services and aids to ensure that an individual with a disability is not excluded from participation or denied a benefit, service, or program on the basis of that disability. However, if the COE can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the COE need not provide them.

Additionally, Government Code 54953.2 requires that all County Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The County Board is required to ensure that such meetings are accessible to persons with disabilities and that disability-related accommodations, such as auxiliary aids and services, are made available upon the request of any individual with a disability. In addition, Government Code 54953 requires the County Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that COE websites be accessible to individuals with disabilities. In April 2024, the DOJ updated its regulations to include specific technical standards to ensure that content available through a COE's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters.

The COE's web and mobile applications shall comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of COE services, programs, or activities. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to COE websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the ADA Coordinator if they have a disability that

requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

CSBA NOTE: Pursuant to 28 CFR 35.107, a COE that has 50 or more employees is required to designate at least one employee to coordinate the COE's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the COE's compliance with state and federal laws and regulations governing educational programs as identified in the COE's UCP. The following paragraph, which identifies the person or position identified in E(1) 1312.3 – Uniform Complaint Procedures as the responsible employee, may be modified if the COE chooses to designate another person or position.

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

Executive Director, Human Resources
(title or position)
609 S. Gold Street, Yreka, CA 96097
(address)
530-842-8400
(telephone number)
info@siskiyoucoe.net
(email)

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-~~270~~262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 33315	Uniform complaint procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51007	Legislative intent; state policy
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups

Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11000	Definitions
Gov. Code 11135	Unlawful discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54953.2	Brown Act compliance with Americans with Disabilities Act
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 35.107	Designation of responsible employee and adoption of grievance procedures
28 CFR 35.136	Service animals
28 CFR 35.150-35.151	Program accessibility; facilities
28 CFR 35.160	Effective communications
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
29 USC 621	Age discrimination in employment
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
42 USC 12101-12213	Americans with Disabilities Act

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
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
Management Resources	**Description**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
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
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Workplace-Discrimination-Poster_ENG.pdf)
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 21-017R, December 2021
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 23-004, February 2023
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CA Office of the Attorney General Publication	~~Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018~~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
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
~~CSBA Publication~~	~~Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023~~
~~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~~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 Education Publication~~	~~Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023~~
U.S. DOE~~, Office for Civil Rights~~ Publication	~~Dear Colleague Letter: Harassment and Bullying, October 2010~~Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011
U.S. DOE, Office for Civil Rights Publication	~~Supporting Transgender Youth in School, June 2021~~Dear Colleague Letter: Electronic Book Readers, June 29, 2010
~~U.S. DOE, Office for Civil Rights Publication~~	~~Dear Colleague Letter: Race and School Programming, August 2023~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Dear Colleague Letter: Electronic Book Readers, June 29, 2010~~
~~U.S. DOJ & DOE Civil Rights Joint Publication~~	~~Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023~~
U.S. DOJ, Civil Rights Division Publication	Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024
US Dept of Justice, Civil Rights Div. Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020
US Dept of Justice, Civil Rights Div. Publication	Guidance on Web Accessibility and the ADA, March 2022 (https://www.ada.gov/resources/web-guidance/)

US Dept of Justice, Civil Rights Div. Publication	2010 ADA Standards for Accessible Design, September 2010
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, September 2023 (https://www.w3.org/TR/WCAG21/)
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	California Civil Rights Department
Website	CSBA District and County Office of Education Legal Services
Website	~~U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act~~U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	U.S. Department of Education, Office for Civil Rights
Website	~~Pacific ADA Center~~U.S. Equal Employment Opportunity Commission
Website	~~CSBA~~Pacific ADA Center
Website	~~California Safe Schools Coalition~~CSBA
Website	~~California Office of the Attorney General~~California Safe Schools Coalition
Website	~~California Department of Health Care Services~~California Office of the Attorney General
Website	California Department of Health Care Services
Website	California Department of Education
~~World Wide Web Consortium Publication~~	~~Web Content Accessibility Guidelines, December 2008~~

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1312.4	Williams 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

3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4040	Acceptable Use Of Technology
4040-E(1)	Acceptable Use Of Technology
4161.8	Family Care And Medical Leave
4261.8	Family Care And Medical Leave
4361.8	Family Care And Medical Leave
5131.2	Bullying
5131.2	Bullying
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX Sexual Harassment Complaint Procedures
6162.5	Student Assessment
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
9150	Student Board Members
9320	Meetings And Notices
9322	Agenda/Meeting Materials

County Board Policy 0420.4: Authorization Of County Charter Schools **Status:** ADOPTED

Original Adopted Date: 01/01/2020 **| Last Revised Date:** ~~03~~06/01/~~2023~~2025 **| Last Reviewed Date:** ~~03~~06/01/~~2023~~2025

CSBA NOTE: The following optional policy may be revised to reflect local practice. Education Code 47600-47616.7 ~~authorize~~authorizes the establishment of public charter schools, which are generally exempt from the Education Code unless otherwise specified in law. Education Code 47605.5 and 47605.6 require petitioners to submit a petition directly to the County Board of Education in order to establish a charter school that will (1) serve students who would otherwise receive direct education and related services from the county office of education (COE) or (2) serve as a countywide charter to provide instructional services that are not generally provided by the COE. The following policy reflects the criteria and procedures required by Education Code 47605 and 47605.6.

Pursuant to Education Code 47605, the County Board is also authorized to consider granting a charter school petition that has been denied by the governing board of a school district within its jurisdiction; see BP 0420.44 - Appeals of District Decisions Regarding Charter Schools.

For further information regarding the submission and review of charter school petitions, see CSBA's, "Charter Schools: A Guide for Governance Teams." CSBA's District and County Office of Education Legal Services attorneys can also assist with petition reviews for COEs that subscribe to that service.

The County Board of Education recognizes that charter schools are an integral part of the California education system. In considering any petition to establish a charter school within its jurisdiction, the County Board shall give thoughtful consideration to the ability of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

A petition to establish a charter school shall be submitted directly to the County Board in either of the following circumstances:

1. When the petition seeks to establish a charter program that will serve students who would otherwise receive direct education and related services from the county office of education (COE) (Education Code 47605.5)

2. When the petition seeks to establish a charter program that will serve as a countywide charter school, to provide instructional services that are not generally provided by the COE (Education Code 47605.6)

The County Board may also consider granting a charter school petition that was previously denied by the governing board of a school district within the County Board's jurisdiction, in accordance with ~~BP~~County Board Policy 0420.44 - Appeals of District Decisions Regarding Charter Schools.

All meetings of the County Board at which the granting of a charter petition is to be discussed shall

be subject to the state open meeting laws (the Brown Act). (Education Code 47608)

The County Board shall request and consider recommendations of the County Superintendent of Schools or designee regarding the completeness of a charter petition, any concerns that should be addressed by petitioners, any proposed arrangement to provide COE services to the charter school, and the development of memoranda of understanding (MOUs) to clarify financial and operational arrangements.

Required Petition Signatures

To be considered by the County Board, a charter petition must be signed by either of the following: (Education Code 47605, 47605.5, 47605.6)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation

2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

The petition shall include a prominent statement explaining that a parent/guardian's signature means the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605, 47605.6)

CSBA NOTE: Pursuant to Education Code 47605.6, an existing public school may not be converted to a countywide charter school; see ~~the section~~ "Additional Requirements for Countywide Charters" below. Therefore, the following paragraph applies only to petitions that propose to serve students who would otherwise receive direct education and related services from the COE.

A petition that calls for an existing public school to be converted to a COE charter school must also be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605, 47605.6)

Components of the Charter Petition

CSBA NOTE: The following section applies to petitions to establish charter schools serving COE students as well as countywide charters. Countywide charter petitions are subject to additional requirements, as described in ~~the section~~ "Additional Requirements for Countywide Charters" below.

All charter petitions shall comply with the applicable requirements of Education Code 47605 or 47605.6, other state and federal laws, and County Board policies. A copy of the proposed charter shall be attached to the petition. (Education Code 47605, 47605.6)

CSBA NOTE: CSBA's, "Charter Schools: A Guide for Governance Teams," recommends specific content that may be included in the descriptions of each component listed in Items #1-~~17~~18 below.

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) or 47605.6(e) as applicable, as well as reasonably comprehensive descriptions of: (Education Code 47605, 47605.6)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs~~.~~

   The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

CSBA NOTE: Education Code 47605 and 47605.6 require the charter petition to include annual goals, as described in Education Code 52060, for all students and for each numerically significant subgroup of students, identified pursuant to Education Code 52052, and specific actions to achieve those goals. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness, when there are at least 30 students in the subgroup (or at least 15 foster youth or ~~homeless~~ students experiencing homelessness) in the school.

Education Code 47605 and 47605.6 require that these annual goals be aligned with state priorities, specified in Education Code 52060, related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-aligned instructional materials, and facilities are maintained in good repair~~;~~, (2) implementation of and student access to state academic content and performance standards~~;~~, (3) parent/guardian involvement and family engagement~~;~~, (4) student achievement~~;~~, (5) student engagement~~;~~, (6) school climate~~;~~, (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula), and students with disabilities~~;~~, and (8) student outcomes in the specified course of study. See BP 0460 - Local Control and Accountability Plan.

2. The charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students~~.~~ experiencing homelessness

   These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may include additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.

   If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.

CSBA NOTE: Education Code 47605 and 47605.6 require that the petition identify student outcomes that the charter school intends to use, including those that address increases in student achievement both schoolwide and for all groups of students served by the charter school. "All groups of students served by the charter school" means all numerically significant subgroups of students, as defined in Education Code 52052, served by the charter school.

3. The measurable student outcomes identified for use by the charter school.

   Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and ~~attitudes~~aptitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52066 that apply for the grade levels served by the charter school.

4. The method by which student progress in meeting the identified student outcomes is to be measured.

   To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

CSBA NOTE: Proposed charter school facility locations are subject to additional requirements, as described in "Location of Charter School," below.

5. The location of each charter school facility the petitioner intends to operate

~~5.~~ 6. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.

~~6.~~ 7. The qualifications to be met by individuals to be employed by the charter school.

~~7.~~ 8. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:

   a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.

CSBA NOTE: Pursuant to Education Code 32282, charter schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.

Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan (CSSP) components to include procedures for responding to incidents involving an individual experiencing a sudden

cardiac arrest or a similar life-threatening medical emergency while on school grounds. Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands CSSP components to include procedures to prepare for active shooter or armed assailants, as well as specifications that apply if the school chooses to conduct active shooter and armed assailant drills.

b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(~~J~~).N)

c. The charter school's safety plan shall be reviewed and updated by March 1 each year~~.~~

CSBA NOTE: Education Code 47605 requires that the petition describe the means by which the charter school will achieve a balance of special education students, English learners, and redesignated fluent English proficient students, along with a balance of racial and ethnic students. This requirement may not apply to COE and countywide charter petitions due to the nature of the programs and limited student populations that will be served. It is recommended that County ~~boards~~Boards with questions about the applicability of Item #8 ~~should~~ consult CSBA's District and County Office of Education Legal Service or ~~COE~~other legal counsel.

~~8.~~ 9. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the COE's territorial jurisdiction~~.~~

CSBA NOTE: Pursuant to Education Code 47605 and 47605.6, when the number of students who wish to attend the charter school exceeds the school's capacity, attendance must be determined by a public random drawing, with admission preference extending to students who currently attend the charter school and students who reside in the county. Education Code 47605 and 47605.6 provide that admission preferences may also include, but are not limited to, siblings of students admitted or attending the charter school and children of the school's teachers, staff, and founders identified in the initial charter. Education Code 47605 requires that the priority order for preference be determined in the charter petition as provided below.

~~9.~~ 10. Admission policies and procedures in accordance with Education Code 47605(e) and 47605.6(e), including procedures for determining enrollment when the number of applicants exceeds the school's capacity~~.~~

~~10.~~ 11. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the County Board's satisfaction~~.~~

CSBA NOTE: Education Code 47605 and 47605.6 require that the suspension and expulsion procedures included in the charter petition prohibit the involuntary removal of a student, unless written notice of the intent to remove the student has been given to the student and the student's parent/guardian. When such a student is a foster child or youth, ~~homeless child~~student experiencing homelessness, or Indian child, as defined in Welfare and Institutions Code 224.1, Education Code 47605~~, as amended by AB 740 (Ch. 400, Statutes of 2022),~~ requires such notifications to also be given to other specified individuals, such as a foster youth's educational

rights holder, attorney, and county social worker, ~~a homeless child's~~the educational rights holder~~,~~ ~~and~~ for a student experiencing homelessness, or an Indian child's tribal social worker, and if applicable, county social worker. Pursuant to Education Code 47605, ~~as amended by AB 740,~~ these individuals have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

Additionally, Education Code 47606.2 requires that the suspension procedures included in the charter petition provide that (1) upon request of a student who has been suspended for two or more school days, or the student's parent/guardian or other person holding the right to make educational decisions for the student, the homework assigned during the period of suspension will be given and (2) any such completed homework shall not count towards the student's overall grade in the class unless the assignments are graded before the end of the academic term.

In addition, pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

~~11.~~ 12. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including, an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605~~.~~ and 47605.6

Such procedures shall contain a clear statement that no student shall be involuntarily removed by the charter school for any reason unless written notice of the intent to remove the student is given to the student's parent/guardian at least five school days before the effective date of the removal. In the case of a ~~homeless~~ student experiencing homelessness or foster youth, the notice shall be given to the student's educational rights holder. Additionally, a foster youth's attorney and county social worker, and an Indian child's tribal social worker, and if applicable, the county social worker shall be given such notice.

For suspensions of fewer than 10 days, the student shall be provided oral or written notice of the charges and an explanation or the supporting evidence. The student shall be provided an opportunity to provide a response.

~~The notice shall~~ Notice shall include written notice of the charges and inform the student, the student's parent/guardian, and any other specified individual, as applicable, of the right to initiate a hearing as described in Education Code 47605, before the effective date of the removal. The notice shall be provided in the student's, parent/guardian's, or other applicable person's language, and if such hearing is initiated, shall include the student's right to remain enrolled in the charter school until a final decision is made by the charter school.

In addition, the procedures shall contain a statement pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will, within 30 days, notify the County Superintendent of the student's last known address and, upon request, provide the student's cumulative record to the COE when a student is expelled or leaves the charter school without graduating or completing the school year for any reason. In addition, the procedures shall describe the means by which the COE can contact the charter school if the student is subsequently expelled or leaves the COE without graduating

or completing the school year for any reason.

Involuntarily removed means disenrolled, dismissed, transferred, or terminated, but does not include suspensions. (Education Code 47605, 47605.6)

~~12.~~ 13. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security~~.~~

~~13.~~ 14. The public school attendance alternatives for students who choose to not attend the charter school~~.~~

~~14.~~ 15. A description of the rights of any COE employee upon leaving COE employment to work in the charter school and of any rights of return to the COE after employment at the charter school~~.~~

~~15.~~ 16. The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions~~.~~

CSBA NOTE: Education Code 47605 and 47605.6 provide that a petition may be denied if the petition does not include a declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining, as provided in Item #~~16~~17 below. If a charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, then pursuant to Education Code 47611.5, the "school district" where the charter is located shall be deemed the public school employer. However, as opined in 72 Ops.Cal.Atty.Gen. 25 (1989), in the context of a COE, the County Superintendent of Schools, rather than the County Board, is the employer. Therefore, although the County Board is responsible for authorizing charter petitions, if an authorized charter school is not deemed the public school employer for purposes of collective bargaining, the County Superintendent is deemed the public school employer.

~~16.~~ 17. A declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3~~.~~

~~17.~~ 18. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:

a. Designation of a responsible entity to conduct closure-related activities

b. Notification to parents/guardians, the County Board, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education (CDE), providing at least the following information:

i. The effective date of the closure

ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure

iii. The students' districts of residence

iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements

c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with Item #~~17a~~18a above

d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the responsible entity designated in accordance with Item #~~17a~~18a above, except for records and/or assessment results that the charter may require to be transferred to a different entity

e. Transfer and maintenance of personnel records in accordance with applicable law

f. Completion of an independent final audit within six months after the closure of the charter school that may function as the annual audit, which includes an assessment of the disposition of any restricted funds received by or due to the school and an accounting of all financial assets and liabilities pursuant to 5 CCR 11962

g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962

h. Completion and filing of any annual reports required pursuant to Education Code 47604.33

i. Identification of funding for the activities identified in Item #~~17a~~18a-h above

CSBA NOTE: Education Code 47605 and 47605.6 require that petitioners provide to the County Board the information listed in Items #1-4 below, and for any petition to operate a charter school by or as a nonprofit corporation, the information listed in Item #5 below.

The County Board may require additional information beyond what is ~~include~~included in Items #1-5 below. As outlined in CSBA's, "Charter Schools: A Guide for Governance Teams," such information may include a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English

learners and students with disabilities, or any other information that will assist the County Board in understanding the proposal. County boards that wish to require additional information in the charter may list those items below.

Charter school petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605, 47605.6)

CSBA NOTE: Education Code 47605 and 47605.6 require that information on school facilities, listed in Item #1 below, specify where the charter school intends to locate. Unless otherwise exempted, the charter school must be located within the geographic boundaries of the chartering authority; see section "Location of Charter School" below.

1. The facilities to be used by the charter school, including where the charter school intends to locate

2. The manner in which administrative services of the charter school are to be provided

3. Potential civil liability effects, if any, upon the charter school and the COE

4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

Location of Charter School

CSBA NOTE: Education Code 47605.1 establishes geographic and site requirements for charter petitions submitted directly to the County Board. Pursuant to Education Code 47605.1, a charter school may not establish a resource center, meeting space, or other satellite facility used for nonclassroom-based independent study in a county adjacent to that in which the charter school is authorized.

A charter petition submitted directly to the County Board may only establish charter school operations within the geographical boundaries of the County Board's jurisdiction. A charter school may propose to operate at multiple sites within those geographic boundaries as long as each location is identified in the petition. This requirement does not apply to charter schools that provide instruction exclusively to juvenile court school students or that provide instruction exclusively in partnership with certain other federal, state, or county programs exempted by Education Code 47605.1. (Education Code 47605, 47605.1)

Approval of Petition

CSBA NOTE: Education Code 47605 and 47605.6 require the County Board to hold a public hearing within 60 days of receiving a charter petition to determine the level of support for the petition, and to hold a public hearing within 90 days to take final action on the petition, as

described below. Education Code 47605 and 47605.6 define receipt of the petition as the date that the petitioner submits the petition to the COE.

~~In addition~~Additionally, Education Code 47605 and 47605.6 require the County Board to hold a public hearing at the meeting at which the County Board will grant or deny the petition. At least 15 days prior to that public hearing, staff recommendations regarding the charter petition must be published.

To provide adequate opportunity for public input and thoughtful consideration of the charter petition, it is recommended to conduct two public hearings -- one hearing to determine the level of support for the petition and, following the publication of staff recommendations, a second hearing to grant or deny the petition. However, the law does not explicitly require two hearings, and it may be possible to hold one public hearing to both determine the level of support for the petition and grant or deny the petition, provided that staff recommendations are published 15 days prior to the hearing, the hearing is held within 60 days of receipt of the petition, and the petitioners have equal time and opportunity to present evidence and testimony. It is recommended that CSBA's District and County Office of Education Legal Services or ~~COE~~other legal counsel ~~should~~ be consulted as needed to ensure that all requirements are met.

Within 60 days of the receipt of the charter petition, the County Board shall hold a public hearing on the provisions of the charter, at which time the County Board shall consider the level of support for the petition by COE teachers, other COE employees, parents/guardians, and, for a proposed countywide charter school, the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to the COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

The County Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the County Board. (Education Code 47605, 47605.6)

At least 15 days before the public hearing at which the County Board will grant or deny the charter, the County Board shall publish all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

CSBA NOTE: The following paragraph is optional and may be revised to reflect local practice. It may be useful to have a transcription of the hearing in the event that the petitioners later appeal the decision of the County Board.

The hearing shall be audio or video recorded ~~and transcribed~~ in order to maintain an accurate record of the proceedings and the findings upon which the County Board's decision is based.

A petition for a COE charter school shall be granted only if the County Board is satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the charter school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. (Education Code 47605)

In granting charter petitions, the County Board shall give preference to petitions that demonstrate

the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. (Education Code 47605, 47605.6)

CSBA NOTE: Pursuant to Education Code 47604.1, charter schools are subject to the Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000 - 7930.215), conflict of interest laws (Government Code 1090-1099), and the Political Reform Act (Government Code 81000-91014).

Prior to authorizing any charter, the County Board shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board, and inspections and observations of any part of the charter school.

Upon County Board approval of any charter petition, it is the responsibility of the petitioners to provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction~~,~~ (SPI), the State Board of Education (SBE), and, if the petition is for a countywide charter school, the school districts in the county. (Education Code 47605, 47605.6)

Charter schools approved by the County Board shall operate under the provisions of their respective charters, the relevant policies and procedures of the County Board, and applicable state and federal laws.

All charters approved by the County Board shall be for a specified term of no more than five years. (Education Code 47607)

Denial of Petition

CSBA NOTE: The State Board of Education is required to use the criteria set forth in 5 CCR 11967.5.1 when reviewing a charter petition that has been denied by a county board pursuant to Education Code 47605. Although the County Board is not required to follow these criteria, the County Board is encouraged to review the criteria in 5 CCR 11967.5.1 when considering a petition to establish a charter school that will serve COE students.

The County Board shall deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

2. Convert a private school to a charter school (Education Code 47602)

CSBA NOTE: Pursuant to Education Code 47612.7, until January 1, ~~2025~~2026, the County Board is prohibited from approving a petition for the establishment of a new charter school offering nonclassroom-based instruction. Charters approved before October 1, 2019 may continue to offer nonclassroom-based instruction under the circumstances specified in Education Code 47612.7.

3. Offer nonclassroom-based instruction (Education Code 47612.7)

CSBA NOTE: In addition to the grounds for denial described below, Education Code 47605 states that a petition to establish a charter school may not be approved to serve students in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve students in all of the grade levels served by that school district. CSBA does not interpret this provision to apply to COE charters because the COE serves students of all grade levels. There is no similar provision in Education Code 47605.6; therefore, the restriction would also not apply to countywide charters. ~~County~~It is recommended that county boards with questions about this provision ~~should~~ contact CSBA's District and County Office of Education Legal Services or ~~COE~~other legal counsel.

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving COE students, if the County Board makes written factual findings specific to the petition to support one or more of the following: (Education Code 47605, 47605.6; 5 CCR 11967.5)

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school~~.~~

2. The petitioners are unlikely to successfully implement the program set forth in the petition~~.~~

3. The petition does not contain the required signatures as described in ~~the section~~ "Required Petition Signatures~~"~~," above~~.~~

4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e) or 47605.6(e), as applicable, including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220~~.~~

5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in ~~the section~~ "Components of the Charter Petition~~"~~," above~~.~~

6. The petition does not contain a declaration of whether the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act~~.~~

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate~~.~~

   Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:

   a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings

b. Whether the proposed charter school would duplicate a program currently offered within the COE, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

CSBA NOTE: Pursuant to Education Code 47605, a COE under state receivership is not in a position to absorb the fiscal impact of a proposed charter school.

8. The COE is not positioned to absorb the fiscal impact of the proposed charter school.

   The COE meets this criterion if it has a negative interim certification pursuant to Education Code 1240, has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the COE having a negative interim certification, or is under state receivership.

A petition to establish a charter school serving COE students that is denied by the County Board may be appealed to the SBE within 180 days of the denial. (Education Code 47605; 5 CCR 11967)

Material Revisions to Charter

Material revisions to a charter may only be made with County Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but are not limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The County Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47605.6, 47607)

The County Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the County Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the COE

2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings

3. Whether the expansion would duplicate a program currently offered within the COE that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the County Board may deny a proposed material revision if it finds that the COE is not positioned to absorb the fiscal impact of the proposed material revision. The County Board shall make this finding if the COE has a qualified interim certification and the SPI certifies that approving the charter would result in the COE having a negative interim certification, or if the COE has a negative certification, or is under state receivership. (Education Code 47605)

Additional Requirements for Countywide Charters

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school~~.~~

2. An existing public school may not be converted to a countywide charter school~~.~~

3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county~~.~~

CSBA NOTE: Pursuant to Education Code 47605.6, the County Board may impose any additional requirements that it considers necessary for the sound operation of a countywide charter school. Such additional requirements may include, but are not limited to, the establishment of governing bylaws, policies, and procedures and the disclosure of other charter schools operated or established by the petitioner. Any such additional requirements should be included in a memorandum of understanding between the County Board and the petitioner, as described in ~~the section~~ "Memoranda of Understanding"," below.

4. In addition to the components described in ~~the section~~ "Components of the Charter Petition"," above, the County Board may require any elements that it considers necessary to the sound operation of a countywide charter school~~.~~

5. In addition to the reasons specified in ~~the section~~ "Denial of Petition"," above, a countywide petition may be denied for any other basis that the County Board finds justifies the denial~~.~~

Memoranda of Understanding

CSBA NOTE: The following optional section may be revised to reflect local practice. Although not required by law, CSBA's, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding (MOUs) to address matters that are related to the charter petition but are not included in the petition, and to establish expectations for which the charter school can be held accountable. CSBA's guide provides examples of issues that might be addressed in the MOU, including business operations, facilities, administrative and support services, special education, student assessment, and athletics. See the California Department of Education's ~~web site~~website for sample MOUs.

The County Board shall collaborate with the County Superintendent or designee, and/or with the County Board's designated representative contracted or employed pursuant to Education Code 1042, to develop one or more MOUs with the charter school to clarify financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU shall be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

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

State	Description
5 CCR 11700.1-11705	Independent study
5 CCR 11960-11968.5.5	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes

Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 48900	Suspension or expulsion; use of controlled substances
Ed. Code 49011	Student fees
Ed. Code 51744-51749.6	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.170	California Public Records Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
W&I Code 224.1	Indian child; definition

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7221-7221j	Charter schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
Attorney General Opinion	72 Ops.Cal.Atty.Gen. 25 (1989)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
California Charter Authorizing Professionals Pub	Memorandum of Understanding (MOU) Resource, September 2022 (https://calauthorizers.org/resource/memorandum-of-understanding-mou-resource-samples-and-cross-reference/)

Court Decision	Napa Valley Unified School District v. ~~California~~ State Board of Education~~, Case No. 34-2022-80004051~~ (2025), 110 Cal.App.5th 609
~~Court Decision~~	~~CSBA's Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834~~
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018 (https://www.csba.org/unchartedwaters)
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021 (https://publications.csba.org/california-school-news/july-2021/csba-charter-school-guidebook-update-available-in-amazon-kindle-store/)
CSBA Publication	Charter Schools ~~and Board Member Responsibilities, Education Insights Legal Update Webcast, March~~in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016 (https://www.csba.org/GovernanceAndPolicyResources/FairFunding/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBCharterSchoolsIssue1-Petitions.ashx)
~~U.S. Department of Education Publication~~	~~Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016~~
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014 (https://www.ed.gov/media/document/title-v-part-b-nonregulatory-guidance-charter-schools-program-january-2014-16985.pdf)
Website	U.S. Department of Education
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association

Cross References

Code	Description
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools

0420.42	Renewal Of County Charter Schools
0420.43	Revocation Of County Charter Schools
0420.44	Appeals Of District Decisions Regarding Charter Schools

County Board Policy 0420.41: Oversight Of County Charter Schools

Status: ADOPTED

Original Adopted Date: 01/01/2020 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

CSBA NOTE: The following optional policy may be revised to reflect local practice. The County Board of Education is required to oversee any charter school it authorizes. This oversight is to ensure the school's compliance with legal requirements. Additionally, pursuant to Education Code 47604, if the County Board complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

For determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted, see BP 0420.42 - Renewal of County Charter Schools and BP 0420.43 - Revocation of County Charter Schools.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the district governing board and County Board have denied the petition, SBE is required to designate, in consultation with the petitioner, either the district governing board or the County Board as the chartering authority.

The County Board of Education recognizes its ongoing responsibility to oversee any charter school authorized by the County Board, to ensure that the charter school is successfully fulfilling the terms of its charter.

Designated Charter School Contact

CSBA NOTE: Although the County Superintendent of Schools is responsible for the appointment, discipline, and establishment of the salaries of county office of education (COE) certificated and classified personnel (72 Ops.Cal.Atty.Gen. 25 (1989)), the County Board, pursuant to Education Code 1042, is authorized to contract with qualified specialists to perform services in limited situations, including those specified in Education Code 47604.32. If the County Board contracts with a specialist other than the County Superintendent, any fees collected from the charter school for the costs of supervisorial oversight, pursuant to Education Code 47613, shall remain with the County Board.

The County Board shall identify a contact person for each charter school authorized by the County Board. The contact may be the County Superintendent of Schools or a designee or another person employed or contracted by the County Board pursuant to Education Code 1042. (Education Code 47604.32)

CSBA NOTE: Pursuant to Education Code 47604, if a charter school operates as, or is operated by, a nonprofit public benefit corporation, the County Board is entitled to appoint a single representative to the board of directors of the nonprofit public benefit corporation. It is recommended that the County Board not appoint a county employee or County Board member to the nonprofit's board. It is recommended that COEs ~~that~~which seek to do so ~~are advised to~~

consult CSBA's District and County Office of Education Legal Services. or other legal counsel. To avoid potential conflicts, CSBA's guide, "Charter Schools: A Guide for Governance Teams," suggests that the County Board designate its charter school contact, appointed pursuant to Education Code 47604.32, to simply attend meetings of the nonprofit's board of directors.

The County Board may designate someone to attend meetings of the board of directors of any charter school authorized to operate as a nonprofit, public benefit corporation.

CSBA NOTE: Education Code 47604.32 requires the County Board to visit each charter school at least once every year. Although the County Board is responsible for fulfilling this requirement, a common practice among County Boards is to have the County Superintendent or the County Board's designated representative conduct these visits and report back to the County Board. CSBA's publication, "Charter Schools: A Guide for Governance Teams,"CSBA's guide recommends more frequent visits in order to monitor school operations more closely and develop relationships with the staff at the charter school. The following paragraph should be revised to reflect local practice.

The County Board or its designated representative may inspect or observe any part of the charter school at any time. At least once each year, the County Board or designated representative shall visit each charter school under its authority. (Education Code 47604.32, 47607)

Whenever the County Board's designated representative visits, inspects, or observes a charter school or any of its programs or facilities, the representative shall provide a report of the findings to the County Board at the next regular County Board meeting.

Monitoring Charter School Performance

CSBA NOTE: Although the County Board may assign oversight tasks to the designated charter school contact, the County Board has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying exhibit for a list of legal requirements pertaining to the operation of charter schools.

The County Board has the responsibility to monitor any charter school it authorizes to determine whether the charter school complies with all legal requirements applicable to charter schools, including the making of all reports required of charter schools in accordance with Education Code 47604.32.

The County Board and the governing bodies of charter schools authorized by the County Board shall review new laws and regulations applicable to charter schools.

CSBA NOTE: Education Code 47605 and 47605.6 require that measurable student outcomes for all students of the charter school, including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52066; see AR 0420.4 - Authorization of County Charter Schools. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when the subgroup consists of at least 30 students (or at least 15 foster youth, students experiencing homelessness, or long-term English learners) in the school.

Education Code 47605 and 47605.6 require that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 and 47605.6 require that charter schools conduct any statewide assessments applicable to other public schools. In addition, Education Code 47604.32 and 47604.33 require the County Board to ensure that the charter school submits an LCAP, and annual update of its LCAP, as required by Education Code 47606.5. Education Code 47606.5 requires that the charter school's LCAP include a review of progress toward its goals, an assessment of the effectiveness of the specific actions described in the charter toward achieving the goals, and a description of changes in the specific actions that the charter school will make as a result of the review and assessment~~.~~, but may not be used for federal accountability purposes.

The County Board has the responsibility to monitor each charter school to determine whether the school, both schoolwide and for all numerically significant student subgroups of students served by the school as defined in Education Code 52052, is achieving the measurable student outcomes set forth in its charter. This determination shall be based on the measures specified in the approved charter and any applicable memorandum of understanding (MOU), and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP).

CSBA NOTE: The Multi-Agency Charter School Audits Task Force's publication, "Audit Best Practices for Detecting and Curtailing Charter School Fraud," offers guidelines that will assist charter school authorizers to promptly identify financial issues or misconduct.]

The County Board has the responsibility to monitor the fiscal condition of each charter school based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

When any such monitoring is conducted by the County Board's designated representative, the representative shall report the findings to the County Board at the first available County Board meeting.

Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf unless an exception applies. Rather, a charter school may submit a waiver request through the COE. A general waiver request form is available on the California Department of Education's (CDE) website. See BP 1431 - Waivers.

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board approve and the county office of education (COE) submit a general waiver request to the State Board of Education (SBE) on its behalf. If the County Board approves such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to SBE on behalf of the charter school.

Charges for Provision of Services to a Charter School

CSBA NOTE: CSBA's Guide recommends one or more memoranda of understanding (MOU) to clarify any financial and operational agreements between the County Board and the charter school, including any services that will be provided by the County Board.

Education Code 47613 authorizes the County Board to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school, including but not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see "Technical Assistance/Intervention" below. ~~CSBA's publication, "Charter Schools: A Guide for Governance Teams,"~~CSBA's guide suggests that supervisorial oversight activities also might include site visits and site visit protocols, development of ~~memorandum of understanding~~MOUs, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing. The actual provision of administrative or support services would not be considered supervisorial oversight for purposes of charging supervisorial oversight costs to the charter school. Those services may be purchased separately by the charter school. The following optional section may be revised to reflect local practice.

The County Board may charge up to one percent of a charter school's revenue for the actual costs of supervisorial oversight of the school. However, if the charter school is able to obtain substantially rent-free facilities from the COE, the County Board may charge up to three percent of the charter school's revenue for actual costs of supervisorial oversight. (Education Code 47613)

A charter school may separately purchase administrative or other services from the COE or any other source, in accordance with law. ~~(Education Code 47613)~~

~~**Material Revisions to Charter**~~

~~Material revisions to a charter may only be made with County Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but are not limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)~~

~~The County Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.~~

~~If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47605.6, 47607)~~

~~The County Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the County Board shall consider all of the following: (Education Code 47605)~~

~~1. The fiscal impact of the proposed expansion on the COE~~

2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings

3. Whether the expansion would duplicate a program currently offered within the COE that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the County Board may deny a proposed material revision if it finds that the COE is not positioned to absorb the fiscal impact of the proposed material revision. The County Board shall make this finding if the COE has a qualified interim certification and the Superintendent of Public Instruction (SPI) certifies that approving the charter would result in the COE having a negative interim certification, or if the COE has a negative certification, or is under state receivership. (Education Code 47605(Education Code 47613)

Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the County Board that the charter school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the County Board must consider revocation of the charter; see BP 0420.43 - Revocation of County Charter Schools.Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria in two or more years, the charter school shall receive technical assistance from a COE identified as a geographic lead agency or its designee. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605

   This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school

   Another service provider, including, but not limited to, a school district, COE, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication

with the County Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

In accordance with law, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for sample procedures.

To enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint, each charter school shall establish policies and procedures in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

School Closure

CSBA NOTE: Pursuant to Education Code 47605, a charter petition must include procedures to be followed in the event a charter school ceases operation for any reason. See BP 0420.4 - Authorization of County Charter Schools. 5 CCR 11962 lists components that must be included in these procedures, including: (1) designation of a responsible entity to conduct closure-related activities, (2) notifications to specified persons and entities, (3) provision of information about students' grade level, course completion, and district of residence, (4) transfer and maintenance of student and personnel records, (5) completion of an independent final audit, (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, (7) completion and filing of any annual reports required pursuant to Education Code 47604.33, and (8) identification of funding for the activities identified in #1-7.

Depending on the terms of the charter, these duties may be performed by the charter school, the County Board, or another specified entity. However, Education Code 47604.32 specifies that it is

the responsibility of the County Board to notify CDE when a charter school ceases operation for any reason. CSBA's Guide recommends that, in addition to the notifications required by 5 CCR 11962, either the County Board or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

In the event that the County Board revokes or denies renewal of a charter or the school ceases operation for any reason, the County Board's charter school representative shall, in accordance with the charter and/or any applicable agreement between the county and the charter school, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The County Board shall provide notification to the California Department of Education, within 10 calendar days of denying renewal of or revoking the charter, or if the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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

State	Description
5 CCR 11700.1-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 15497.5	Local control and accountability plan template
5 CCR 4600-4670	Uniform complaint procedures
Business and Professions Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members

Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 244	Prohibition of discrimination; instructional materials adoption
Ed. Code 17586	Interior locks on buildings
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. 33317.3	Student transfer reporting
Ed. Code 33353	California Interscholastic Federation incident tracking
Ed. Code 33355	Extreme weather protocols
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35012	Student board member participation in expulsion hearings
Ed. Code 35120	Student board membership
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers

Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44238.9	Charter district oversight
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 44841	CPR certification
Ed. Code 44939.5	Certificated applicant screening
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46300	TK and kindergarten students in attendance calculation
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission; first grade
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900	Suspensions
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48901.7	Smartphone policy
Ed. Code 48901.8	Social media policy

Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Freedom of speech and other communication
Ed. Code 48980.6	Dual enrollment offerings notification
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Student records; definitions
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49406	TB risk assessment
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49414.6	Opioid antagonists
Ed. Code 49414.35	Administering opioid antagonists
Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49531	Prohibited sale of food items
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49603	Employer campus access
Ed. Code 49700-49701	Education of children of military families

Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 51225.32	Graduation requirements for students with disabilities
Ed. Code 51225.38	Dangers associated with fentanyl
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 52770	Career fairs
Ed. Code 53235	Board ethics training
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology devices
Ed. Code 56040.6	Deah, hard of hearing student considerations
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-60649	Assessment of academic achievement
Ed. Code 60900	Charter school closure
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation

Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.79	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources	**Description**
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 155 (1996)
Attorney General Opinion	72 Ops.Cal.Atty.Gen 25 (1989)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
California Charter Authorizing Professionals Pub	Memorandum of Understanding (MOU) Resource, September 2022
California Department of Education Publication	Model Youth Suicide Prevention Policy

California Department of Education Publication	Fiscal Management Advisory 23-02 "Pupil Fees, Deposits, and Other Charges~~, Fiscal Management Advisory 20-01, July 23, 2020~~" https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Department of Education Publication	California School Accounting Manual
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 23-02 , November 2023https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2016
Multi-Agency Charter School Audits Task Force publication	Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024
U.S. Department of Education Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California State Controller
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	U.S. Department of Education

Website	U.S. Department of Agriculture
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Student Aid Commission
Website	California Office of the Attorney General
Website	California Interscholastic Federation
Website	California Department of Pesticide Regulation
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association

Cross References

Code	Description
0420.4	Authorization Of County Charter Schools
0420.43	Revocation Of County Charter Schools
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1431	Waivers

Exhibit 0420.41-E(1): Oversight Of County Charter Schools

Status: ADOPTED

Original Adopted Date: 01/01/2020 **| Last Revised Date:** 06/01/~~2024~~2025 **| Last Reviewed Date:** 06/01/~~2024~~2025

Requirements For Charter Schools

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing local educational agencies (LEAs) unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Revocation Of County Charter Schools.

This exhibit is a non-exhaustive list of legal requirements that apply to charter schools ~~and may be used by county boards of education to monitor a charter school's compliance with law. Other legal requirements may exist and may be identified in the future.~~ as of June 1, 2025, and will no longer be updated thereafter.

A charter school shall be subject to the terms of its charter; any memorandum of understanding with its chartering authority; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements:

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000- 7930.215), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)

2. Except as otherwise authorized by Government Code 54954, hold the meetings of ~~its~~the governing body of a charter school within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside

   In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006, Government Code 1099)

CSBA NOTE: Pursuant to Education Code 47604.2, the governing body of a charter school attended by high school students is required to appoint a student member to the governing body if it receives a petition for such appointment, and~~, as amended by AB 275 (Ch. 321, Statutes of 2023),~~ may award the student member of the governing body elective course credit, monthly financial compensation, or both for the service.

4. Upon petition requesting the governing body of a charter school(s) attended by high school students to appoint one or more student members to the governing body, appoint at least one student member

CSBA NOTE: Education Code 52066, as amended by SB 153 (Ch. 38, Statutes of 2024), requires the County Superintendent of Schools to prepare a summary of how charter schools identified for technical assistance in accordance with Education code 47407.3 within the county will be supported in improving student outcomes, and to present the summary to the County Board of Education, as reflected below.

5. At the same public meeting that the County Board adopts the local control and accountability plan (LCAP) and annual update, the County Board shall receive the County Superintendent of School's plan to support charter schools within the county in improving student outcomes (Education Code 52066)

CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216 (Ch. 500, Statutes of 2024), the governing body is required, by July 1, 2026, to adopt policy that limits or prohibits student use of smartphones while at a school site or under the supervision and control of charter school employee(s), and subsequently, to update the policy every five years.

6. The governing body is required, by July 1, 2026, to develop, in conjunction with students, parents/guardians, and charter school employees, adopt, and update every five years, a policy to limit or prohibit student use of smartphones while at a school site or under the supervision and control of charter school employee(s) (Education Code 48901.7)

CSBA NOTE: Education Code 33355 requires charter schools to, by July 1, 2026, develop, adopt, implement and annually review weather protocols for extreme weather conditions.

7. On or before July 1, 2026, develop, adopt, implement and annually review weather protocols for extreme weather conditions

   The weather protocols shall incorporate the standardized guidelines compiled by the California Department of Education (CDE) and detail the specific measures to be taken during extreme weather conditions in accordance with Education Code 33355.

CSBA NOTE: Government Code 53235 requires members of the governing body in service as of January 1, 2025, except for members whose term of office ends before January 1, 2026, to receive ethics training before January 1, 2026, and at least once every 2 years thereafter.

8. Members of the governing body complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026 and at least every two years thereafter

CSBA NOTE: Pursuant to Education Code 52064.5, as amended by SB 153 (Ch. 38, Statutes of 202), if the governing body of a charter school is unable to review local indicator data (data adopted by the State Board of Education (SBE) to measure school site performance in regard to specified state priorities), due to any emergency specified in Education Code 46392, the governing body is required to review such data at its next meeting of the governing body, adopt a resolution describing the emergency event and the date on which the local indicator data was reviewed, and submit the resolution to the California Department of Education (CDE).

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

10. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit to the Superintendent of Public Instruction pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

CSBA NOTE: Pursuant to Education Code 215, as amended by SB 1318 (Ch. 645, Statutes of 2024), CDE is required, by July 1, 2026, to update its, "Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students," to address crisis intervention protocols in the event of a student suicide crisis. On or after July 1, 2026, the governing body is required to, during its next regularly scheduled review of its student suicide prevention policy, update its policy to include the best practices identified in CDE's updated Model Policy.

11. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

Operations

1. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

2. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605, 47605.6)

Admission/Enrollment

1. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

2. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, county boards ~~must~~are required to ensure that each charter school that is not its own LEA for special education purposes receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the county office of education for purposes of special education, the County Board ~~of Education~~ retains responsibility and ~~must~~is required to determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in Student v. Horizon Instructional Systems Charter School, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

3. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

4. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

   a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area (Education Code 47605, 47605.6)

      If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

   b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the county, except as provided for in Education Code 47614.5 (Education Code 47605, 47605.6)

   c. Other admission preferences identified in the charter petition, including, but not limited to, siblings of students admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may be permitted on an individual school basis consistent with law

      Preferences shall not result in limited enrollment access for students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, students experiencing homelessness, foster youth, students who are economically disadvantaged, or on the basis of nationality, race, ethnicity, or sexual orientation.

d. Mandatory parental volunteer hours shall not be the basis of a preference or a criterion for admission or continued enrollment (Education Code 47605, 47605.6)

5. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of students experiencing homelessness and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)

6. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

7. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

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.]

1. Not discriminate against any student on the basis of the characteristics listed in Education Code 220, or on the bases of one, or a combination of two or more protected characteristics (Education Code 200, 210.2, 47605, 47605.6)

~~CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the 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.~~

2. Not discriminate in the use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources ~~(Education Code 243),~~ including that the continued use of an adopted textbook, instructional material, supplemental instructional material, curriculum for classroom instruction or any book or other resource in a school library shall not be authorized if the use would subject a student to unlawful discrimination pursuant to Education Code 220 (Education Code 243, 244) ~~3.~~ Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, experiencing homelessness, economically disadvantaged, or a

foster youth

The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its website the ~~California Department of Education (CDE)~~CDE's notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605, 47605.6)

CSBA NOTE: Pursuant to Education Code 234.7, charter schools 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 charter schools "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 charter school's response to immigration enforcement is in flux and additional legislation is currently pending, it is recommended that charter schools consult with CSBA's District and County Office of Education Legal Service or other legal counsel when adopting this policy.

~~4.~~ 3. ~~Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to~~ Adopt policies equivalent to the model policy language developed by the California Attorney General pursuant to Education Code 234.7 regarding immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and ~~fulfill~~comply with the other applicable requirements of Education Code 234.7

~~5.~~ 4. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school website or on the website of the charter operator (Education Code 221.61)

~~6.~~ 5. If the charter school offers competitive athletics, annually post on the school's website or on the website of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

~~7.~~ 6. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding

The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222,

222.5, 46015)

~~8.~~ 7. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

~~CSBA NOTE: tem #9 applies to charter schools that serve high school students and participate in the California Interscholastic Federation (CIF). Pursuant to Education Code 33353, as amended by AB 1327 (Ch. 366, Statutes of 2023), a charter school is required to post on its website, on or before April 1, 2025, the standardized incident form developed by the California Department of Education (CDE) to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events.~~

~~9.~~ 8. If the charter school serves high school students and participates in the California Interscholastic Federation, post the standardized incident form developed by CDE to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events on the charter school's website ~~on or before April 1,~~ 2025, and, upon CDE's request, submit information related to any completed standardized incident forms received by the charter school (Education Code 33353)

CSBA NOTE: Education Code 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), prohibits a charter school or a member of the governing body, from enacting or enforcing any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law. It is recommended that charter schools consult CSBA's District and County Office of Education Legal Services or other legal counsel before disclosing a student's gender identity without the student's consent.

9. A charter school or a member of the governing body, shall not enact or enforce any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law (Education Code 220.5)

Tuition and Fees

1. Not charge tuition (Education Code 47605, 47605.6)

CSBA NOTE: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in CDE's ~~advisory~~Fiscal Management Advisory, "Pupil Fees, Deposits, and Other Charges," because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools.

Additionally, CDE's Fiscal Management Advisory 23-02, "Pupil Fees, Deposits, and Other Charges," clarifies that the prohibition under Education Code 49010-49011 applies to

elective extracurricular activities, and include costs for equipment used for extracurricular activities.

2. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools (Education Code 49010, 49011)

3. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school

   The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

School Plans

CSBA NOTE: Pursuant to Education Code 52064.3, by January 31, 2025, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.

1. Adopt a local control and accountability plan (an LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE)

CSBA NOTE: Pursuant to Education Code 52064.3, by July 31, 2027, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act (IDEA) Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.

2. As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians and as appropriate, an Individuals with Disabilities Education Act Addendum, based on the template developed by the SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1, 52064.3)

CSBA NOTE: Pursuant to Education Code 47606.5, as amended by SB 114 (Ch. 48, Statutes of 2023), charter5charter schools are required to present a report on the annual update to the local control and accountability plan and the local control funding formula budget overview for parents/guardians on or before February 28 of each year at a regularly scheduled meeting of the governing body. Education Code 47606.5, as amended by SB 153 requires the annual update to be presented as a nonconsent item at the meeting of the governing body.

~~1.~~ 3. Present a report on the annual update to the LCAP and the local control funding formula budget overview for parents/guardians on or before February 28 of each year, as a nonconsent item at a regularly scheduled meeting of the governing body ~~of the charter school~~ (Education Code 47606.5)

~~2.~~ 4. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

CSBA NOTE: Education Code 47606.5, as amended by SB 153, requires all Learning Recovery Emergency Funds received by the charter school to be included in the local control and accountability (LCAP)/annual update to the LCAP for the period of July 1, 2025 through June 30, 2028.

5. Include all Learning Recovery Emergency Funds received by the charter school in the LCAP/annual update to the LCAP (Education Code 47606.5)

CSBA NOTE: Education Code ~~32282, as amended by SB 10 (Ch. 856, Statutes of 2023), requires~~32282requires schools that serve students in any of grades 7-12 to include in their comprehensive safety plan a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose.

Additionally, Education Code 32282, ~~as amended by SB 323 (Ch. 599, Statutes of 2023),~~ requires that comprehensive safety plans include adaptations for student with disabilities and that, 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 student may bring concerns about an individual student's ability to access the disaster safety procedures described in the comprehensive school safety plan/school safety plan to the principal.

In addition, Education Code ~~32282, as amended by SB 671 (Ch. 626, Statutes of 2023), also requires~~32282requires a charter school's safety plan to include 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, an activity sponsored by the school, or a school bus serving the school.

Pursuant to Education Code 32282, schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan components to include procedures for responding to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds.

Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands comprehensive school safety plan components to include procedures to prepare for active shooters or armed assailants and specifications that apply if active shooter and armed assailant drills are conducted.

Pursuant to Education Code 32282, as amended by SB 153 and AB 176 (Ch. 998, Statutes of 2024), charter schools are required, beginning July 1, 2025, to include in their comprehensive safety plans an instructional continuity plan with specified components to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency.

~~3.~~ 6. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan in accordance with law by March 1 each year (Education Code 47605)

~~4.~~ 7. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

~~In addition~~Additionally, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

1. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

CSBA NOTE: Pursuant to Education Code 49056~~, as added by SB 291 (Ch. 863, Statutes of 2023),~~ charter schools that maintain any of grades K-8 are required to provide at least one or more periods of recess ~~as reflected below~~that total 30 minutes on regular instructional days and at least 15 minutes on early release days, except that for any student with an exceptional need, recess is required to be in accordance with the student's individualized education program or Section 504 plan.

2. Provide one or more periods of recess that total 30 minutes on regular instructional days and at least 15 minutes on early release days as required by law (Education Code 49056)

3. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

4. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)

5. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)

6. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)

CSBA NOTE: Education Code 51225.7, as amended by AB 2165 (Ch. 702, Statutes of 2024), requires charter schools, before exempting a student or the student's parent/guardian from the requirement to complete and submit a Free Application For Student Financial Aid, a form for purposes of the California Dream Act, or an opt-out form permitting such forms to not be completed, to provide specified information to the student and the student's parent/guardian.

7. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)

~~CSBA NOTE: Education Code 52770, as added by AB 1173 (Ch. 11, Statutes of 2023), requires a charter school that serves students in any of grades 9-12 that is planning to hold a college or career fair, to notify each community college district that has overlapping jurisdiction of the date, time, and location of the fair, and provide an opportunity for the community college district to participate.~~

8. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school and each community college district that has overlapping jurisdiction with the charter school with the planned date, time, and location of the fair, and give each community college district that has overlapping jurisdiction the opportunity to participate in the college or career fair (Education Code 52770, Labor Code 3074.2)

~~CSBA NOTE: Pursuant to Education Code 49603, as amended by AB 1605 (Ch. 142, Statutes of 2023), charter schools offering instruction in any of grades 9-12 that provide on-campus access to employers, shall not prohibit access to the military services.~~

9. If a charter school offers instruction in any of grades 9-12, and provides on-campus access to employers, not prohibit access to the military services (Education Code 49603)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other high school in which the courses were offered via classroom instruction.

10. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

11. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

CSBA NOTE: A charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure. Education Codes 46392, as amended by SB 1429 (Ch. 477, Statutes of 2024), adds snowstorms to the list of emergencies, which includes fire, flood, impassable roads, epidemic, earthquake, the imminence of a major safety hazard as determined by the local law enforcement agency, a strike involving transportation services to students provided by a nonschool entity or an order provided for in Education Code 41422, for which a charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events.

A charter school may apply to the SPI to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance due to emergency events (Education Code 46392)

12. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or a newcomer student while attending another school (Education Code 51225.2)

13. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605.6, 47612.5, 60605)

CSBA NOTE: Education Code 51225.38, as added by AB 2429 (Ch. 67, Statutes of 2024), requires the governing body that has elected to require its students to complete a course in health education for graduation from high school to include instruction in the dangers associated with fentanyl use.

14. If the charter school serves students in high school and requires its students to complete a course in health education for graduation from high school, commencing with the 2026–27 school year, include in such course instruction in the dangers associated with fentanyl use (Education Code 51225.38)

CSBA NOTE: Education Code 48980.6, as added by AB 1796 (Ch. 143, Statutes of 2024), requires charter schools to annually notify parents/guardians of students admitted to, or advancing to, grades 7-12, of any dual enrollment or International Baccalaureate courses offered by the local educational agency.

15. At the beginning of the first semester or quarter of the regular school term, notify parents/guardians of students admitted to, or advancing to, grades 7-12, of any dual enrollment or International Baccalaureate courses offered by the charter school (Education Code 48980.6)

Special Education

1. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary

   The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

2. If the charter school has a master contract with a nonpublic, nonsectarian school:

   a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)

   b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

1. Exempt a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or student who is migratory who transfers between schools after the second year of high school, or a newcomer student ~~in grades 11-12~~ who is in their third or fourth year of high school, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.31, charter schools are required to exempt an eligible student with disabilities who entered the ninth grade in the 2022-23 school year or later, from all coursework and other requirements adopted by the governing body that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma.

Additionally, pursuant to Education Code 51225.32, as added by SB 153, charter schools are authorized, until July 1, 2031, to extend such exemption and award a high school diploma to an eligible student with disabilities who was enrolled in grade 10 or higher in the 2022-23 school year.

2. In accordance with Education Code 51225.31, exempt an eligible student with disabilities from all coursework and other requirements adopted by the ~~charter school board~~governing body that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma (Education Code 51225.31~~)~~ , 51225.32)

3. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

4. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

Student Expression

~~5.~~ 1. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

2. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing and Professional Development

1. Require its teachers to hold the certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) required for the teacher's certificated assignment (Education Code 47605, 47605.~~6)~~ 4)

~~2. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required (Education Code 47605, 47605.4)~~

~~3.~~ 2. If the charter school offers transitional kindergarten (TK), require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position ~~by August 1, 2025~~, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)

~~4.~~ 3. Correct any misassignments if notified by the county that the assignment of a charter school employee is not legally authorized (Education Code 44258.9)

CSBA NOTE: Pursuant to Education Code 45125.1~~, as amended by SB 531 (Ch. 616, Statutes of 2023),~~ an employee of any entity that has a contract with a charter school who offers work experience opportunities for students or workplace placements as part of a student's individualized education program is exempt from the requirement to have a valid criminal records summary if specified requirements are met.

~~5.~~ 4. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)

CSBA NOTE: Education Code 44841, as added by AB 2345 (Ch. 65, Statutes of 2024), prohibits hiring any person for purposes of a short-term staff permit, provisional internship permit, or a teaching permit for statutory leave, unless that person has a certification in cardiopulmonary resuscitation that meets the standards established by the American Heart Association or the American Red Cross.

5. Not hire any person for purposes of a short-term staff permit, provisional internship permit, or a teaching permit for statutory leave, unless that person has a certification in cardiopulmonary resuscitation (CPR) that meets the standards established by the American Heart Association or the American Red Cross (Education Code 44841)

6. Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

7. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)

8. If it is deemed the exclusive public school employer of the employees at the charter school, meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

9. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

~~CSBA NOTE: Pursuant to Education Code 49406, as amended by SB 88 (Ch. 380, Statutes of 2023), a charter school that provides transportation to students under contract is required to have, as a condition of the contract, a tuberculosis risk assessment, and if~~

~~indicated, the examination for infectious tuberculosis within 60 days of the initial hire, which may, until July 1, 2025, and at the discretion of the governing body, not be required for a private contracted driver who transports students infrequently and without prolonged contact.~~

10. If the charter school provides transportation to students under contract, require drivers to submit and clear tuberculosis risk assessment, unless otherwise exempt by law (Education Code 49406)

CSBA NOTE: Education Code 44939.5, as amended by AB 2534 (Ch. 570, Statutes of 2024), requires charter schools when considering an applicant for a certificated position to inquire with each local educational agency that previously employed the applicant if the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the Commission on Teacher Credentialing.

11. When a charter school considers an applicant for a certificated position, inquire with each local educational agency that previously employed the applicant whether the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to CTC

    Additionally, when a charter school responds to an inquiry from a local educational agency considering an applicant for employment as to whether it has made a report of egregious misconduct regarding such applicant to CTC, provide the inquiring local educational agency with a copy of all relevant information within its possession that was reported to CTC. (Education Code 44939.5)

CSBA NOTE: Education Code 44691, as added by AB 1913 (Ch. 814, Statutes of 2024), requires charter schools to provide annual training to their employees on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.

12. As part of the annual mandated reporter training, provide training, on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs (Education Code 44691)

Parent/Guardian Involvement

1. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605, 47605.6)

2. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605, 47605.6)

3. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

CSBA NOTE: Pursuant to Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), students must5students are required to be provided adequate time to eat, as determined by the charter school in consideration of the recommendations provided by CDE on or before June 30, 2025.. Additionally, pursuant to Education Code 49501.5, as amended by SB 348, if5if a charter school offers independent study, the charter school mustis required to make available a nutritionally adequate breakfast and lunch on any school day that a student is scheduled for educational activities, as defined in Education Code 49010, lasting two or more hours, at a school site, resource center, meeting space, or other satellite facility.

1. Provide a nutritionally adequate breakfast and lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility, including, if the charter school offers independent study, to a student enrolled in independent study on any school day in which the student is scheduled for in-person educational activities of two or more hours

2. If the charter school participates in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and is a high-poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service (Education Code 49501.5, 49564.3)

3. If the charter school participates in the NSLP or SBP, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

CSBA NOTE: Education Code 49431, 49431.2, 49431.5, and 49531, as amended by AB 2316 (Ch. 914, Statutes of 2024), prohibits charter schools, beginning December 31, 2027, from offering or selling, except for food items sold as part of a school fundraising event, foods containing artificial food dyes that have been linked to hyperactivity and behavioral issues in some children.

4. Not offer or sell, except for food items sold as part of a school fundraising event, foods containing foods dyes specified in Education Codes 49431, 49431.2, 49431.5, and 49531

Student Health

CSBA NOTE: Pursuant to Education Code 215 on or before January 1, 2025, charter schools must review and update their policy on student suicide prevention, and revise their training materials, to incorporate best practices identified by CDE.

1. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

CSBA NOTE: Pursuant to Education Code 49428.5, each school serving students in any of grades 6-12 is required to create a poster that identifies approaches and resources about student mental health, and prominently display such posters in public areas that are

~~accessible to and commonly frequented by students at each school site. See BP 5141.5 - Mental Health~~

~~2.~~ 1. Each charter school that serves students in any of grades 6-12 shall create and prominently display an age appropriate and culturally relevant poster that identifies approaches and resources about student mental health (Education Code 49428.5)

CSBA NOTE: Education Code 215.5, as amended by SB 1063 (Ch. 642, Statutes of 2024), requires charter schools that serve students in grades 7-12 and issue or reissue student identification cards to have printed on either side of the card the telephone number for the 988 Suicide and Crisis Lifeline and the National Suicide Prevention Lifeline (1-800-273-8255). Pursuant to Education Code 215.5, as amended by SB 1063, a charter school may have printed on the card the Crisis Text Line (texting HOME to 741741); the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number; a local suicide prevention hotline telephone number; and/or a quick response (QR) code that links to the county's mental health resources website.

~~3.~~ If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the ~~National~~988 Suicide and Crisis Lifeline, the National Suicide Prevention Lifeline ~~and~~, the National Domestic Violence Hotline, and may have printed on either side of the identification card a quick response (QR) code that links to the mental health resources website of the county in which the school is located on the identification cards (Education Code 215.5)

~~4.~~ 2. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

~~5.~~ 3. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

~~6.~~ 4. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to student athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition

In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

~~CSBA NOTE: Pursuant to Education Code 35179.4, as amended by AB 1653 (Ch. 589, Statutes of 2023), if a charter school offers an interscholastic athletic program, the governing board of the charter school is required to have a written emergency action plan that describes the location of emergency medical equipment and procedures to be followed~~

~~in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness. Additionally, as amended by AB 1653, the emergency action plan is required to include a description of the manner and frequency at which the procedures to be followed in the event of medical emergencies will be rehearsed.~~

~~7.~~ 5. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness, the location of emergency medical equipment, and the rehearsal of such procedures; acquire at least one automated external defibrillator (AED) for the school; and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

~~8.~~ 6. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of ~~cardiopulmonary resuscitation~~CPR training throughout the duration of the event (Education Code 35179.6)

~~9.~~ 7. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

~~CSBA NOTE: Pursuant to Education Code 49414.3 and, as added by AB 1283 (Ch. 574, Statutes of 2023), Education Code 49414.7, the charter school is permitted to make emergency naloxone hydrochloride or other opioid antagonist and emergency stock albuterol inhalers available for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from opioid overdose or respiratory distress.~~

~~10.~~ 8. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, or to make emergency stock albuterol inhalers available to persons suffering, or reasonably believed to be suffering, from respiratory distress, comply with the requirements of Education Code 49414.3 and 49414.7, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

CSBA NOTE: Education Code 234.6, as amended by SB 939 (Ch.907, Statutes of 2024), requires charter schools to ensure the resources described below are readily accessible in a prominent location on the school's website in a manner that is easily accessible to parents/guardians and students.

9. Post resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning in a prominent location on the charter school's website in a manner that is readily and easily accessible to parents/guardians and students

Student Conduct/Discipline

~~CSBA NOTE: Pursuant to Education Code 49056, as added by SB 291 (Ch. 863, Statutes of 2023), beginning with the 2024-2025 school year, a student may not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical~~

~~safety of one or more of the student's peers. Education Code 44807.5, which authorized the Board to permit the use of recess restriction for disciplinary purposes, was repealed by SB 291.~~

1. Prohibit the denial of recess to a student unless the student's participation poses an immediate threat to the student's physical safety or to the physical safety of one or more of the student's peers (Education Code 49056)

2. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention on the charter school's website, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)

3. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)

4. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

CSBA NOTE: Pursuant to Education Code ~~48900, as amended by SB 274 (Ch. 597, Statutes of 2023), charter~~48900charter schools are prohibited from suspending students enrolled in kindergarten or any of grades 1-12 for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties through July 1, 2029. Additionally, school administrators, by the end of the fifth business day, are required to inform the referring employee, verbally or in writing, of the actions taken and if none, the rationale for not providing timely interventions or supports.

5. Neither recommend for expulsion nor suspend a student in grades K-12 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)

6. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

CSBA NOTE: The following Item is for charter schools 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 charter school. Pursuant to Education Code 49414.6, as added by SB 997 (Ch. 872, Statutes of 2024), a charter school may not prohibit a student in middle school, junior high school, or high school, while on a school site or participating in school activities, from carrying fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

7. Not prohibit students in middle schools, junior high schools, high schools, or adult schools, while on a school site or participating in school activities, to carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose (Education Code 49414.6)

CSBA NOTE: The following item is for charter schools that serve students 12 years of age or older and is not required of charter schools that do not serve such students. Pursuant to Education Code 49414.35, as added by AB 2998 (Ch. 974, Statutes of 2024), charter schools may not prohibit students 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication. Students who administer such an opioid antagonist may not be held liable in a civil action or be subject to criminal prosecution due their acts or omissions, and the charter school and employees of the charter school may not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a student's acts in administering an opioid antagonist, unless an act or omission of the students, employee, or charter school constitutes gross negligence or willful or wanton misconduct.

8. Not prohibit a student 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, naloxone hydrochloride or another opioid antagonist (Education Code 49414.35)

CSBA NOTE: Education Code 33317.3, as added by AB 1984 (Ch. 368, Statutes of 2024), requires, commencing with the 2026–27 school year, charter schools to provide to CDE data on student transfers due to disciplinary reasons, including whether the student transferred to an alternative school based on a referral by the school.

9. Beginning with the 2026–27 school year, provide to CDE data on student transfers due to disciplinary reasons, including whether the student transferred to an alternative school based on a referral by the school (Education Code 33317.3)

CSBA NOTE: Pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

10. Not suspend students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports (Education Code 48900)

Student and Parent/Guardian Records

1. Not collect or solicit 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 (Education Code 49076.7)

2. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing

body (Education Code 49073.2)

3. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605, 47605.6)

4. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year

   However, such information shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

5. Update, and reissue if requested, a former student's records to include the student's updated legal name or gender, upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070 (Education Code 49062.5, 49070)

Facilities

1. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

   a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374

   b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government

~~CSBA NOTE: Pursuant to Education Code 35292.6, as amended by AB 230 (Ch. 421, Statutes of 2023), the requirement to stock an adequate supply of free menstrual products extends to grades 3-12.~~

2. If the charter school serves students in any of grades 3-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

CSBA NOTE: Education Code 17586, as added by AB 2565 (Ch. 531, Statutes of 2024), requires charter schools serving students in grades kindergarten-12 that undertake an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, to install

interior locks on each door of any room with an occupancy of 5 or more persons in that school building.

3. If a charter school undertakes an addition, alteration, reconstruction, rehabilitation, or retrofit of a school building, install interior locks on each door of any room with an occupancy of five or more persons in that school building (Education Code 17586)

Finance

1. Promptly respond to all reasonable inquiries from the county office of education (COE) or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

2. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

3. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

4. Annually prepare and submit financial reports to the County Board ~~of Education~~ and the County Superintendent in accordance with the following reporting cycle:

   a. By July 1, a preliminary budget for the current fiscal year

      For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

   b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31 (Education Code 47604.33)

   c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31 (Education Code 47604.33)

   d. By September 15, a final unaudited report for the full prior year

      The report submitted to the County Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

   e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the COE's audit

      The audit report shall also be submitted to the State Controller and CDE. (Education

Code 47605, 47605.6)

5. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

1. Annually adopt a school accountability report card (Education Code 33126, 47612; California Constitution, Article 16, Section 8.5)

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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11700.1-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 15497.5	Local control and accountability plan template
5 CCR 4600-4670	Uniform complaint procedures
Business and Professions Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines

Ed. Code 220	Prohibition of discrimination
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 244	Prohibition of discrimination; instructional materials adoption
Ed. Code 17586	Interior locks on buildings
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. 33317.3	Student transfer reporting
Ed. Code 33353	California Interscholastic Federation incident tracking
Ed. Code 33355	Extreme weather protocols
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35012	Student board member participation in expulsion hearings
Ed. Code 35120	Student board membership
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles

Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44238.9	Charter district oversight
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 44841	CPR certification
Ed. Code 44939.5	Certificated applicant screening
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46300	TK and kindergarten students in attendance calculation
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission; first grade
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900	Suspensions
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48901.7	Smartphone policy
Ed. Code 48901.8	Social media policy
Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Freedom of speech and other communication

Ed. Code 48980.6	Dual enrollment offerings notification
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Student records; definitions
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49406	TB risk assessment
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49414.6	Opioid antagonists
Ed. Code 49414.35	Administering opioid antagonists
Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49531	Prohibited sale of food items
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49603	Employer campus access
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework

Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 51225.32	Graduation requirements for students with disabilities
Ed. Code 51225.38	Dangers associated with fentanyl
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 52770	Career fairs
Ed. Code 53235	Board ethics training
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology devices
Ed. Code 56040.6	Deah, hard of hearing student considerations
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-60649	Assessment of academic achievement
Ed. Code 60900	Charter school closure
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act

Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.79	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources	**Description**
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 155 (1996)
Attorney General Opinion	72 Ops.Cal.Atty.Gen 25 (1989)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
California Charter Authorizing Professionals Pub	Memorandum of Understanding (MOU) Resource, September 2022
California Department of Education Publication	Model Youth Suicide Prevention Policy
California Department of Education Publication	Fiscal Management Advisory 23-02 "Pupil Fees, Deposits, and Other Charges~~, Fiscal Management Advisory 20-01, July 23, 2020~~" https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Department of Education Publication	California School Accounting Manual

California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 23-02 , November 2023https://www.cde.ca.gov/re/lr/fm/documents/fma2302.pdf
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2016
Multi-Agency Charter School Audits Task Force publication	Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024
U.S. Department of Education Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California State Controller
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	U.S. Department of Education
Website	U.S. Department of Agriculture
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Student Aid Commission
Website	California Office of the Attorney General

Website	California Interscholastic Federation
Website	California Department of Pesticide Regulation
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association

Cross References

Code	Description
0420.4	Authorization Of County Charter Schools
0420.43	Revocation Of County Charter Schools
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1431	Waivers

County Board Policy 0440: County Office of Education Technology Plan **Status:** ADOPTED

Original Adopted Date: 06/01/~~1995~~2025 **| Last Revised Date:** ~~12~~06/01/~~2014~~ 2025**| Last Reviewed Date:** ~~12~~06/01/~~2014~~2025

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~CSBA NOTE: The following optional policy may be revised to reflect County Board of Education practice. While no requirement exists, a County Office of Education (COE) may wish to utilize a technology plan, the importance of which is likely to grow with the expanding use of artificial intelligence (AI). For more information regarding the use of AI, see BP 0441 - Artificial Intelligence, BP/E(1) 4040 – Acceptable Use of Technology, BP 5131.9 – Academic Honesty, and BP/E(1) 6163.4 – Student Use of Technology.

Pursuant to 20 USC 7119, COEs that receive funds under the federal Student Support and Academic Enrichment grant program (20 USC 7101-7122) are required to use a portion of those funds to improve the use of technology in order to improve the academic achievement and digital literacy of all students. Such funds may be expended for the purposes specified in 20 USC 7119, with no more than 15 percent being used to purchase technology infrastructure. For COEs or consortia that receive grants of $30,000 or more, such expenditures are required to be aligned with a needs assessment conducted pursuant to 20 USC 7116.

~~CSBA NOTE: The following optional policy may be revised to reflect district practice. Although a technology plan is no longer a precondition for state technology grant programs due to the self-repeal of Education Code 51870-51871.5, the California Department of Education (CDE), in its California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, strongly encourages districts to develop and have a comprehensive technology plan approved by the Governing Board or district administration. In developing or revising a plan, districts may use the Technology Plan Builder available on the CDE's web site.~~

~~Pursuant to 20 USC 7119, districts that receive funds under the federal Student Support and Academic Enrichment grant program (20 USC 7101-7122) must use a portion of those funds to improve the use of technology in order to improve the academic achievement and digital literacy of all students. Such funds may be expended for the purposes specified in 20 USC 7119, with no more than 15 percent being used to purchase technology infrastructure. For districts or consortia that receive grants of $30,000 or more, such expenditures must be aligned with a needs assessment conducted pursuant to 20 USC 7116.~~

~~The Governing Board~~The County Board of Education recognizes that technological resources, including resources that utilize artificial intelligence (AI), can enhance student achievement by increasing student access to information, supporting teacher effectiveness, and facilitating the administration of student assessments. Effective use of technology can also increase the efficiency of ~~the district's noninstructional operations and governance~~non-instructional operations and governance of the County Office of Education (COE). However, the County Board also recognizes the potential for technological resources to undermine student achievement, health, and well-being.

The technological resources provided to students and staff shall be aligned to COE goals, objectives, and academic standards and shall be used in a safe and responsible manner. Students and staff shall be allowed to use such technology in accordance with applicable policies, including, but not limited to, policies on AI, academic honesty, data privacy, nondiscrimination, copyright protections, student use of technology, and employee use of technology.
A comprehensive technology plan based on an assessment of current uses of technology and an identification of future needs shall be developed and regularly revised. An advisory committee consisting of a variety of staff and community stakeholders may be appointed to assist with the development of the technology plan.

CSBA NOTE: The ~~CDE's California K-12 Education Technology Plan Template, Criteria, and Guiding Questions recommends that the district's technology plan describe the district's use of technology for a three-year period, as provided below. The~~ following ~~paragraph may~~list should be revised to reflect ~~district~~County Board practice.

The ~~Superintendent or designee shall develop, for Board approval, a comprehensive three-year~~ technology plan ~~based on an assessment of current uses of technology in~~ shall include, but not be limited to, the ~~district~~following:

1. What technological resources will be utilized by the COE

2. How these technological resources will be equitably accessible to all students and ~~an identification of future needs. The Superintendent or designee may appoint an advisory committee consisting of a variety of~~ staff and ~~community stakeholders to assist with the~~ to all schools

3. How these technological resources will be used to improve educational services

4. What professional development ~~of the~~opportunities or materials regarding these technological resources will be made available to staff

5. How AI may be used by students and staff in accordance with County Board Policy 0441 – Artificial Intelligence, County Board Policy/Exhibit (1) 4040 – Acceptable Use Of Technology, County Board Policy 5131.9 – Academic Honesty, and County Board Policy/Exhibit (1) 6163.4 – Student Use Of Technology

CSBA NOTE: Education Code 48985.5, as amended by AB 2690 (Ch. 241, Statutes of 2024), requires COEs, at the beginning of the first semester or quarter of the regular school year, to annually inform parents/guardians about the risk of social media being used as a way to market and sell synthetic drugs.

Pursuant to Education Code 48901.8, as added by SB 1283 (Ch. 891, Statutes of 2024), County Boards are authorized to limit or prohibit student use of social media when students are at a school site or while the students are under the supervision and control of an employee or employees of the COE.

47 USC 223, as amended by the TAKE IT DOWN Act of 2025 (P.L. 119-12), imposes criminal penalties for creating and posting AI-generated deepfakes, as well as for threatening to post intimate images without consent, and empowers the Federal Trade Commission to hold social media platforms accountable to remove such images.

6. How students will acquire the knowledge and skills sufficient for digital citizenship, social media and AI literacy, and identifying online misinformation

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 COEs.

Government Code 11549.3 authorizes COEs, at COE expense, to request the Military Department, in consultation with CSIC, to perform an independent security assessment of the COE or individual COE school. COEs 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, COEs that experience a cyberattack, as defined, which

impacts more than 500 students or personnel, are required to report such cyberattack to CSIC.

7. How the COE will prevent and respond to cyberattacks, address other cybersecurity concerns, and what steps students and staff can take to enhance security of the systems they use

The technology plan shall be integrated into the ~~district's~~COE's vision and goals for student learning and shall contain research-based strategies and methods for the effective use of technology. When required for state or federal grant programs in which the ~~district~~COE participates, the plan shall also address all components required for receipt of such grants.

~~The Superintendent or designee shall ensure that any~~ Any use of technological resources ~~in the district protects~~shall protect the private and confidential information of students and employees in accordance with law.

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

State	Description
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Civ. Code 3120-3123	Digital Bill of Rights
Ed. Code 10550-10555	Telecommunications standards
Ed. Code 11800	K-12 High Speed Network grant program
Ed. Code 35266	Cybersecurity
Ed. Code 48901.8	Social media; limitations or prohibitions
Ed. Code 48985.5	Fentanyl and synthetic drugs danger notification
Ed. Code 49060-49085	Student records
Ed. Code 51006	Computer education and resources
Ed. Code 51007	Programs to strengthen technological skills
Ed. Code 51865	California distance learning policy
Ed. Code 60010	Instructional materials; definition
Gov. Code 11549.3	Office of Information Security

Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center
Pen. Code 502	Computer crimes; remedies

Federal	**Description**
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 7101-7122	Student Support and Academic Enrichment Grants
47 U.S.C. 223	Use of technology in obscene or harassing manner
34 CFR Part 99	Family Educational Rights and Privacy
47 CFR 54.500-54.523	Universal service support for schools
47 USC 254	Universal service discounts (E-rate)

Management Resources	**Description**
California Department of Education Publication	Empowering Learning: A Blueprint for California Education Technology 2014-2017, April 2014
California Department of Education Publication	California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, November 2015
Court Decision	McMahon v. Albany Unified School District~~,~~ (2002) 104 Cal.App.4th 1275
Website	CSBA District and County Office of Education Legal Services
Website	Technology Information Center for Administrative Leadership
Website	California Cybersecurity Integration Center
~~Website~~	~~Computer-Using Educators~~
~~Website~~	~~California Educational Technology Professionals Association~~
Website	California Department of Education, Education Technology Office
Website	California Educational Technology Professionals Association
Website	California Office of Emergency Services
Website	Computer-Using Educators
Website	Federal Communications Commission
Website	CSBA

Cross References

Code	Description
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
3100	Budget
3100	Budget
4040	Acceptable Use Of Technology
4040-E(1)	Acceptable Use Of Technology
5131.2	Bullying
5131.2	Bullying
5131.9	Academic Honesty
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
9140	Board Representatives

Board Policy 0441: Artificial Intelligence

Status: ADOPTED

Original Adopted Date: 06/01/2025 **| Last Revised Date:** 06/01/2025 **| Last Reviewed Date:** 06/01/2025

CSBA NOTE: This policy addresses the use of artificial intelligence (AI) by students and staff in a County Office of Education (COE) and may be modified to reflect COE practice.

In 2024, CSBA formed an Artificial Intelligence Task Force to equip County Boards of Education with the necessary knowledge and tools to navigate the complexities of AI. County Boards are encouraged to utilize the resources produced by the Task Force when modifying this policy to reflect COE practice.

Pursuant to Education Code 33328.5, as added by SB 1288 (Ch. 893, Statutes of 2024), the Superintendent of Public Instruction is required to convene 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. County Boards are encouraged to continue to monitor the development of new AI technologies.

The County Board of Education recognizes the transformative potential of artificial intelligence (AI) to increase student access to information, support teacher effectiveness, and facilitate the administration of student assessments, as well as the potential for AI to undermine student achievement, health, and well-being. Therefore, the County Board is committed to supporting the use of AI by students and staff in accordance with the following principles:

1. Student-Centered: AI should be used to personalize and enhance the learning experience for each student and to support digital citizenship and literacy

2. Staff-Centered: AI should be used as a tool to augment and support, rather than replace, staff in the performance of their duties and responsibilities

3. Ethical Use and Transparency: AI should be used ethically and transparently by all staff and students, with careful consideration of potential biases, and in compliance with all applicable intellectual property and copyright laws

4. Accountability and Responsibility: AI should be used in a manner that ensures accountability by those who use it and that those who use it are responsible for such use, including when and how it is used

5. Equity and Access: AI should be implemented in a manner that ensures equitable access and opportunity for all students, regardless of background or ability, and for all schools across

the COE

6. Secure and Private: The COE should prioritize security and privacy when changing existing practices or adopting new practices regarding AI

7. Professional Development: The COE should provide ongoing professional development for staff in all aspects of AI, with a particular focus on the ethical and responsible use of AI

8. Community Engagement: The COE should engage with the community to share these principles, to educate the community on AI, and to discuss the permitted and prohibited uses of AI in the COE

9. Continuous Improvement: The COE should regularly evaluate the use of AI by students and staff, and adapting its policies, procedures, and professional development to align with best practices and evolving technologies

The use of AI in the COE shall be consistent with this policy, County Board Policy 0440 – County Office of Education Technology Plan, County Board Policy/Exhibit (1) 4040 – Acceptable Use of Technology, County Board Policy 5131.9 – Academic Honesty, County Board Policy 6154 – Homework/Makeup Work, County Board Policy 6162.5 – Student Assessment, and County Board Policy/Exhibit (1) 6163.4 – Student Use of Technology.

Artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer, from the input it receives, how to generate outputs that can influence physical or virtual environments. (Education Code 33328.5)

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Policy Reference Disclaimer:
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State	Description
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Ed. Code 10550-10555	Telecommunications standards
Ed. Code 11800	K-12 High Speed Network grant program
Ed. Code 33328.5	Statewide AI Task Force
Ed. Code 49060-49085	Student records
Ed. Code 51006	Computer education and resources

Ed. Code 51007	Programs to strengthen technological skills
Ed. Code 51865	California distance learning policy
Ed. Code 60010	Instructional materials; definition
Pen. Code 502	Computer crimes; remedies

Federal	**Description**
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 7101-7122	Student Support and Academic Enrichment Grants
34 CFR Part 99	Family Educational Rights and Privacy
47 CFR 54.500-54.523	Universal service support for schools
47 USC 254	Universal service discounts (E-rate)

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	Technology Information Center for Administrative Leadership
Website	California Department of Education, Education Technology
Website	California Department of Education, Learning With IA, Learning About AI
Website	California IT in Educational (CITE)
Website	Computer-Using Educators (CUE)
Website	Federal Communications Commission Cybersecurity Resource Recommendations
Website	U.S. Congress Bipartisan House Task Force Report on Artificial Intelligence
Website	CSBA
Website	CSBA AI Task Force

Cross References

Code	**Description**
0440	County Office of Education Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
3100	Budget
3100	Budget

4040	Acceptable Use Of Technology
4040-E(1)	Acceptable Use Of Technology
5131.2	Bullying
5131.2	Bullying
5131.9	Academic Honesty
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
9140	Board Representatives

County Board Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 01/01/2021 **| 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 county offices of education (COEs) to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 mandates COEs 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 COEs 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 COEs 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, COEs are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs 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. 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 COE programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written COE 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 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, COEs 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/E 5145.7 - Sex Discrimination and Sex-Based Harassment. As such a complaint may also fall within the scope of the UCP, it is unclear whether COEs would additionally be required to follow the UCP. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing the UCP for this purpose.~~

~~For those COEs in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying exhibit for sample language.~~

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** county offices of education (COEs) to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** COEs 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** COEs 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 COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, COEs are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs 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 COE 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).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE 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 County 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/E(1) 1312.3 – Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with E(1) 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/E(1) 5145.7 - Sexual Harassment, and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

For those COEs in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying exhibit for sample language.

The County Board of Education recognizes that the county office of education (COE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The County Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 ~~and any related procedures approved by the County Superintendent of Schools~~.

Complaints Subject to UCP

~~CSBA NOTE: The FPM process includes a review of the COE's policies and procedures to determine whether all COE programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the COE's policy must list all such programs and activities and, at the COE's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the COE.~~

~~For further information regarding requirements for the following programs and activities, see the law cited and/or related CSBA policy and/or administrative regulation.~~
CSBA NOTE: The FPM process includes a review of the COE's policies and procedures to determine whether all COE programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the COE's policy must list all such programs and activities and, at the COE's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the COE.

The COE'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 COEs 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 COE programs and activities based on sex. It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to including discrimination, harassment, intimidation, or bullying in COE programs and activities based on sex in Item #10. See Item #3 in the Non-UCP Complaint section.~~

~~10. Discrimination, harassment, intimidation, or bullying in COE 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; based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)~~

~~CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the County 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 County 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 County Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any County 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 County 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 COE'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 COE. For information regarding complaints concerning an insufficiency of instructional materials, see 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 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."

11. Discrimination includes, but is not limited to, the County 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 County 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 COE, 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 COE 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. 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, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

13. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

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)

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 COE must 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 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 exhibit.

23. State preschool health and safety issues in license-exempt programs (Education Code 8212)

CSBA NOTE: 5 CCR 4621 mandates that COE policy ensure that complainants are protected from retaliation as specified in Item #23 below.

24. 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. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the COE to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation.

~~However, the COE should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances, 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.~~

~~The following optional paragraph provides for a neutral mediator and should be revised to reflect local practice.~~

~~The County 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 where there is a reasonable risk that a party to the mediation would feel compelled to participate. The use of ADR shall be consistent with federal, state, and local laws and regulations.~~

~~CSBA NOTE: The following paragraph is mandated pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel.~~

~~All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain 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 non-UCP allegation shall be referred to the appropriate staff or agency and the UCP-related allegation(s) shall be investigated, if appropriate, through the COE's UCP.~~

~~Training shall be provided to staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and any accompanying administrative regulation or exhibit.~~

~~CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints in order to demonstrate that the COE has complied with federal and state laws and its own policies and regulations.~~

~~Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.~~

10. Discrimination, harassment, intimidation, or bullying in COE 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; 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: Pursuant to Education Code 51225.1 and 51225.2, exemptions from COE 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 COE may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.

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)

12. Every Student Succeeds Act (Education Code 12303, 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 COE'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 COE. For more information regarding complaints concerning instructional materials, see 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 County Office Programs and Activities. 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 COE, 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 8200-8488, 33315)

CSBA NOTE: Pursuant to Education Code 8212 and CDE's FPM instrument, the COE 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 are required to be addressed through the procedures described in 5 CCR 4690-4694. See "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying exhibit.

23. State preschool health and safety issues in license-exempt programs (Education Code 8212)

NEW CSBA NOTE: Pursuant to Education Code 33315, as amended by AB 3074 (Ch. 665, Statutes of 2024), the COE 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 COE policy ensure that complainants are protected from retaliation as specified in Item #25 below.

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

26. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the COE to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the COE 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. COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following optional paragraph provides for a neutral mediator and should be revised to reflect local practice.

The County 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 use of ADR shall be consistent with state and federal laws and regulations.

CSBA NOTE: The following paragraph is required pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination, the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain 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 non-UCP allegation shall be referred to the appropriate staff or agency and the UCP-related allegation(s) shall be investigated, if appropriate, through the COE's UCP.

Training shall be provided to staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and any accompanying administrative regulation or exhibit.

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the COE is investigated by OCR or CDE, these are important documents in demonstrating that the COE has complied with federal law, state law, and its own policies and regulations.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent of Schools policies and procedures.

Non-UCP Complaints

The following complaints shall not be subject to the COE'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 the 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.~~

~~3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the COE 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. (34 CFR 106.2, 106.10, 106.11, 106.44)~~

~~CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the COE 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, COEs 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. As such a complaint may also fall within other complaint procedures used by the COE to address sex discrimination, it is unclear whether the COE would additionally be required to follow any such complaint procedures. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office Education Legal Services or COE legal counsel prior to utilizing the procedures.~~

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using COE procedures, 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.

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 COE is subject, or a physical safety concern that interferes with the COE's provision of FAPE shall be submitted to the California Department of Education (CDE) (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the COE'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 discrimination based on race, color, national origin, sex, age, or disability in the COE'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 COE 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.

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 Board Policy 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations (Education Code 35186)

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

COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

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 Exhibit(1) 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 COE 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.

4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using COE procedures, 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 COE is subject, or a physical safety concern that interferes with the COE's provision of FAPE shall be submitted to the California Department of Education (CDE) (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the COE'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 County Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

7. Any complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the COE's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with County Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the COE 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 County Board Policy 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations (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 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 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	~~Educational equity; prohibition of discrimination on the basis of sex~~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	~~Accommodations~~Parental leave for ~~pregnant and parenting~~ students~~; parental leave~~
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 49010-49014	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	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.~~2~~25	~~Exemption from local~~Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements~~; acceptance of coursework~~
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 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	~~Unlawful~~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~~Language instruction for limited English proficient and immigrant students
28 CFR 35.107	~~Designation of responsible employee and adoption of grievance procedures~~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	~~Designation~~Section 504; designation of responsible employee ~~for Section 504~~and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	~~Definitions~~Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	~~Response~~Recipient's response to ~~notice of~~ sexual harassment
34 CFR 106.45	~~Title IX~~Grievance process for formal complaints of sexual harassment ~~complaint procedures~~
34 CFR 106.8	Designation of ~~responsible employee and~~coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	~~Prohibition~~Notice of ~~discrimination based~~nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act

42 USC 2000d-2000d-7	Title VI and Title VII Civil Rights Act of 1964~~, as amended~~
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
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
California Department of Education Publication	Uniform Complaint Procedure ~~2020-21~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
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: 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~~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	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office

Website	U.S. Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.4	Williams 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
5131.2	Bullying
5131.2	Bullying
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
9012	Board Member Electronic Communications

9124	Attorney
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following exhibit presents sample procedures for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted as an administrative regulation, County Superintendent regulation, or COE regulation according to local practice.~~

~~5 CCR 4621 mandates that the COE uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates county superintendents 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 COEs 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 COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all COEs are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs 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 COE'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 County 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 County 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 County Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. Any County 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 County 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 COE'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 COE. For more information regarding complaints concerning the sufficiency of instructional materials, see 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 County Board policy.~~

~~For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, COEs 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: The following exhibit presents sample procedures for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted as an administrative regulation, County Superintendent regulation, or COE regulation according to local practice.

5 CCR 4621 **mandates** that the COE uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** county superintendents 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** COEs 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 COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, all COEs

are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs 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 COE'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 COE. For more information regarding complaints concerning the sufficiency of instructional materials, see 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 COE has extended such right; assignment of students to courses without educational content; and physical education instructional minutes. See "Complaints Subject to UCP" in the accompanying County 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 County Board policy, COEs 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 county office of education (COE) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying County Board of Education policy.

Compliance Officers

~~CSBA NOTE: 5 CCR 4621 mandates the COE 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 COE's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. COEs may identify the specific title(s) of the compliance officer(s) in the space provided below. If a COE identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.~~

~~The following paragraph specifies that the compliance officer be the same person designated to serve as the COE's Title IX Coordinator for addressing complaints of sex discrimination and sex-based harassment. COEs may modify this regulation to designate different COE employees to serve these functions.~~

CSBA NOTE: 5 CCR 4621 requires the COE 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 COE's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. COEs should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following paragraph specifies that the compliance officer be the same person designated to serve as the COE's 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 E(1) 5145.7 - Sexual Harassment and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. COEs may modify this regulation to designate different COE employees to serve these functions. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE.

The COE 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) for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, and in Exhibit 5145.7 - Sexual Harassment, who is responsible for handling complaints regarding sexual harassment.

Executive Director, Human Resources_____
(title or position)
Siskiyou County Office of Education_____
(unit or office)
609 S. Gold Street, Yreka, CA 96097_____
(address)
_530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email)

CSBA NOTE: The following paragraph is for use by COEs 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~~compliance officer be assigned to a complaint in which the ~~Compliance Officer~~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 that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent of Schools or designee who shall determine how the complaint will be investigated.

CSBA NOTE: 5 CCR 4621 requires the COE's policy to include that employees responsible for compliance and/or for investigating and resolving complaints 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.

Employees assigned to investigate and resolve complaints shall have training in and be 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 County Superintendent or designee.

The ~~Compliance Officer~~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, they shall be implemented and remain in place until it is determined that they are no longer necessary or until the COE issues its final written decision, whichever occurs first.

Notifications

The COE's UCP policy and processes shall be posted in all ~~COE~~ 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 COE's policy contains a statement ensuring annual dissemination of notice of the COE's UCP to the persons specified below.

In addition, the County Superintendent or designee shall annually provide written notification of the COE's UCP to students, employees, parents/guardians of COE students, COE ~~school~~ 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 COE 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 COE'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 COE 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 County 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 COE'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 COE 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 COE, 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 COE'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 County Board policy, the complainant has a right to appeal the COE's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the COE's decision, within 30 calendar days of receiving the COE'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 COE's UCP are available free of charge

CSBA NOTE: The following paragraph may be modified to reflect local practice. Pursuant to Education Code 221.61, a COE and COE school are required to post information related to Title IX

on their websites, including specified information about complaint procedures under Title IX; see BP 5145.3 - Nondiscrimination/Harassment. A school that does not maintain a website may comply by posting the information on the website of the COE~~; however, a school 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~~ COE and ~~COE~~ school websites, published in handbooks~~,~~ or catalogs~~, announcements, bulletins, and application forms~~, and may be provided through COE-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 COEs 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, COEs 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 COEs 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.

All students and parents/guardians, including students and parents/guardians with limited English proficiency, shall have access to the relevant information provided in the COE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular COE school speak a single primary language other than English, the COE'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 COE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

~~CSBA NOTE: Complaints filed under the 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 site administrator,~~

~~or site or program administrator. See BP 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. The COE 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 the COE 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 the UCP may be filed directly with a compliance officer or with any site administrator. See BP 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. The COE 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 the COE 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, COE staff shall assist in the filing of the complaint. (5 CCR 4600~~; 34 CFR 106.2~~)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging COE violation of applicable state or federal law or regulations governing the programs specified in the accompanying County Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

CSBA NOTE: Education Code 49013 and 52075 **mandate** COEs to adopt procedures that allow for anonymous complaints to be filed when a COE 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 site administrator of the school or with the County 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 SPI, the reviewing authority for COEs, approves the COE'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 Superintendent of Public Instruction (SPI) approves the LCAP that was adopted by the County Board ~~of Education.~~ (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 County 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: consult CSBA's District and County Office of Education Legal Services or legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, as this may affect the COE's ability to conduct a thorough investigation or provide supportive measures to the victim.~~
CSBA NOTE: It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other 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 COE'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 COE's ability to investigate the conduct or take other necessary action

   When honoring a request for confidentiality, the COE 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 COEs that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying County Board policy. The following section may be modified to specify the ADR method and timelines used within the COE.

COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see E(1) 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 COE'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 COE shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the COE shall then continue with subsequent steps specified in this ~~administrative regulation~~exhibit.

Investigation of Complaint

CSBA NOTE: The timeline specified below may be modified to reflect local practice. 5 CCR 4631, which requires the COE 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 local 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 COE 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 COE 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 COE's policy or procedures, as specified below.~~

A complainant's refusal to provide the COE'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 COE 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 COE's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for COEs that do not allow complainants to appeal the compliance officer's decision to the County Board. Option 2 is for COEs that allow appeals to the County Board, and it requires the compliance officer's decision within 30 calendar days so that the County 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 County 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 local practice. When questions arise as to what rights to provide to a respondent, the COE should~~

~~consult CSBA's District and County Office of Education Legal services or COE legal counsel accordingly.~~

~~Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the COE, the 60-day period specified in 5 CCR 4631 begins when the COE receives the complaint.~~

CSBA NOTE: Pursuant to 5 CCR 4631, the COE's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for COEs that do not allow complainants to appeal the compliance officer's decision to the County Board. Option 2 is for COEs that allow appeals to the County Board, and it requires the compliance officer's decision within 30 calendar days so that the County 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 County Board if dissatisfied with the compliance officer's decision. COEs 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 recommended that the COE consult CSBA's District and County Office of Education Legal services or other legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the COE, the 60-day period specified in 5 CCR 4631 begins when the COE receives the complaint.

OPTION 1: (COEs that do not allow complainants to appeal to the County 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 COE'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.~~(5 CCR 4631)

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the COE's investigation report. Inclusion of these items will help protect the COE'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 COE'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 COE is in compliance with the relevant law

3. Corrective action(s) whenever the COE 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 COE's investigation report to CDE, except when the COE 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 COE 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 COE disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO interprets FERPA as allowing the COE to disclose that information.~~

~~Given the potential liability from improperly disclosing such information, COEs are advised to consult with CSBA's District and County Office of Education Legal Service or COE 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 ~~COE~~ 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 COE 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 "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 COEs 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 COE'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 COE'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 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, 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 local 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 COE environment may include, but are not limited to, actions to reinforce COE 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 COE 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.~~

CSBA NOTE: Pursuant to Education Code 48900.5, the COE 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.

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, appropriate action shall be taken, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The COE 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 COE 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 COE, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the COE 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. COEs that do not ~~maintain elementary grades~~ 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 COE 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 COE, 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 COE'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 COE'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 COE'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 COE failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the COE's investigation report lacks material findings of fact necessary to reach a conclusion of law

3. The material findings of fact in the COE's investigation report are not supported by substantial evidence

4. The legal conclusion in the COE's investigation report is inconsistent with the law

5. In a case in which the COE found noncompliance, the corrective actions fail to provide a proper remedy

CSBA NOTE: 5 CCR 4633 requires the COE to submit the following documents to CDE within 10 days after the COE has been notified that an appeal has been filed. The COE's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the COE.

Upon notification by CDE that the COE's investigation report has been appealed, the County 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 COE'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 COE's UCP

6. Other relevant information requested by CDE

If notified by CDE that the COE's investigation report failed to address allegation(s) raised by the complaint, the COE 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 COE 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 COE when certain conditions exist 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 COE wide 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 COEs that operate any license-exempt CSPP program. Education Code 8212 **mandates** COEs 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 COE must 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 COE 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 County Superintendent or designee may download and post a notice available from CDE's website. (Education Code 8212; 5 CCR 4691)

The COE'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 County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the County 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 County 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 County 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 COEs 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 COE'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 County Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the COE's decision to the SPI in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

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, shall be reported to the County Board at a regularly scheduled County Board meeting. (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 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 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	~~Educational equity; prohibition of discrimination on the basis of sex~~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	~~Accommodations~~Parental leave for ~~pregnant and parenting~~ students~~; parental leave~~
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 49010-49014	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	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.225	~~Exemption from local~~Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements~~; acceptance of coursework~~
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 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	~~Unlawful~~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~~Language instruction for limited English proficient and immigrant students
28 CFR 35.107	~~Designation of responsible employee and adoption of grievance procedures~~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	~~Designation~~Section 504; designation of responsible employee ~~for Section 504~~and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	~~Definitions~~Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	~~Response~~Recipient's response to ~~notice of~~ sexual harassment
34 CFR 106.45	~~Title IX~~Grievance process for formal complaints of sexual harassment ~~complaint procedures~~
34 CFR 106.8	Designation of ~~responsible employee and~~coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	~~Prohibition~~Notice of ~~discrimination based~~nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI and Title VII Civil Rights Act of 1964~~, as amended~~

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
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
California Department of Education Publication	Uniform Complaint Procedure ~~2020-21~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
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: 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~~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	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Justice

Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.4	Williams 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
5131.2	Bullying
5131.2	Bullying
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
9012	Board Member Electronic Communications
9124	Attorney

9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 **| Last Revised Date:** 06/01/2025 **| Last Reviewed Date:** ~~12~~06/01/~~2021~~2025

~~CSBA NOTE: Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225, as renumbered by AB 131). The notice must include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.~~

CSBA NOTE: Education Code 8212 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225). The notice is required to include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

~~CSBA NOTE: Education Code 8212, as renumbered by AB 131, requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's web site will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect local practice, including adding the school and county office of education web site addresses.~~
CSBA NOTE: Education Code 8212 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's website will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect local practice, including adding the school and County Office of Education website addresses.

~~If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the county office of education's (COE) uniform complaint procedures as required by law. A complaint form may be obtained at the school or COE office, or downloaded from the school or COE web site. You may also download a copy of the California Department of Education complaint form when available from the following web site: http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using the COE's complaint form or the complaint form from the California Department of Education~~

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the County Office of Education's (COE) uniform complaint procedures as required by law. A complaint form may be obtained at the school or COE office, or downloaded from the school or COE website. You may also download a copy of the California Department of Education (CDE) complaint form when available from the following website: http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using the COE's complaint form or the complaint form from CDE.

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5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures

5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	~~Educational equity; prohibition of discrimination on the basis of sex~~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	~~Accommodations~~Parental leave for ~~pregnant and parenting~~ students~~; parental leave~~
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 49010-49014	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	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.~~2~~25	~~Exemption from local~~Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements~~; acceptance of coursework~~
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 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	~~Unlawful~~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~~Language instruction for limited English proficient and immigrant students
28 CFR 35.107	~~Designation of responsible employee and adoption of grievance procedures~~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	~~Designation~~Section 504; designation of responsible employee ~~for Section 504~~and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	~~Definitions~~Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	~~Response~~Recipient's response to ~~notice of~~ sexual harassment
34 CFR 106.45	~~Title IX~~Grievance process for formal complaints of sexual harassment ~~complaint procedures~~
34 CFR 106.8	Designation of ~~responsible employee and~~coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	~~Prohibition~~Notice of ~~discrimination based~~nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI and Title VII Civil Rights Act of 1964~~, as amended~~
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
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
California Department of Education Publication	Uniform Complaint Procedure ~~2020-21~~ Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
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: 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~~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	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools
0460	Local Control And Accountability Plan

0460	Local Control And Accountability Plan
1312.4	Williams 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
5131.2	Bullying
5131.2	Bullying
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
9012	Board Member Electronic Communications
9124	Attorney
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 1312.3-E(3): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 **| Last Revised Date:** 06/01/2025 **Last Reviewed Date:** ~~12~~06/01/~~2021~~2025

~~CSBA NOTE: Pursuant to Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.~~

CSBA NOTE: Pursuant to Education Code 8212, uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that the county office of education's (COE) uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)
Name: _____
Address: _____
Phone number: Day: _____ Evening: _____
E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:
School name/address: _____
Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or COE for the appropriate COE complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- ☐ The preschool does not have outdoor shade that is safe and in good repair.

- ☐ Drinking water is not accessible and/or readily available throughout the day.

- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

- ☐ Restroom facilities are not available only for preschoolers and kindergartners.

- ☐ The preschool program does not provide visual supervision of children at all times.

- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

- ☐ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

_____
_____
_____
_____
_____
_____

CSBA NOTE: Education Code 8212, as renumbered by AB 131, requires complaints identified above to be filed with the preschool administrator or designee. COEs should specify the names and/or locations in the spaces below.

CSBA NOTE: Education Code 8212 requires complaints identified above to be filed with the preschool administrator or designee. COEs should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:
Early Childhood Education Coordinator and CSPP Director_
(preschool administrator or designee)
Siskiyou State Preschool, 1 Child's Way, Yreka, CA 96097_____
(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

_____ _____
(Signature) (Date)

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

State	Description
2 CCR 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 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~270~~262.4	~~Educational equity; prohibition of discrimination on the basis of sex~~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	~~Accommodations~~Parental leave for ~~pregnant and parenting~~ students~~; parental leave~~
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 49010-49014	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	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools

Ed. Code 51225.1-51225.~~2~~25	~~Exemption from local~~Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements~~; acceptance of coursework~~
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 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	~~Unlawful~~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~~Language instruction for limited English proficient and immigrant students
28 CFR 35.107	~~Designation of responsible employee and adoption of grievance procedures~~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	~~Designation~~Section 504; designation of responsible employee ~~for Section 504~~and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	~~Definitions~~Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	~~Response~~Recipient's response to ~~notice of~~ sexual harassment
34 CFR 106.45	~~Title IX~~Grievance process for formal complaints of sexual harassment ~~complaint procedures~~
34 CFR 106.8	Designation of ~~responsible employee and~~coordinator; dissemination of policy; adoption of grievance procedures
34 CFR 110.25	~~Prohibition~~Notice of ~~discrimination based~~nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI and Title VII Civil Rights Act of 1964~~, as amended~~
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

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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: 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~~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	CSBA District and County Office of Education Legal Services
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Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education

Website	California Civil Rights Department

Cross References

Code	Description
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0420.41-E(1)	Oversight Of County Charter Schools
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0460	Local Control And Accountability Plan
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1312.4-E(2)	Williams Uniform Complaint Procedures
5131.2	Bullying
5131.2	Bullying
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
9012	Board Member Electronic Communications
9124	Attorney
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

County Board Policy 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: ~~11~~06/01/~~2001~~ | **~~Last Revised Date:~~** ~~07/01/2005~~2025 | **Last Reviewed Date:** ~~07~~06/01/~~2005~~2025

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~ CSBA NOTE: 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 requires a County Office of Education (COE) 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 COE of a refusal.

~~The Governing Board~~ The County Board of Education recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only 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 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 his/her determination of the best interests of district students.~~ ~~(Education Code 49073)~~County Board policy, and administrative regulation.

CSBA NOTE: The options below are for use only by districts maintaining grades 9-12.

20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with access to student names, addresses and telephone numbers, except when the parent/guardian requests that the information not be released. See the accompanying administrative regulation. According to Guidance issued by the U.S. Department of Education and Department of Defense, even if a district does not disclose directory information to any third party, such as employers or colleges, 20 USC 7908 provides that military recruiters must still be provided access to student names, addresses, and telephone numbers, except when the parent/guardian requests that the information not be released. Districts that do not grant access may lose their ESEA funds.

10 USC 503 requires districts that do not receive ESEA funds to grant the same access to directory information to military recruiters and employers. Pursuant to 10 USC 503, districts may refuse military access only if the Governing Board has adopted a policy denying access by the military. Districts that do not grant access and have not adopted a policy denying access may be subject to specific interventions such as notification of the Governor and Congress, so that public officials can work with the district. In addition, Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers; see BP 6164.2 - Guidance/Counseling Services. It is likely that this law also applies to directory information.

Option 1 is for use by districts that receive ESEA funds and grant access to directory information to employers, colleges, and military recruiters. Option 1 is also for use by districts that do not receive ESEA funds but choose to grant such access to employers and colleges and therefore are required to grant access to military recruiters. Option 2 is mandated for those districts that do not receive ESEA funds and wish to deny access to military recruiters. In order to deny access to military recruiters, Education Code 49603 requires that these districts must also deny access to all other employers.

OPTION 1: Student directory information may be released to representatives of the news media or nonprofit organizations in accordance with law, County Board policy and administrative regulation.

The release of specific categories of directory information may be limited or denied to any public or private nonprofit organization based on a determination of the best interests of County Office of Education (COE) students. (Education Code 49073)

CSBA NOTE: Pursuant to Education Code 49073.2, the COE is prohibited from including in the County Board of Education'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 County Board's minutes, see BB 9324 – Minutes and Recordings.

A student's directory information shall only be included in the minutes of the County Board's meeting in accordance with County Board Bylaw 9324 – Minutes and Recordings.

CSBA NOTE: 10 USC 503 and 20 USC 7908 require COEs receiving funds under the Elementary and Secondary Education Act (ESEA) to provide the names, addresses, email addresses, and telephone numbers of secondary 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. COEs that do not grant military recruiters access to such student directory information may lose those funds, and may be subject to interventions specified in 10 USC 503. Additionally, Education Code 49073.5 declares the intent of the Legislature that a COE, including a COE 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 ~~directory information. Military recruiters shall have access to~~ a student's name, address, email address, and telephone number, unless the student's parent/guardian, or student, if the student is 18 years of age or older, has specified that the information not be released ~~in accordance with law and administrative regulation.~~ (. (10 USC 503, 20 USC 7908~~; 10 USC 503; Education Code 49603)~~

~~OPTION 1 ENDS HERE~~

~~OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to directory information. (10 USC 503;~~)

CSBA NOTE: It is recommended that COEs carefully consider whether to place items containing student directory information, such as home addresses, email addresses, or telephone numbers, on the COE's website since release of such information may put students and the COE at risk and may also be a violation of Education Code ~~49603)~~ 49073 as specified below.

~~OPTION 2 ENDS HERE~~

~~CSBA NOTE: Districts should carefully consider whether to place items containing student directory information, such as home addresses or telephone numbers, on the district's web site since release of such information may put students 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 prospective employers, in accordance with law, County 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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Policy Reference Disclaimer:
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State	Description
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49061	Definitions; directory information
Ed. Code 49063	Notification of parents of their rights
Ed. Code 49073	Release of directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49073.5	Directory information; military representatives; telephone numbers
Ed. Code 49603	~~Public high schools; military recruiting~~ On campus access to employers and military services

Federal	Description
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	Description

CA Office of the Attorney General Publication	~~Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018~~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
U.S. Department of Education Publication	~~Access to High School Students and Information on Students by Military Recruiters, 2002~~Dear Colleague Letter Regarding Military Recruiter Provisions of ESEA, November 2016 (https://studentprivacy.ed.gov/resources/dear-colleague-letter-regarding-military-recruiter-provisions-esea)
U.S. Department of Education Publication	Model Notice for Directory Information, March 2011 (https://studentprivacy.ed.gov/resources/model-notice-directory-information)
~~Website~~	~~U.S. Department of Education, Family Policy Compliance Office~~
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	U.S. Department of Education, Office of the Chief Privacy Officer

Cross References

Code	Description
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
~~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

County Office Regulation 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 1106/01/2011 | **Last Revised Date:** 05/01/20182025 | **Last Reviewed Date:** 0506/01/20182025

INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.

Definition

CSBA NOTE: Education Code 49073 and 20 USC 1232g, the Family Educational Rights and Privacy Act (FERPA), mandate that school 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 his/her refusal. "Directory information" is defined in Education Code 49061 and 34 CFR 99.3 and listed in the following section. 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 see AR 5125 - Student Records.

Education Code 49061 does not include three types of information defined as directory information in 34 CFR 99.3: the student's place of birth, grade level, and photograph. Thus, these types of information are not reflected in the following list. Districts that receive any request for such information about student(s) based on federal law should consult legal counsel prior to releasing the information.

CSBA NOTE: Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA)(20 USC 1232g), **mandates** that a County Office of Education (COE) adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless a student's parent/guardian notifies the COE 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. The COE may not expand the list, but may modify it to remove any items the COE does not intend to release as directory information.

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 COEs 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 other 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: The following paragraph reflects a model policy developed by the California Attorney General pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017). See the Office of the Attorney General's 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. Also see the section "Notification to Parents/Guardians" below.~~

CSBA NOTE: Pursuant to Education Code 234.7, COEs 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 July 1, 2018. The Attorney General Updated the 2018 Guidance in December 2024 and has stated that COEs "should" adopt or update their policies by May 1, 2025. For additional language fulfilling this mandate, see BP/AR 5145.13 – Immigration Enforcement. Also see "Notification to Parents/Guardians" below.

Directory information ~~also~~ does not include ~~a~~the student's 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 annually notify parents/guardians and students who are age 18 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 also describe the manner in which parents/guardians may refuse the release of directory information. See the accompanying Exhibit for a sample parent/guardian notification.~~

CSBA NOTE: Pursuant to Education Code 49063 and 20 USC 1232g, the COE must 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 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~~county office of education (COE) plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the ~~district~~COE designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the ~~district~~COE in writing that ~~he/she~~the parent/guardian does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

CSBA NOTE: Pursuant to Education Code 234.7, ~~districts~~ COEs are mandated to adopt the following paragraph consistent with the Attorney General's model policy.In addition, the annual parental 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~~COE will not release such information without ~~parental~~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). 20 USC 7908 requires those districts to notify parents/guardians that they may request that the district not release their child's name, address, and telephone number to military recruiters, employers, or colleges without their prior written consent. According to Guidance issued by the U.S. Department of Education (USDOE) (Access to High School Students and Information on Students by Military Recruiters), a single notice provided through a mailing, student handbook, or other method 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. Districts should consult legal counsel as appropriate.~~

CSBA NOTE: The following paragraph applies to COEs that maintain secondary schools and receive funds under the federal Elementary and Secondary Education Act (ESEA). 10 USC 503 and 20 USC 7908 requires those COEs to notify parents/guardians that they may request that the COE 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 COE 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 COEs with questions about disclosure of student directory information consult CSBA's District and County Office of Education Legal Services or other legal counsel.~~The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name,~~Parents/guardians shall be notified that they may request that the COE 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. However, in the case of a homeless student as defined in 42 USC 11434a, directory information may only be released if the parent/guardian or student age 18 or older has provided written consent for its release ("opt-in process").~~

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. However, 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").

A student's directory information shall not be released if the student's parent/guardian has notified the COE in writing that such information shall not be disclosed. (Education Code 49073; 20 USC 1232g, 7908)

~~No~~ The directory information of a student identified as a ~~homeless child or youth as defined in 42 USC 11434a~~student experiencing homelessness shall not be released, unless the student's parent/guardian, or the student if ~~he/she is~~ 18 years of age or older, has provided written consent that directory information may be released. ~~For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent.~~ (Education Code 49073; 20 USC 1232g, 7908)

For a former student, the ~~district~~COE 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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Policy Reference Disclaimer:
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State	Description
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49061	Definitions; directory information
Ed. Code 49063	Notification of parents of their rights
Ed. Code 49073	Release of directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49073.5	Directory information; military representatives; telephone numbers
Ed. Code 49603	~~Public high schools; military recruiting~~ On campus access to employers and military services

Federal	Description
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information

34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	**Description**
CA Office of the Attorney General Publication	~~Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018~~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
U.S. Department of Education Publication	~~Access to High School Students and Information on Students by Military Recruiters, 2002~~Dear Colleague Letter Regarding Military Recruiter Provisions of ESEA, November 2016 (https://studentprivacy.ed.gov/resources/dear-colleague-letter-regarding-military-recruiter-provisions-esea)
U.S. Department of Education Publication	Model Notice for Directory Information, March 2011 (https://studentprivacy.ed.gov/resources/model-notice-directory-information)
~~Website~~	~~U.S. Department of Education, Family Policy Compliance Office~~
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	U.S. Department of Education, Office of the Chief Privacy Officer

Cross References

Code	**Description**
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
~~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

Exhibit 5125.1-E(1): Release of Directory Information

Status: ADOPTED

Original Adopted Date: 06/01/2025 **| Last Reviewed Date:** 06/01/2025

CSBA NOTE: The following exhibit is based on a model notice prepared by the U.S. Department of Education and should be modified to reflect local 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, county offices of education (COE) 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 July 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that COEs "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the website of the Office of the Attorney General. For additional language fulfilling this mandate, see BP/AR 5145.13 – 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 ___Siskiyou_____ (County Office of Education name), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the County Office of Education (COE) may disclose appropriately designated "directory information" without written consent, unless you have advised the COE to the contrary in accordance with COE procedures. The primary purpose of directory information is to allow the COE to include information from your child's education records in certain school and/or COE 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, two federal laws require COEs 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 COE that they do not want their child's information disclosed without their prior written consent.

If you do not want the COE 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 COE in writing by _____(insert date). The COE has designated the following information as directory information:

CSBA NOTE: The following list reflects "directory information" pursuant to Education Code 49061. The COE should modify the following list to specify those categories of information defined by the COE as "directory information" in the accompanying administrative regulation. Those items the COE 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 COE 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 COE 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 Guidance.

The COE 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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Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49073.5	Directory information; military representatives; telephone numbers

Ed. Code 49603	~~Public high schools; military recruiting~~ On campus access to employers and military services

Federal	**Description**
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20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
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42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

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Website	U.S. Department of Education, Office of the Chief Privacy Officer

Cross References

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5145.13	Response To Immigration Enforcement

5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
~~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

County Board Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 01/01/2019 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following mandated policy for county offices of education (COEs) reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on disability, race, nationality, immigration status, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Government Code 11135 prohibits discrimination based on most of the foregoing characteristics and on sex, color, ancestry, age, medical condition, marital status, and an individual's genetic information. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination based on race, color, or national origin; Title IX (20 USC 1681-1688; 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474)) prohibits discrimination based on sex, sex stereotypes; sex characteristics; gender; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation; and parental marital and family status. The Age Discrimination Act of 1975 (42 USC 6101-6107) prohibits discrimination based on age; and Title II (42 USC 12101-12213) and Section 504 (29 USC 794) prohibit discrimination based on disability. For policy addressing student sex discrimination and sex-based harassment, see BP/E 5145.7 - Sex Discrimination and Sex-Based Harassment.~~

~~Education Code 234.1 mandates that a COE adopt policy prohibiting unlawful discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics listed above, which applies to all acts related to school activity or school attendance occurring within a COE school, and a process for receiving and investigating such complaints. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews COEs' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with these requirements. In addition, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.~~

~~Education Code 234.1, as amended by AB 1078 (Ch. 229, Statutes of 2023), also requires that the COE's nondiscrimination policy include a statement that the policy applies to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE.~~

~~Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the County 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 County 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 County Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. In addition, the County Board's 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 pursuant to Education Code 220. And, pursuant to Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), the County 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. 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."

For those COEs in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying exhibit for sample language.

OCR has clarified in several publications that conduct that occurs off campus may have an adverse effect on a student at school (e.g., create a "hostile environment" for the student). When that happens, the COE may have an obligation to investigate and to take steps to protect the student.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a county office of education (COE) school or program, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

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.

The County Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the COE's academic, extracurricular, and other educational support programs, services, and activities. Unlawful discrimination against a student in any COE school or school activity, including discriminatory harassment, intimidation, and bullying, by anyone, based on any of the following is prohibited: the student's actual or perceived race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; pregnancy, childbirth, termination of pregnancy or lactation, including

related medical conditions or recovery; parental, marital, and family status; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or genetic information; or, association with a person or group with one or more of these actual or perceived characteristics.

CSBA NOTE: OCR's May 2024 Dear Colleague Letter, "Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," which expands and clarifies the U.S. Department of Education's 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools," provides that Title VI's protections from race, color, and national origin discrimination extends to students who experience discrimination based on actual or perceived (1) shared ancestry or ethnic characteristics, or (2) citizenship or residency in a country with a dominant religion or distinct religious identity. While Title VI does not protect individuals based solely on religious discrimination, it does apply to antisemitism and other forms of discrimination when based on shared ancestry or ethnic characteristics. The guidance includes clarifying examples regarding existing legal requirements under Title VI.

Additionally, OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter provides that Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.

OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a COE may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also 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: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of

~~educational benefits or services. See BP 0410 - Nondiscrimination in County Office Programs and Activities.~~

~~Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in any COE school programs or activities or the provision or receipt of educational benefits or services.~~

~~CSBA NOTE: Unlawful discrimination may occur when disciplining students. OCR's guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," "Resource on Confronting Racial Discrimination in Student Discipline," and "Creating Inclusive and Nondiscriminatory School Environments for LGBTQI Students," address discrimination in the use of discipline based on disability, race, and gender expression.~~

CSBA NOTE: The following **mandated** policy for county offices of education (COE) reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual.

The California Department of Education, through its Federal Program Monitoring process, reviews COEs' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with mandated policy requirements. Additionally, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on 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. For more information regarding the requirement for COE programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in County Office Programs and Activities, and regarding the protection of students against sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment.

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.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE 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 County Board of Education policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For 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 County Office Programs. 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."

For those COEs in which the County Board does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying administrative regulation for sample language.

The County Board of Education desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the county office of education's (COE) academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a COE school or program, to acts which occur off campus or outside of COE-related or COE-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the County Board and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

Unlawful discrimination against an individual or group in any COE school or school activity, including discriminatory harassment, intimidation, and bullying, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to any of the following is prohibited: 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; a perception of one or more of such characteristics; or 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; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

CSBA NOTE: Title VI (42 USC 2000d-2000d-7) prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance, including COEs.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also 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: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of opportunities to participate in COE programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in County Office Programs and Activities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in any COE programs or activities or the provision or receipt of educational benefits or services.

CSBA NOTE: The following paragraph addresses unlawful discrimination which may occur when disciplining students.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

The County Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

~~CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a COE is required to publicize its nondiscrimination policies to the school community. Additionally, Education Code 234.1, as amended by SB 153, and 234.6 require the COE to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sex-based harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. In addition, 34 CFR 104.8 requires COEs to take "continuing steps" to notify students, parents/guardians, applicants for admission, and employees that it does not discriminate on the basis of disability in its education programs or activities.~~

~~For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.~~

CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a COE is required to publicize its nondiscrimination policies. Additionally, Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), and 234.6 require the COE to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sexual harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. In addition, 34 CFR 104.8 requires COEs to take "continuing steps" to notify students and parents/guardians, that it does not discriminate on the basis of disability in its education programs or activities.

Beginning with the 2025-26 school year, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires COEs to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students.

For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

The COE shall facilitate students' access to the educational program by publicizing the COE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the COE's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information shall be posted on the COE's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

Training and/or information on the scope and use of the policy and complaint procedures shall be provided and other measures designed to increase ~~the school community's~~ understanding of the requirements of law related to discrimination shall be taken. The implementation of the ~~district's~~COE's nondiscrimination policies and practices shall regularly be reviewed and, as necessary, action to remove any identified barrier to student access to or participation in the ~~district's~~COE's educational program shall be taken. The findings and recommendations shall be reported to the County Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

~~CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a COE from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that COEs should consult CSBA's District and County Office of Education Legal Services or COE legal counsel as necessary.~~
CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a COE from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel as necessary.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, County Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, related to a COE activity, attendance, or COE-related or COE-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

~~CSBA NOTE: The following paragraph may be revised to reflect COE practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the COE 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, in addition to the other measures specified in the following paragraph; see BP/AR 5131.2 - Bullying.~~

CSBA NOTE: The following paragraph may be revised to reflect local practice. Pursuant to Education Code 48900.5 the COE 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, in addition to the other measures specified in the following paragraph; see BP/AR 5131.2 - Bullying.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal, school administrator, or designee ~~shall~~may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal, school administrator, or designee ~~shall~~may also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and ~~shall~~may regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the parents/guardians of victims and perpetrators shall be notified and law enforcement may be contacted.

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a COE with knowledge of alleged conduct, which occurs in a COE 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 the Title IX grievance procedures when investigating and resolving the complaint. A complaint may also fall within the complaint process adopted by the COE pursuant to Education Code 234.1 for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the COE's UCP specified in 5 CCR 4600-4670. It is unclear whether COEs would additionally be required to follow the UCP when investigating and resolving such a complaint. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel.~~

CSBA NOTE: Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the COE's UCP specified in BP/E(1) 1312.3 – Uniform Complaint Procedures. However, 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 COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/E(1) 5145.7 – Sexual Harassment, and for the Title IX grievance procedures, see E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

~~Allegations of~~Complaints alleging unlawful discrimination in COE programs and activities shall be ~~brought,~~ investigated~~,~~ and resolved in accordance with County Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging ~~sex discrimination, including sex-based~~sexual harassment~~,~~ under Title IX shall be investigated and resolved in accordance with the procedures specified in ~~34 CFR 106.44 and 106.45 and~~ Exhibit (1) 5145.71 - Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures.

Record-Keeping

A record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be maintained to enable the COE to monitor, address, and prevent repetitive prohibited behavior in COE schools.

Antidiscrimination Measures

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in COE schools, programs, and activities. COE nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

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

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-270	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms

Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for threats or harassment
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48950	Freedom of speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Unlawful discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	~~Designation of responsible employee and adoption of grievance procedures~~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 ~~for Section 504~~and adoption of grievances procedures
34 CFR 104.8	~~Notice~~Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.~~30~~1-106.82	Discrimination on the basis of sex; ~~definitions~~effectuating Title IX
~~34 CFR 106.44-106.45~~	~~Grievance process for formal complaints of sexual harassment~~

~~34 CFR 106.8~~	~~Designation of responsible employee and adoption of grievance procedures~~
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI and Title VII Civil Rights Act of 1964, as amended
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**
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
~~California Department of Education Publication~~Court Decision	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
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
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
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

~~CSBA~~California Department of Education Publication	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~Protection for LGBTQ+ Students: AB 1955 (https://www.cde.ca.gov/ci/pl/ab-1955-sum-of-prov.asp)
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. ~~Department of Education~~DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. ~~Dept of Health & Human Services~~DOE, Office for Civil Rights Publication	~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013~~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 Publication~~	~~Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
~~U.S. DOE, Office for Civil Rights Publication~~	~~Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual~~

	Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOJ & DOE Civil Rights Joint Publication	Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023
Website	U.S Department of Justice, Civil Rights Division
Website	U.S. Department of Education, Office for Civil Rights
Website	First Amendment Center
Website	CSBA
Website	California Safe Schools Coalition
Website	California Office of the Attorney General
Website	California Interscholastic Federation
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1312.4	Williams 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
3553	Free And Reduced Price Meals

3553	Free And Reduced Price Meals
5111	Admission
5111	Admission
5131.2	Bullying
5131.2	Bullying
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

County Office Regulation 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 03/01/2022 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: For those County Offices of Education (COE) in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this regulation, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent. The following regulation presents sample procedures recommended for use by the County Superintendent of Schools to complement and/or implement County Office of Education policy. It is recommended that any County Superintendent intending to adopt this sample regulation for use in the COE do so in cooperation with the County Board. This regulation may be revised to reflect local practice and may be adopted as a regulation or for the COE's use as a County Superintendent Policy.~~

~~CSBA NOTE: The following mandated administrative regulation provides measures that may be implemented to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. 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. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.~~

~~5 CCR 4621 mandates each COE 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, including discriminatory harassment, intimidation, retaliation, or bullying. Additionally, 34 CFR 106.8 and other federal regulations mandate COEs that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure compliance with federal laws and regulations governing the COE's educational programs.~~

~~During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the COE's procedures list the specific title(s) of the employee(s)~~

~~responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing discrimination policies and procedures, OCR will examine whether a COE has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.~~

~~The following paragraph identifies the employee(s) designated to coordinate the COE's efforts to comply with state and federal civil rights laws as the same person designated to ensure COE compliance, and receive, investigate and resolve discrimination complaints under E 1312.3 - Uniform Complaint Procedures. The County Superintendent may modify the following paragraph to designate different employees to serve these functions. Note also that more than one employee may be designated to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.~~

~~34 CFR 106.8 requires that the employee designated to coordinate COE responsibilities under Title IX be referred to as the Title IX Coordinator. If the COE has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the COE's consistent compliance with its responsibilities under Title IX. It is recommended that the Title IX Coordinator be the same person designated below and in E 1312.3 - Uniform Complaint Procedures. See E 5145.7 - Sexual Discrimination and Sex-Based Harassment.~~

CSBA NOTE: For those County Offices of Education (COE) in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this regulation, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent. The following regulation presents sample procedures recommended for use by the County Superintendent of Schools to complement and/or implement COE policy. It is recommended that any County Superintendent intending to adopt this sample regulation for use in the COE do so in cooperation with the County Board. This regulation may be revised to reflect local practice and may be adopted as a regulation or for the COE's use as a County Superintendent Policy.

CSBA NOTE: The following **mandated** administrative regulation provides measures that may be implemented to comply with state and federal laws and regulations prohibiting unlawful discrimination at any COE school or in COE-sponsored or COE-related activities, including discriminatory harassment, intimidation, and bullying, when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for COE programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in County Office Programs and Activities, and regarding the protection of students against sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment.

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.

Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 requires each COE 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, including discriminatory harassment, intimidation, retaliation, or bullying. Additionally, 34 CFR 106.8 and other federal regulations mandate COEs that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure compliance with federal laws and regulations governing the COE's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the COE's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing discrimination policies and procedures, OCR will examine whether a COE has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraph identifies the employee(s) designated to coordinate the COE's efforts to comply with state and federal civil rights laws as the same person designated to ensure COE compliance, and receive, investigate and resolve discrimination complaints under E(1) 1312.3 - Uniform Complaint Procedures, as well as the responsible employee to handle sexual harassment complaints under Title IX. 34 CFR 106.8 requires the COE to designate at least one COE employee as the Title IX Coordinator to coordinate its responsibilities under Title IX. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the uniform complaint procedures (UCP) specified in E(1) 1312.3 - Uniform Complaint Procedures or in accordance with the Title IX complaint procedures specified in E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. It is recommended that the Title IX Coordinator be the same person designated below and in E(1) 1312.3 - Uniform Complaint Procedures. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE; see E(1) 1312.3 – Uniform Complaint Procedures and E(1) 5145.7 - Sexual Harassment.

COEs may modify the following paragraph to reflect local practice. If the COE designates more than one employee to coordinate compliance and/or receive and investigate complaints, each employee designated as a coordinator/compliance officer must be properly trained.

The County Superintendent of Schools designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the efforts of the County Office of Education (COE) to comply with applicable state and federal civil rights laws and to answer inquiries regarding the COE's nondiscrimination policies. The individual(s) shall also serve as the

Compliance Officer(s) specified in ~~the COE's~~Exhibit (1) 1312.3 -- Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Exhibit (1) 5145.7– Sexual Harassment as the responsible employee to handle complaints alleging unlawful ~~sex discrimination and sex-based~~sexual harassment, as permitted by law. The ~~Coordinator/~~Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Executive Director, Human Resources_____
(title or position)
609 S. Gold Street, Yreka, CA 96097_____
(address)
530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of ~~COE~~ students at ~~school~~COE schools or ~~in school~~ activities and to ensure equal access of all students to the educational program, the County Superintendent or designee shall implement the following measures:

~~CSBA NOTE: As part of its responsibility to monitor the COE's compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), CDE is required to ensure that the COE 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 COE office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the COE's website.~~

~~In addition, federal regulations enforced by OCR require the COE to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. For additional notification requirements specific to sex discrimination and sex-based harassment, see BP/E 5145.7 - Sex Discrimination and Sex-Based Harassment.~~
CSBA NOTE: As part of its responsibility to monitor the COE's compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), CDE is required to ensure that the COE 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 COE office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the COE's website.

In addition, federal regulations enforced by OCR require the COE to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25), and of related complaint procedures.

For additional notification requirements specific to sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment.

1. Publicize the COE's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through COE-supported communications

~~CSBA NOTE: Education Code 234.1, as amended by SB 153, and 234.6 requires a COE to post its nondiscrimination policies on its website as specified in Items #2 and #3 below. In addition to the policies specified in Item #2 below, if the COE has a policy in regard to the prevention and response to hate violence, that policy must also be posted, and the following item should be modified accordingly.~~
CSBA NOTE: Education Code 234.1, as amended by SB 153, and 234.6 require the COE to post its nondiscrimination policies on its website as specified in Items #2 and #3 below. In addition to the policies specified in Item #2 below, if the COE has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly.

2. Post the COE's policies and procedures prohibiting discrimination, harassment, student ~~sex-based~~sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 234.6)

3. Post the definition of sex discrimination and harassment ~~based on sex~~ as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

~~CSBA NOTE: Education Code 221.61 requires COEs and public schools to post on their websites information related to Title IX (20 USC 1681-1688). Education Code 234.6 requires COEs to post the Title IX information required pursuant to 221.61 in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students. Additionally, COEs are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8.~~
CSBA NOTE: Education Code 221.61 requires COEs and public schools to post on their websites information related to Title IX (20 USC 1681-1688). Education Code 234.6 requires COEs to post the Title IX information required pursuant to Education Code 221.61 in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students. Additionally, COEs are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8.

4. Post in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex~~; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status~~, including the following: (Education Code 221.6, 221.61, 234.6)

    a. The name and contact information of the COE's Title IX Coordinator, including the phone number and email address

    b. The rights of students and the public and the responsibilities of the COE under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

    c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

        i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

        ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on OCR's website

        iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

    d. A link to the Title IX information included on the California Department of Education's (CDE) website

~~CSBA NOTE: Item #5 is for COEs that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353, as amended by AB 1327 (Ch. 366, Statutes of 2023), requires a COE that participates in CIF to post on its website, by April 1, 2025, a standardized incident form developed by CDE, including information on how to submit a completed incident form to the COE. The COE is required to submit information related to any completed standardized incident form to CDE, if requested.~~
CSBA NOTE: Item #5 is for COEs that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353 requires a COE that participates in CIF to post on its website a standardized incident form developed by CDE, including information on how to submit a completed incident form to the COE. The COE is required to submit information related to any completed standardized incident form to CDE, if requested.

5. ~~By April 1, 2025, post~~Post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the COE (Education Code 33353)

~~CSBA NOTE: Pursuant to Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, COEs are required to provide a notice of nondiscrimination on the basis of sex, as specified below.~~

~~6. Post in a prominent location on the COE's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)~~

~~a. The COE does not discriminate on the basis of sex in any education program or activity that it operates~~

~~b. Inquiries about the application of Title IX may be referred to the COE's Title IX Coordinator and/or OCR~~

~~c. The name or title, office and email address, and telephone number of the COE's Title IX Coordinator~~

~~d. How to locate the COE's nondiscrimination policy and the COE's grievance procedures for Title IX complaints~~

~~e. How to report conduct that may constitute sex discrimination under Title IX~~

~~f. How to make a complaint of Title IX sex discrimination~~

~~If necessary due to the format or size of any publication specified above, the COE may include only the statement that the COE prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the COE's website.~~

~~The COE shall not distribute a publication stating that the COE treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.~~

CSBA NOTE: Beginning with the 2025-26 school, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires COEs, in addition to ensuring that other already specified policies and information is readily accessible on the COE's website, to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students.

~~7.~~6. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5-234.6)

Such resources shall be posted in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

~~8.~~7. Provide to students a handbook that contains age-appropriate information that clearly describes the COE's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior

~~9.~~8. Annually notify all students and parents/guardians of the COE's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the COE's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the COE will address any individual student's interests and concerns in private.

~~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 COEs 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, limited-English-proficient (LEP) parents/guardians must be notified in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2003, "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 balancing four factors: (1) the number or proportion of LEP individuals likely to encounter or be served by 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 and costs. State law is more specific than federal law. Education Code 48985 requires translation of certain information and documents if 15 percent or more of K-12 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 COEs 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 K-12 students enrolled in the school speak a single primary language other than English.

~~10.~~9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the COE's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

If 15 percent or more of students enrolled in a particular school speak a single primary language other than English, the COE's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the COE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

~~11.~~10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the COE's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or

bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

Such training and information shall include details of guidelines the COE may use to provide a discrimination-free environment for all students.

~~CSBA NOTE: Item #12 applies to COEs that serve students in any of grades 7-12. Pursuant to Education Code 234.1, as amended by SB 153, a COE is required to provide certificated school employees serving students in any of grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, or related to the support of students who may face bias or bullying as specified below.~~

CSBA NOTE: Item #11 applies to COEs that serve students in any of grades 7-12. Pursuant to Education Code 234.1, as amended by SB 153, a COE is required to provide certificated school employees serving students in any of grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying as specified below.

~~12.~~11. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)

~~CSBA NOTE: Item #13 applies to COEs that serve students in any of grades 7-12. 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 COE 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 LGBTQ cultural competency. The COE is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training.~~

CSBA NOTE: Item #12 applies to COEs that serve students in any of grades 7-12. Starting in the 2025-26 school year through the 2029-2030 school year, Education Code 218.3 requires a COE 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 LGBTQ+ cultural competency. The COE is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training.

~~13.~~12. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3

~~14.~~13. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)

~~CSBA NOTE: Item #15 below may be revised to reflect local practice. In some situations, the COE may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.~~
CSBA NOTE: Item #14 below may be revised to reflect local practice. In some situations, the COE may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

~~15.~~14. At the beginning of each school year, inform each principal or ~~designee~~school administrator of the COE's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

Process for Initiating and Responding to Complaints

~~CSBA NOTE: Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670, must include the following: (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require COEs to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).~~
CSBA NOTE: Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the UCP as specified in BP/E(1) – Uniform Complaint Procedures, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. Additionally, federal regulations require COEs to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8) and disability (34 CFR 104.7 and 28 CFR 35.107).

Students who feel that they have been subjected to unlawful discrimination described above or in COE policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal or school administrator, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal or school administrator, regardless of whether the alleged victim files a complaint.

CSBA NOTE: The following paragraph related to employee reporting of unlawful discrimination should be revised to reflect the COE's timeline.

Any ~~school~~COE employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer, Title IX Coordinator, or principal or school administrator, within one work day, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

~~CSBA NOTE: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the COE's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the COE receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice.~~

~~Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a COE with knowledge of alleged conduct, which occurs in a COE 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, it is unclear whether COEs would additionally be required to follow the UCP. Due to this uncertainty, COEs are advised to consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see E(1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~ CSBA NOTE: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the COE's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Additionally, once the COE receives notice of an incident, whether verbally or in writing, it is recommended that the COE begin the investigation of the report and take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice.

Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the COE's UCP specified in BP/E(1) 1312.3 – Uniform Complaint Procedures. However, 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 COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/E(1) 5145.7 – Sexual Harassment, and for the Title IX grievance procedures, see E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

~~When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to, or received by, the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance Officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with the COE's Uniform Complaint Procedures or, for complaints of sex discrimination, including sex-based harassment the right to initiate the Title IX grievance procedures as specified in Exhibit 1 5145.71-- Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.~~

~~Any report or complaint alleging unlawful discrimination involving the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the County Superintendent or designee who shall determine how the complaint will be investigated.~~

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to, or received by, the principal or school administrator, Compliance Officer, or Title IX Coordinator, the principal or school administrator, Compliance Officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Exhibit (1) 1312.3 -- Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, Exhibit (1) 5145.71-- Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination involving the principal or school administrator, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

Support for Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

CSBA NOTE: Pursuant to state law, a COE has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, and gender non-conforming students.

In light of recent federal executive orders that potentially conflict with state law, as well as legal challenges to state law, including challenges based on religious grounds, it is recommended that COEs with questions about the rights of transgender and gender-nonconforming students consult CSBA's District and County Office of Education Legal Services or other legal counsel.

The terms and definitions used below are consistent with California law, California case law, and generally accepted terms within academia, including provisions in the California Gender Recognition Act that recognize three gender options, female, male, and nonbinary.

Gender refers to a student's sex, and includes a student's gender identity and gender expression. (Education Code 210.7)

Gender identity refers to a 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 refers to a student's gender-related appearance and behavior, regardless of 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 refers to when a student's gender expression differs from stereotypical expectations.

Intersex refers to when a student has natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary refers to when a student's 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.

Sex refers to the biological condition of being a female or male human being. (5 CCR 4910)

Transgender refers to when a student's gender identity is different from the sex assigned at birth.

The COE shall ensure that all students, regardless of sex, gender, gender identity or gender expression, are afforded the same rights, benefits, and protections provided to students by law and County Board of Education policy. To do so, the County Superintendent or designee shall address each situation that arises on a case-by-case basis and in accordance with the following guidelines:

CSBA NOTE: Education Code 220.3 and 220.5, as added by AB 1955 (Ch. 95, Statutes of 2024), clarify that under existing law a COE, including a County 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. CDE's, "Protection for LGBTQ+ Students: AB 1955," clarifies that Education Code 220.3 does not require nondisclosure.

It is recommended that COEs consult CSBA's District and County Office of Education Legal Services

or other legal counsel before disclosing a student's gender identity without the student's consent.

Pursuant to Education Code 221.5, a COE is required to permit a student to use facilities and participate in sex-segregated COE programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records.

Beginning July 1, 2026, Education Code 35292.5 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.

1. Acceptance of a Student's Gender Identity: The COE shall accept the student's assertion of the student's gender identity and treat the student consistent with that gender identity unless COE personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

2. Use of Names and Pronouns: Upon request by a student, COE personnel shall address the student by the requested name and pronoun(s), without the necessity of a court order or a change to the student's mandatory permanent student record

   Inadvertent slips or honest mistakes by COE personnel in the use of the student's name and/or pronouns may not constitute a violation of this administrative regulation or the accompanying County Board policy.

3. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the COE 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

   Additionally, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by sex, such as for class discussions, yearbook pictures, and field trips.

   To address any student's privacy concerns in using sex-segregated facilities, the COE shall consider offering 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, in no case shall the COE require a student to utilize these options because of the student's sex, gender, gender identify, or gender expression. 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.

4. Adherence to 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, which may not discriminate on the basis of sex, gender, gender identity or gender expression

5. Equal Access to Educational Programs and Activities: Upon request by a student based on the student's gender identity or gender expression, the Compliance Officer shall identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

   The Compliance Officer shall consider the rights of all students and how those rights may affect and be affected by the rights of other students. Additionally, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's sex, gender, gender identity, or gender expression 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 providing equal access to programs and activities.

6. Right to privacy: A student's sex, gender, gender identity, and gender status is private information

   The COE may only disclose such information to others when the disclosure is permitted by law, with the student's prior written consent, or when the COE 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)

   CSBA NOTE: Pursuant to Education Code 49061-49072, only a parent/guardian may authorize a change to a student's gender in the student's mandatory permanent student record. It is recommended that the COE consult CSBA's District and County Office of Education Legal Services or other legal counsel in developing processes and procedures in this regard.

7. Student Records: A student's sex and legal name shall be maintained as part of a student's mandatory permanent student record as specified in 5 CCR 432 and shall only be changed with proper documentation (Education Code 49061-49072)

   When a request to change a student's gender or name is submitted without proper documentation, any change to the student's gender or name shall be applied only to documents not included in the mandatory permanent student record such as attendance sheets, report cards, and school identification.

   The County Superintendent or designee shall follow this guideline such that it does not change or alter the obligations of the COE to maintain and ensure access to student records.

The COE prohibits any act of verbal, nonverbal, or physical aggression, intimidation, or hostility, including any such act based on sex, gender, 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, including, but not limited to:

1. Refusing to address or refer to a student in a manner consistent with the student's gender identity

2. Disciplining 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

3. Blocking, prohibiting, or restricting a student's entry to the restroom that corresponds to the student's gender identity

4. Disclosing student records that reveal a student's gender identity to individuals who do not have a legitimate need for the information except as permitted by law

5. Verbally or physically assaulting a student because of the student's sex, gender, gender identity, or gender expression, including, but not limited to, causing, attempting to cause, threatening to cause, or participating in an act of hate violence on the basis of sex, gender, gender identity, or gender expression

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

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-270	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for threats or harassment
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48950	Freedom of speech and other communication

Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Unlawful discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	~~Designation of responsible employee and adoption of grievance procedures~~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 ~~for Section 504~~and adoption of grievances procedures
34 CFR 104.8	~~Notice~~Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.~~30~~1-106.82	Discrimination on the basis of sex; ~~definitions~~effectuating Title IX
~~34 CFR 106.44-106.45~~	~~Grievance process for formal complaints of sexual harassment~~
~~34 CFR 106.8~~	~~Designation of responsible employee and adoption of grievance procedures~~
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI and Title VII Civil Rights Act of 1964, as amended
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**
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, ~~April 2018~~December 2024
~~California Department of Education Publication~~Court Decision	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
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
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
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
~~CSBA~~California Department of Education Publication	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~Protection for LGBTQ+ Students: AB 1955 (https://www.cde.ca.gov/ci/pl/ab-1955-sum-of-prov.asp)
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. Department of EducationDOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. Dept of Health & Human ServicesDOE, Office for Civil Rights Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013Dear 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 Publication	Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
U.S. DOE, Office for Civil Rights Publication	Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010

~~U.S. DOJ & DOE Civil Rights Joint Publication~~	~~Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023~~
Website	U.S Department of Justice, Civil Rights Division
Website	U.S. Department of Education, Office for Civil Rights
Website	First Amendment Center
Website	CSBA
Website	California Safe Schools Coalition
Website	California Office of the Attorney General
Website	California Interscholastic Federation
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1312.4	Williams 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
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5111	Admission
5111	Admission
5131.2	Bullying
5131.2	Bullying
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement

5145.7	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.7-E(1)	~~Sex Discrimination and Sex-Based~~Sexual Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

County Board Policy 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 01/01/2021 **| 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 county office of education (COE) 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 COE should also adopt a sex discrimination and sex-based harassment policy related to employees.~~

~~Moreover, this Board policy and the accompanying exhibit 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 COEs 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 COE with knowledge of alleged conduct, which occurs in a COE 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/E 1312.3 - Uniform Complaint Procedures, it is unclear whether COEs would additionally be required to follow the process specified in BP/E 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see E(1) 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 COE can be held liable for civil damages for sex discrimination, including sex-based harassment of students pursuant to Title IX if the COE 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 county office of education (COE) is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. Sex discrimination, including sex-based harassment, as defined in the accompanying exhibit, 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 in a COE educational program, school, or school-sponsored or school-related activity is prohibited.

CSBA NOTE: COEs 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 COE's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the COE has information about conduct that reasonably may constitute retaliation under Title IX, including peer retaliation, the COE 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 COE, including a County Board of Education 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 COE'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, 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 is prohibited. (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 COE of its responsibility to investigate a complaint of sex discrimination, including sex-based harassment.

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, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE'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 COE 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 COE to require its Title IX Coordinator to monitor the COE'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 COE'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 COE education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through the COE's Title IX 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 COE 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 COE 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 COE'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 COE'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.

All COE staff shall be trained regarding the COE'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)

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.

All COE students shall 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 COE'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 COE'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 COE investigation of a sex discrimination or sex-based harassment complaint continues

8. A clear message that, when needed, the COE 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

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 a recommendation for expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code.

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 COE 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 pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.~~

~~**Record-Keeping**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the COE 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 COE's obligations as specified in 34 CFR 106.44, including supportive measures, and (3) all materials used to train COE employees; the Title IX Coordinator and designees; investigators, decisionmakers, and other persons who are responsible for implementing the COE's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.~~

~~Records shall be maintained in accordance with law, including in accordance with 34 CFR 106.8 as specified in Exhibit 1 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and COE policies and regulations, of all reported cases of sex-based harassment to enable the COE to monitor, address, and prevent repetitive harassing behavior in COE schools.~~

CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 **mandate** the county office of education (COE) 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 COE should also adopt a sexual harassment policy related to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE 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 County 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 COEs 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 E(1)/E(2) 5145.71 – Title IX Sexual Harassment Complaint Procedures, or the uniform complaint procedures in accordance with BP/E(1) 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 exhibit, BP/E(1) 1312.3 - Uniform Complaint Procedures, and E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A COE can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the COE is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.44, a COE 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 county office of education (COE) 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 COE is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. Sexual harassment, as defined in the accompanying exhibit, targeted at any student, is prohibited.

CSBA NOTE: COEs 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 E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Additionally, 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 is prohibited. (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 COE of its responsibility to investigate a complaint of sexual harassment.

Students who feel that they are being or have experienced sexual harassment, on COE grounds or at a COE-sponsored or COE-related activity, or off-campus when the conduct has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44 requires the COE, when there is actual knowledge of sexual harassment in an education program or 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 COE's Title IX Coordinator, any official of the COE 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 COE's timeline.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a COE 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 Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures or County Board Policy/Exhibit (1) 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of County Board Policy/Exhibit (1) 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.

Students and parents/guardians shall be informed of this policy in the manner specified in the accompanying exhibit.

CSBA NOTE: Government Code 12950.1 requires that COEs 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 COE'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.

All COE staff shall be trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in 34 CFR 106.45. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

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.

All COE students shall 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 COE'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 COE'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 COE investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the COE 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 sexual harassment. Education Code 48915(c) requires a recommendation for expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code.

Pursuant to 34 CFR 106.44 and 106.45, when there is complaint alleging Title IX sexual harassment, the COE 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 pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

CSBA NOTE: Pursuant to 34 CFR 106.45, the COE 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 COE's education program or activity, (4) any appeal and result of the appeal, (5) any informal resolution, and (6) all materials used to train the Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

Records shall be maintained in accordance with law, including in accordance with Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures, and COE policies and regulations, of all reported cases of sexual harassment to enable the COE to monitor, address, and prevent repetitive harassing behavior in COE 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 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 education programs
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	Educational equity; prohibition of discrimination on the basis of sex
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; definition of bullying
Ed. Code 48900	Grounds for suspension and 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 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 106.1-106.71~~	~~Nondiscrimination on the basis of sex in education programs~~
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~~Court Decision	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS. July 2019~~Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District~~,~~ (2001, 9th Cir.) 208 F.3d 736
Court Decision	Oona by Kate S. v. McCaffrey~~,~~ (1998, 9th Cir.) 143 F.3d 473
Court Decision	Gebser v. Lago Vista Independent School District~~,~~ (1998) 524 U.S. 274
Court Decision	Flores v. Morgan Hill Unified School District~~,~~ (2003, 9th Cir.) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567

Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
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
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 33474-33896Nondiscrimination 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 2008Dear 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	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
5131.2	Bullying
5131.2	Bullying
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

County Board Policy 5145.7: ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 01/01/2021 **| 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 county office of education (COE) 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 COE should also adopt a sex discrimination and sex-based harassment policy related to employees.~~

~~Moreover, this Board policy and the accompanying exhibit 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 COEs 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 COE with knowledge of alleged conduct, which occurs in a COE 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/E 1312.3 - Uniform Complaint Procedures, it is unclear whether COEs would additionally be required to follow the process specified in BP/E 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see E(1) 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 COE can be held liable for civil damages for sex discrimination, including sex-based harassment of students pursuant to Title IX if the COE 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 county office of education (COE) is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. Sex discrimination, including sex-based harassment, as defined in the accompanying exhibit, 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 in a COE educational program, school, or school-sponsored or school-related activity is prohibited.

CSBA NOTE: COEs 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 COE's Title IX process. Pursuant to 34 CFR 106.71, as amended by 89 Fed. Reg. 33474, when the COE has information about conduct that reasonably may constitute retaliation under Title IX, including peer retaliation, the COE 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 COE, including a County Board of Education 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 COE'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, 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 is prohibited. (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 COE of its responsibility to investigate a complaint of sex discrimination, including sex-based harassment.

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, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE'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 COE 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 COE to require its Title IX Coordinator to monitor the COE'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 COE'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 COE education program or activity shall report the incident to the Title IX Coordinator within one workday.~~

~~Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through the COE's Title IX 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 COE 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 COE 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 COE'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 COE'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.~~

~~All COE staff shall be trained regarding the COE'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 county office of education (COE) 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 COE should also adopt a sexual harassment policy related to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE 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 County 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 COEs 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 E(1)/E(2) 5145.71 – Title IX Sexual Harassment Complaint Procedures, or the uniform complaint procedures in accordance with BP/E(1) 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 exhibit, BP/E(1) 1312.3 - Uniform Complaint Procedures, and E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A COE can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the COE is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.44, a COE 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 county office of education (COE) 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 COE is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. Sexual harassment, as defined in the accompanying exhibit, targeted at any student, is prohibited.

CSBA NOTE: COEs 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 E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Additionally, 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 is prohibited. (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 COE of its responsibility to investigate a complaint of sexual harassment.

Students who feel that they are being or have experienced sexual harassment, on COE grounds or at a COE-sponsored or COE-related activity, or off-campus when the conduct has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44 requires the COE, when there is actual knowledge of sexual harassment in an education program or 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 COE's Title IX Coordinator, any official of the COE 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 COE's timeline.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a COE 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 Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures or County Board Policy/Exhibit (1) 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of County Board Policy/Exhibit (1) 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.

Students and parents/guardians shall be informed of this policy in the manner specified in the accompanying exhibit.

CSBA NOTE: Government Code 12950.1 requires that COEs 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 COE'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.

All COE staff shall be trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in 34 CFR 106.45. (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.~~

~~All COE students shall 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 COE'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 COE'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 COE investigation of a sex discrimination or sex-based harassment complaint continues~~

8. ~~A clear message that, when needed, the COE 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.

All COE students shall 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 COE'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 COE'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 COE investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the COE 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 a recommendation for expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code.~~

~~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 COE 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 pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.~~

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 a recommendation for expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code.

Pursuant to 34 CFR 106.44 and 106.45, when there is complaint alleging Title IX sexual harassment, the COE 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 pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

~~CSBA NOTE: Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the COE 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 COE's obligations as specified in 34 CFR 106.44, including supportive measures, and (3) all materials used to train COE employees; the Title IX Coordinator and designees; investigators, decisionmakers, and other persons who are responsible for implementing the COE's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.~~

~~Records shall be maintained in accordance with law, including in accordance with 34 CFR 106.8 as specified in Exhibit 1 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and COE policies and regulations, of all reported cases of sex-based harassment to enable the COE to monitor, address, and prevent repetitive harassing behavior in COE schools.~~

CSBA NOTE: Pursuant to 34 CFR 106.45, the COE 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

COE's education program or activity, (4) any appeal and result of the appeal, (5) any informal resolution, and (6) all materials used to train the Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

Records shall be maintained in accordance with law, including in accordance with Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures, and COE policies and regulations, of all reported cases of sexual harassment to enable the COE to monitor, address, and prevent repetitive harassing behavior in COE 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 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 education programs
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	Educational equity; prohibition of discrimination on the basis of sex
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; definition of bullying
Ed. Code 48900	Grounds for suspension and 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 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 106.1-106.71~~	~~Nondiscrimination on the basis of sex in education programs~~
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~~Court Decision	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District~~,~~ (2001, 9th Cir.) 208 F.3d 736
Court Decision	Oona by Kate S. v. McCaffrey~~,~~ (1998, 9th Cir.) 143 F.3d 473
Court Decision	Gebser v. Lago Vista Independent School District~~,~~ (1998) 524 U.S. 274
Court Decision	Flores v. Morgan Hill Unified School District~~,~~ (2003, 9th Cir.) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Doe v. Petaluma City School District~~,~~ (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Davis v. Monroe County Board of Education~~,~~ (1999) 526 U.S. 629

~~CSBA Publication~~	~~Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022~~
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~~
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	~~Sexual Harassment: It's Not Academic, September 2008~~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	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
5131.2	Bullying

5131.2	Bullying
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.71-E(1)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Exhibit 5145.7-E(1): ~~Sex Discrimination and Sex-Based~~Sexual Harassment

Status: ADOPTED

Original Adopted Date: 08/01/2020 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following exhibit presents a sample procedure recommended for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education sex discrimination and sex-based harassment policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted for the COE's use as an Administrative Regulation, Superintendent Regulation, or COE regulation according to local practice.~~

~~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 COE adopt and publish complaint procedures. Also see E(1) and (2) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~The COE 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 COE education programs and activities.~~

CSBA NOTE: The following exhibit presents a sample procedure recommended for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education sexual harassment policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted for the COE's use as an Administrative Regulation, County Superintendent Regulation, or COE regulation according to local practice.

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 COE adopt and publish complaint procedures. Also see E(1)/E(2) 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 exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

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 COE employee, agent, or other individual authorized by the COE to provide an aid, benefit, or service under the COE's education program or activity explicitly or impliedly conditioning the provision of a COE 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 COE'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 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.

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 COE employee, agent, or other individual authorized by the COE to provide an aid, benefit, or service in the COE's education program or activity conditioning the provision of COE 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 COE's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the COE'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 COE'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 COE policy if it has a continuing effect on a student's ability to participate in or benefit from COE 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 county office of education (COE) 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 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 COE-related or COE-sponsored programs or activities will be regarded as sexual harassment in violation of COE 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 COE employee conditioning the provision of a COE 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 COE'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 COE school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A COE employee conditioning the provision of a COE 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 COE'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, COEs that receive federal financial assistance are mandated to designate an employee to ensure compliance with Title IX and its implementing regulations. If the COE 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 COE's uniform complaint procedures (UCP) adopted pursuant to 5 CCR 4600-4670. The COE may modify this regulation to designate different employees to serve these functions.~~

CSBA NOTE: Pursuant to 34 CFR 106.8, COEs that receive federal financial assistance are required to designate an employee as the Title IX Coordinator to ensure 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 E(1) 1312.3 - Uniform Complaint Procedures and AR 5145.3 -– Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. COEs may modify the following to designate separate COE employees to serve these functions. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE; see E(1) 1312.3 – Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment.

~~The County Superintendent of Schools designates the following individual(s) as the responsible employee(s) to coordinate the COE's efforts to comply with Title IX. The individual(s) shall also serve as the Compliance Officer(s) to oversee, investigate, and/or resolve sex discrimination, including~~

~~sex-based harassment, complaints under the COE's uniform complaint procedures (UCP). The Title IX Coordinator(s) may be contacted at:~~

The County Superintendent of Schools designates the following individual as the responsible employee to coordinate the COE's efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Exhibit(1) 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:

Executive Director, Human Resources_____
(title or position)
609 S. Gold Street, Yreka, CA 96097_____
(address)
530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email)

Notifications

~~CSBA NOTE: As part of its responsibility to monitor COE 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 COE 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 COE office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the COE's website. Additionally, Title IX, and its implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the COE 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 COE 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, a copy of the COE's sex discrimination and sex-based harassment policy and regulation shall:~~

Students and parents/guardians shall be notified that the COE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the COE may be referred to the COE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The COE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the COE's Title IX Coordinator. (34 CFR 106.8)

A copy of the COE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

~~1.~~2. Be displayed in a prominent location in the main administrative building or other area where notices of COE rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

CSBA NOTE: Education Code 231.6 requires COEs serving students in grades 9-12 to create and display a poster that notifies students of the COE's sexual harassment policy, as specified below. The COE may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

~~2.~~ 3. Be summarized on a poster which is 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. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)

~~3.~~ 5. Be 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.~~ 6. Appear in any publication that sets forth the program/school's or COE'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~~sexual harassment~~,~~ and should be revised to reflect the COE's timeline.

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to ~~sex discrimination, including sex-based~~sexual harassment~~,~~ in a COE program or activity or who has witnessed ~~sex discrimination, including sex-based~~sexual harassment~~,~~ is strongly encouraged to report the incident to the COE's Title IX Coordinator, a teacher, the principal or program administrator, or any other available school employee. Within one workday of receiving such a report, the principal/program administrator or other school employee shall forward the report to the COE's Title IX Coordinator. Any school employee who observes ~~sex discrimination or sex-based~~sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying ~~board~~County Board of Education policy. The report

shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

If the Title IX Coordinator determines a complaint of ~~sex discrimination or sex-based~~sexual harassment involves off-campus conduct and the conduct may create or contribute to the creation of a hostile school environment, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

~~**Complaint Procedures**~~

~~CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a COE with knowledge of alleged conduct, which occurs in a COE 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/E 1312.3 - Uniform Complaint Procedures, it is unclear whether COEs would additionally be required to follow the process specified in BP/E 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing the UCP for this purpose. For more information regarding the Title IX grievance procedures, see E(1) 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 Exhibit (1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

~~**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 COE 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 COE 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.

COEs with questions about the rights of transgender and gender-nonconforming students should consult CSBA's District and County Office of Education Legal Services or COE 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 COE 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 COE 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 County Board policy, the COE 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 COE practice.~~

~~Pursuant to state and federal law, a COE 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 COE 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 COE, 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 COE 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 COE 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 COE 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 COE 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 COE 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 COE shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. Any COE 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 COE 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 exhibit, and shall inform the student that honoring the student's request may limit the COE'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 COE 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 COE 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 COE 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 COE (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 COE 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 COEs 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 COE 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 COE 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 COE 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 COEs 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 COE 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, COEs 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 COE 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 COE 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 COE 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 COE should consult CSBA's District and County Office of Education Legal Services or COE legal counsel in developing a policy in this regard.

5. Student Records: Upon each student's enrollment, the COE 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, COE 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 COE record

   However, inadvertent slips or honest mistakes by COE personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this Exhibit or

~~the accompanying County 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~~

When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with applicable COE 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 E(1) 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/E(1) 1312.3 – Uniform Complaint Procedures.

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and COE procedures. The allegations shall be reviewed 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 Exhibit(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to County Board Policy and Exhibit(1) 1312.3 – Uniform Complaint Procedures.

If sexual harassment is found following an investigation, prompt action shall be taken to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

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

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
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	Educational equity; prohibition of discrimination on the basis of sex

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; definition of bullying
Ed. Code 48900	Grounds for suspension and 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 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 106.1-106.71~~	~~Nondiscrimination on the basis of sex in education programs~~
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~~Court Decision	~~California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019~~Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
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
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 33474-33896Nondiscrimination 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 2008Dear 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	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
5131.2	Bullying
5131.2	Bullying
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.71-E(1)	Title IX ~~Sex~~ ~~Discrimination~~ ~~and~~ ~~Sex-Based~~Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX ~~Sex~~ ~~Discrimination~~ ~~and~~ ~~Sex-Based~~Sexual Harassment Complaint Procedures
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Exhibit 5145.71-E(1): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/01/2020 **| Last Revised Date:** ~~07~~06/01/~~2024~~2025 **| Last Reviewed Date:** ~~07~~06/01/~~2024~~2025

~~CSBA NOTE: The following exhibit presents a sample procedure that may be adopted by the county office of education (COE). As the content covered typically falls within the purview of the County Superintendent of Schools, it is recommended that any County Board of Education intending to adopt this sample exhibit for use in the COE do so in cooperation with the County Superintendent. This exhibit may be revised to reflect local practices and may be adopted for the COE's use as an Administrative Regulation, Superintendent Regulation, or COE regulation according to local practice.~~

~~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 COE 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 COE with knowledge of alleged conduct, which occurs in a COE 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 E 1312.3 - Uniform Complaint Procedures, it is unclear whether COEs would additionally be required to follow the procedures specified in E 1312.3 - Uniform Complaint Procedures. Due to this uncertainty, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or COE legal counsel prior to utilizing the procedures specified in E 1312.3 - Uniform Complaint Procedures for this purpose.~~

~~See E 1312.3 - Uniform Complaint Procedures. Also see AR 5145.3 - Nondiscrimination/Harassment and BP/E 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 exhibit shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a county office of education (COE) 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 COE, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the COE 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 Exhibit (1) 5145.7 - Sex Discrimination and Sex-Based Harassment.

Basic Requirements

CSBA NOTE: 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, requires that the COE's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the COE 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 COE may not disclose personally identifiable information obtained while complying with the Title IX complaint procedures, except as provided below.

Additionally, the COE shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the COE 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 COE'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.

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 COE that objectively can be understood as a request for the COE 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 COE 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 COE'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 COE's duty pursuant to 34 CFR 106.44 to respond to reports of sex discrimination, including of 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 COE 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 COE

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 COE 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 COE from ensuring equal access to a COE 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 COE. (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 COE'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 COE'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 COE 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 COE 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)

Supportive Measures

CSBA NOTE: 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, requires COEs 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 COE's education program or activity,

~~including measures that are designed to protect the safety of the parties or the COE'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 COE 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 COE'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 COE 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 106.21, 106.44)~~

~~CSBA NOTE: Pursuant to 34 CFR 106.44, as amended by 89 Fed. Reg. 33474, the COE's provision of supportive measures does not require the COE, its employees, or any other persons authorized to provide aid, benefit, or service on the COE'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 COE 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 COE 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 COE 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 COE 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 COE'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 COE 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 COE's education program or activity. (34 CFR 106.44)~~

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. Additionally, pursuant to Education Code 48915(c), any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code may be expelled.

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, COEs are advised to consult CSBA's District and County Office of Education Legal Services or COE 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 COE may remove a student from an education program or activity, provided that the COE 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 COE 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 COE is unable to identify the respondent after taking reasonable steps to do so

2. The respondent is not participating in the COE's education program or activity and is not employed by the COE

3. The COE 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 COE 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 COE.~~

~~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 COE 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 COE 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 COE 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 COE's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the COE 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 COEs consult CSBA's District and County Office of Education Legal Services or COE 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 COE may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Tite IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the COE 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 COE 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 COE's education program or activity, or exercise of any other right. The COE may decline to offer an informal resolution process including, but not limited to, when the COE determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.45)

The COE may facilitate an informal resolution process provided that the COE, 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 COE will maintain and whether and how the COE 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 COE 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 COE's education program or activity. (34 CFR 106.45)

Notice of Allegations

CSBA NOTE: The following section reflects the notice COEs are required to provide to the parties pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474.

If the COE 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 COE'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.

Consolidation of Complaints

CSBA NOTE: The following section reflects the COE'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 COE 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)

Investigation Procedures

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the COE and not on the parties. However, the COE 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 COE shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the COE'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 COE 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 COE 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 COE 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 COE 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: COEs 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 COE 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 COE is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The COE should revise the following paragraph to reflect the timeline established by the COE.

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.

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 COE to provide a written determination of responsibility. While designation decisions will depend

on the size and organizational structure of the COE, a best practice is to designate an upper-level administrator as the decisionmaker and designate the County Superintendent as the person to consider appeals.

A COE employee shall be designated as the decisionmaker to determine responsibility for the alleged conduct. This employee may also serve as 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 COE 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 COE is required to establish reasonably prompt timeframes for the major stages of the grievance procedures. The COE should revise the following paragraph to reflect the timeline established by the COE.

The written decision shall be issued within _____ days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

Appeal of the Decision

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the COE's decision, and requires the COE 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 E 1312.3 - Uniform Complaint Procedures. The COE may revise the following section to reflect applicable timelines and appeals process established by the COE.

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 who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the COE's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the COE shall permit a final appeal to the County Board of Education or County Superintendent of Schools using a process that is in accordance with law and otherwise consistent with the appeal process as specified in Exhibit 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.

Extension of Timelines

CSBA NOTE: Pursuant to 34 CFR 106.45, as amended by 89 Fed. Reg. 33474, the COE 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 COE 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 COE identifies as having had equal access to the COE'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 "Corrective/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 COE's education program or activity. (34 CFR 106.45)

Corrective/Disciplinary Actions

The COE 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 student shall be immediately suspended and recommended for 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

An employee found to have committed sex discrimination, including sex-based harassment, or retaliation shall be subject to disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The COE 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 COE's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

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 COE 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 COE's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented

3. All materials used to train COE employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), other person(s) who are responsible for implementing the COE's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

   The COE shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the County 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

CSBA NOTE: The following exhibit presents a sample procedure that may be adopted by the county office of education (COE). As the content covered typically falls within the purview of the County Superintendent of Schools, it is recommended that any County Board of Education intending to adopt this sample exhibit for use in the COE do so in cooperation with the County Superintendent. This exhibit may be revised to reflect local practices and may be adopted for the COE's use as an

Administrative Regulation, County Superintendent Regulation, or COE regulation according to local practice.

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 COE 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 exhibit 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 COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a COE employee conditioning the provision of a COE 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 COE'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 COE's uniform complaint procedures (UCP); see BP/E(1) 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the COE, 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 COE's Title IX Coordinator, any official of the COE who has authority to institute corrective measures, or any employee of the COE. A COE 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 COEs with questions about specific complaints consult CSBA's District and County Office of Education Legal Service or other legal counsel.

See BP/E(1) 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 exhibit 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 county office of education (COE) 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 COE employee conditioning the provision of a COE 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 COE'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, legal counsel shall be consulted 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 County Board Policy/Exhibit(1) 1312.3 - Uniform Complaint Procedures.

All requirements and timelines for County Board Policy/Exhibit(1) 1312.3 - Uniform Complaint Procedures shall concurrently be met while implementing the Title IX procedure.

Basic Requirements

CSBA NOTE: 34 CFR 106.45 requires that the COE's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the COE 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 COE'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 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 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 COE

   The COE'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 COE 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 COE 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)

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 COE 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 E(1) 5145.7 - Sexual Harassment, and may be revised to reflect local 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 COE's Title IX Coordinator using the contact information listed in Exhibit(1) 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 COE. (34 CFR 106.30)

CSBA NOTE: Given the COE'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 local practice.

If the COE 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, a formal complaint shall be filed. In such cases, the alleged victim shall be provided notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

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 COE's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the COE'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 COE shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the COE'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. COEs should also note that Education Code 48915(c) requires any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code, be recommended for expulsion.

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 COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the COE may remove the student from the COE's education program or activity on an emergency basis, provided that the COE conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the 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. 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 COE 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

A formal complaint shall be dismissed if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, a formal complaint shall be dismissed if the alleged conduct did not occur in the COE's education program or activity or did not occur against a person in the United States. In addition, a formal complaint may be dismissed if the complainant notifies the COE 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 COE, or sufficient circumstances prevent the COE from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, written notice of the dismissal and the reasons for the dismissal shall simultaneously be sent to the parties, and the parties shall be informed 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 County Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the COE 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 COE from imposing discipline on a respondent for sexual harassment until the full investigation process is complete.

When a formal complaint of sexual harassment is filed the COE may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The COE 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 COE 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 COE may facilitate an informal resolution process provided that the COE: (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

Written Notice

CSBA NOTE: The following section reflects the notice COEs are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the known parties shall be provided written notice of the following: (34 CFR 106.45)

1. The COE's complaint process, including any informal resolution process

2. The allegations potentially constituting sexual harassment with sufficient details know 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, notice of the additional allegations shall be provided to the parties.

3. A statement that 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 COE 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 COE'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 COE may consolidate formal complaints of 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 COE and not on the parties. However, the COE 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 COE 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 COE 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 COE'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 COE 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 COE 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 COEs 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 other 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, 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 COE to provide a written determination of responsibility. While designation decisions will depend on the size and organizational structure of the COE, it is recommended that the COE, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect local practice.

A COE employee shall be designated as the decisionmaker to determine responsibility for the alleged conduct. This employee shall not serve as 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 COE'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. COEs 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 COE 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 COE's complaint procedures to state whether the COE'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 COE chooses to use a "clear and convincing evidence" standard. The standard selected by the COE must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the COE consult with CSBA's District and County Office of Education Legal Services or other legal 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 COE includes hearings as part of the grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the COE'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 COE imposes on the respondent, and whether remedies designed to restore or preserve equal access to the COE's educational program or activity will be provided by the COE to the complainant

6. The COE's procedures and permissible bases for the complainant and respondent to appeal

Appeals

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the COE's decision. The COE may revise the following section to reflect applicable timelines established by the COE.

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.

34 CFR 106.45 allows either the complainant or respondent to appeal the COE's decision based on any of the reasons specified in the following paragraph, or if the COE 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 COE 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 local 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 30 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.

Remedies

CSBA NOTE: 34 CFR 106.45 requires the COE's Title IX complaint process to list or describe the range of possible remedies that the COE may implement following any determination of responsibility. The following section may be revised to reflect local practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the COE 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 COE 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. (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

An employee found to have committed sexual harassment or retaliation shall be subject to disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The COE 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 COE'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 COE shall make such training materials publicly available on its website, or if the COE does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the County Superintendent of Schools 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 County Superintendent or designee shall indefinitely maintain a record of insurance which evidences the COE'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 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 education programs
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	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 48900	Grounds for suspension and/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) or 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**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District~~,~~ (2001, 9th Cir.) 208 F.3d 736
Court Decision	Oona by Kate S. v. McCaffrey~~,~~ (1998, 9th Cir.) 143 F.3d 473
Court Decision	Gebser v. Lago Vista Independent School District~~,~~ (1998) 524 U.S. 274
Court Decision	Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Doe v. Petaluma City School District~~,~~ (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Davis v. Monroe County Board of Education~~,~~ (1999) 526 U.S. 629
~~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~~
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)~~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~~	~~Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016~~
U.S. ~~DOJ, FBI~~Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Justice, Federal Bureau of Investigation (https://www.justice.gov/doj/federal-bureau-investigation)

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3553	Free And Reduced Price Meals

3553	Free And Reduced Price Meals
~~4030~~	~~Nondiscrimination In Employment~~
~~4030~~	~~Nondiscrimination In Employment~~
~~4117.7~~	~~Employment Status Reports~~
~~4119.11~~	~~Sexual Harassment~~
~~4119.11~~	~~Sexual Harassment~~
~~4219.11~~	~~Sexual Harassment~~
~~4219.11~~	~~Sexual Harassment~~
~~4317.7~~	~~Employment Status Reports~~
~~4319.11~~	~~Sexual Harassment~~
~~4319.11~~	~~Sexual Harassment~~
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-E(1)	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
~~6145~~	~~Extracurricular And Cocurricular Activities~~
~~6145~~	~~Extracurricular And Cocurricular Activities~~
~~6164.5~~	~~Student Success Teams~~
~~6164.5~~	~~Student Success Teams~~

Exhibit 5145.71-E(2): Title IX ~~Sex Discrimination and Sex-Based~~Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/01/2020 | **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 county office of education (COE) to provide notice to students, parents/guardians, or other authorized legal representatives of elementary and secondary school students, that the COE 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 COE'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 COE's policy prohibiting sex discrimination, including sex-based harassment; the COE'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 COE'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 County Superintendent of Schools or designee may include in the publication a statement that the COE prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the COE's Title IX Coordinator, and provide the website location of the notice of nondiscrimination.~~

~~Additionally, Education Code 231.5, 231.6, 234.6, and 48980 require distribution of the COE'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 COE'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 county office of education (COE) 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 COE to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the COE

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 COE'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 COE's policy prohibiting sexual harassment, (5) the COE's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the COE will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect local practice. Pursuant to 34 CFR 106.8, the COE is also required to provide the Title IX Coordinator's contact information and the accompanying exhibit 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 COE'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 COE'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~~ county office of education (COE) ~~to issue the following notification to students at all grade levels and their parents/guardians or other authorized legal representative:~~

~~The COE 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 COE also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The COE ~~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 COE's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

~~CSBA NOTE: The COE should enter the name/title and contact information of the COE's Title IX Coordinator below. Such information should be consistent with the person/position identified in E 5145.7 Sex Discrimination and Sex-Based Harassment.~~
CSBA NOTE: The COE should enter the name/title and contact information of the COE's Title IX Coordinator below. Such information should be consistent with the person/position identified in E(1) 5145.7 -- Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the Compliance Officer specified in E(1) 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 COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE.

~~The COE has designated and authorized the following employee(s) as the COE's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sex-based harassment:~~

The following employee serves as the COE's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment:

_Executive Director, Human Resources_____
(name and/or title/position)
609 S. Gold Street, Yreka, CA 96097_____
(address)
530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email address)

~~CSBA NOTE: The COE may expand the following paragraph to include other means of contact or reporting methods available in the COE, such as online submission forms or mobile applications.~~

~~Pursuant to 34 CFR 106.8, the COE must provide notice to students, parents/guardians, or other authorized legal representatives of students, of the COE's grievance procedures and process, including how to report conduct that may constitute sex discrimination, including sex-based harassment, or file a complaint of sex discrimination, including sex-based harassment.~~
CSBA NOTE: The COE may expand the following paragraph to include other means of contact or reporting methods available in the COE, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the COE must provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment of the COE's grievance procedures and process, including how to report or file a complaint of sex discrimination and/or sexual harassment, and how the COE 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 COE 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 COE complaint procedure.

To view an electronic copy of the COE'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 the COE's website at www.siskiyoucoe.net_____

To inspect or obtain a copy of the COE's sex discrimination and sex-based~~sexual~~ harassment policies and administrative regulations, please contact: _Executive Director, Human Resources, 609 S. Gold Street, Yreka, CA 96097, 530-842-8400, info@siskiyoucoe.net_____

Materials used to train employees; the Title IX Coordinator; investigator(s), decision-maker(s), and other person(s) who are responsible for implementing the COE's grievance procedures or have the

~~authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are available at the COE office upon request.~~

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitates an informal resolution process, are also publicly available on the COE's website or at the COE office upon request.

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
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	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 48900	Grounds for suspension and/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) or 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**
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
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
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 33474-33896Nondiscrimination 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)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	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

U.S. ~~DOJ,~~ ~~FBI~~Department of Justice, Federal Bureau of Investigation	National Incident-Based Reporting System
Publication	
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Justice, Federal Bureau of Investigation (https://www.justice.gov/doj/federal-bureau-investigation)

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
~~4030~~	~~Nondiscrimination In Employment~~
~~4030~~	~~Nondiscrimination In Employment~~
~~4117.7~~	~~Employment Status Reports~~
~~4119.11~~	~~Sexual Harassment~~
~~4119.11~~	~~Sexual Harassment~~
~~4219.11~~	~~Sexual Harassment~~
~~4219.11~~	~~Sexual Harassment~~
~~4317.7~~	~~Employment Status Reports~~
~~4319.11~~	~~Sexual Harassment~~
~~4319.11~~	~~Sexual Harassment~~
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-E(1)	~~Sex Discrimination and Sex-Based Harassment~~Sexual Harassment
~~6145~~	~~Extracurricular And Cocurricular Activities~~
~~6145~~	~~Extracurricular And Cocurricular Activities~~
~~6164.5~~	~~Student Success Teams~~
~~6164.5~~	~~Student Success Teams~~

Board Bylaw 9011: Disclosure Of Confidential/Privileged Information

Status: ADOPTED

Original Adopted Date: 01/01/2016 **| Last Revised Date:** 06/01/2025 **| Last Reviewed Date:** 0106/01/20162025

The County Board of Education recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties. Confidential information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

CSBA NOTE: Government Code 54963 specifies that a person may not disclose confidential information acquired during his/herthe person's presence in a closed session. In addition, the Attorney General has opined in 80 Ops.Cal.Atty.Gen. 231 (1997) that a governingan individual county board of education member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed. Therefore, it is recommended that the County Board consult CSBA's District and County Office of Education consult with itsLegal Services or other legal counsel before disclosing any confidential or privileged information discussed in a closed session. For more information regarding the reporting of information discussed in closed session, see BB 9321 - Closed Session .A County Board member shall not disclose confidential information acquired during a closed session of a board meeting to a person not entitled to receive such information, unless a majority of, except as authorized by law, this Bylaw or other County Board bylaws or policies, or the County Board has authorized its disclosure. (Government Code 54963)

CSBA NOTE: Pursuant to Government Code 54963, a County Board member may not disclose confidential information that has been acquired by being present in a closed session unless the County Board authorizes disclosure of that confidential information. Given that County Board members often receive confidential information in anticipation of a closed session or as a follow-up to a closed session, the following definition of "confidential information" extends this prohibition accordingly.

For these purposes, *Confidential information* means a communication madeany information that is prohibited from disclosure by law, this Bylaw or other County Board bylaws or policies, or by the County Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)

2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the County Board to meet lawfully in closed session

3. Information contained in communications provided to County Board members from legal counsel

4. Information deemed confidential by the County Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other County Board bylaws or policies.

CSBA NOTE: Pursuant to Government Code ~~54963 lists remedies that may be pursued~~1098, it is a misdemeanor for ~~a violation of confidentiality of closed session information including injunctive relief in a court of law (e.g., injunction or restraining order), referral of a~~any County Board member to ~~the grand jury, or recommend disciplinary action against an employee who~~ willfully ~~discloses~~and knowingly use or disclose for pecuniary gain, such as for monetary or financial gain, any confidential information~~. The~~ acquired in the course of the County Board ~~may not take action against a person for releasing the information if the disclosure was part of an investigation by a grand jury or the district attorney's office, part of a whistleblower action, or merely an opinion as to the legality of an action by the County Board, as specified below~~member's official duties.

~~The~~It is a misdemeanor for any County Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the County Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA

2. The information is prohibited from disclosure by law, this Bylaw, or other County Board bylaws or policies

3. The information will have, or could reasonably be expected to have, a material financial effect on the County Board member if used or disclosed

CSBA NOTE: Government Code 54963 provides examples of remedies that may be pursued for improperly disclosing information acquired during closed session and prohibits the Board from taking any such adverse action against a County Board member for disclosing such information in certain circumstances. Given that this Bylaw defines confidential information more broadly than just information obtained in closed session, the following paragraphs apply to the broader definition of confidential information as defined above and should be modified to reflect County Board practice.

If a County Board member threatens to disclose or does disclose confidential information, the County Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure

2. Referral to the grand jury

3. Censure or other disciplinary action, provided the County Board member has received training or been informed of the requirements of this Bylaw

However, the County Board shall not take any action against ~~any person~~a County Board member for disclosing confidential information, nor shall the disclosure be considered a violation of ~~the law or County Board policy~~this Bylaw, when the ~~person is:~~ County Board member does any of the following: (Government Code 1098, 54963)

1. ~~Making~~ Makes a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session

2. ~~Expressing~~ Expresses an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action

3. ~~Disclosing~~ Discloses information ~~that is not confidential~~

~~**Other Disclosures**~~

~~CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any public officer or employee to willfully and knowingly use or disclose for pecuniary (e.g., monetary or financial) gain any confidential information acquired in the course of his/her official duties.~~

~~A County Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Such a disclosure may result in criminal prosecution. For these purposes, confidential information also includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the County Board member. (Government Code 1098)~~

~~Disclosures made~~ to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities ~~are excepted from this prohibition. (Government Code 1098)~~ in accordance with law

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State	Description
Ed. Code 35146	Closed session
Evid. Code 1040	Privilege for official information
Gov. Code 1098	Public officials and employees re confidential information
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54956.8	Open meeting laws

Gov. Code 54956.9	Closed meeting for pending litigation
Gov. Code 54957.5	Public records
Gov. Code 54957.7	Reasons for closed session
Gov. Code 54963	Confidential information in closed session
Gov. Code 7920.000-7930.170	California Public Records Act

Management Resources	**Description**
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA Publication	Professional Governance Standards for County Boards (https://www.csba.org/en/GovernanceAndPolicyResources/EffectiveGovernance/ProfessionalGovStandards)
Website	CSBA

Cross References

Code	**Description**
9230	Orientation
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session