ORANGE COUNTY
BOARD OF EDUCATION

BOARD POLICY BOOK

Adopted June 18, 1996
Revised October 22, 2025

ORANGE COUNTY DEPARTMENT OF EDUCATION

COSTA MESA, CALIFORNIA

July 2025

COUNTY BOARD OF EDUCATION

MEMBER	OFFICE	TERM EXPIRES
Mari Barke	President	June 30, 2026
Tim Shaw	Vice President	June 30, 2028
Jorge Valdes, Esq.	Member	June 30, 2028
Ken L. Williams, D.O.	Member	June 30, 2028
Lisa Sparks, Ph.D.	Member	June 30, 2026

COUNTY ADMINISTRATORS

Stefan Bean, Ed.D.	County Superintendent of Schools and Secretary to the Board
Renee Hendrick	Deputy Superintendent, Operations & Assistant Secretary to the Board

Associate County Superintendent of Schools

David Giordano	Administrative Services
Dean West	Business Services
Analee Kredel	CONNECTIONS
Sandra Lee, Ed.D.	Educational Services
Kimberly Benaraw, Ed.D.	Student Services & Programs

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ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-1

Agenda Distribution

The Agenda for all meetings of the Orange County Board of Education shall be mailed or e-mailed to major news media in Orange County at the time of mailing to members of the Board. Unless specifically exempt from public disclosure, a copy of supporting information mailed to the Board with the Agenda will be made available to the press and the public on the day of the meeting.

Sufficient copies of the day's Agenda shall be available to citizens in attendance at the Orange County Board of Education meetings.

Reference: Education Code Sections 1040 and 1042
Government Code Section 54957.5

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-2

Board Agenda Items

Any member of the Orange County Board of Education has the authority to place an item on the Board Agenda to deliberate or vote upon. For placement of an agenda item on the board agenda, all accompanying back-up documents must be submitted to the Board secretary no later than 5:00 p.m. ten business days prior to the Board Meeting at which the Board is to consider the action item. Any member of the public wishing to address an issue with the Board, may do so under Public Comments during a regularly scheduled Board meeting, or may contact any member of the Board to request an item be filed on their behalf on the Board agenda. The submission of an item will be at the Board member's discretion and must be a matter for which the Board has jurisdiction. The Executive Committee, at its discretion, may approve items submitted less than ten (10) business days prior to a meeting for placement on the Board agenda.

In the event an action item fails to pass by a vote of the majority of the Board, the item may be placed on a subsequent Board agenda after six months under Board Member Comments, to deliberate its merits and/or any new information. If by Board approval it is determined the action item merits another official board vote, it may be placed back on a subsequent Board agenda as an action item.

Reference: Education Code Sections 1040 and 1041
Government Code Section 54954.3

Adopted: 06/18/1996

Revised: 08/29/1996
10/17/1996
12/09/2004
07/16/2014
03/10/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-3

Record of Board Proceedings

Minutes of the Orange County Board of Education meetings shall be taken by the Recording Secretary. Board meetings shall also be tape recorded.

A. Tape Recording

Tape recordings shall be made of all Board meetings. At the close of the meeting, a duplicate tape shall be made. The duplicate tape shall be given to the Secretary of the Board for storage and kept for a minimum of 30 days. The original tape shall be kept in Media Services for 30 days and may be erased or destroyed 30 days after the recording. Those persons wishing to hear tapes of Board meetings shall be required to use the facilities in Media Services.

B. Minutes

1. Storage

After Minutes of the Board meeting have been approved, the Recording Secretary shall maintain a copy. The original set of Minutes shall be maintained and sent for microfilming every three years. A copy of the microfilm shall be given to both the Secretary and Assistant Secretary of the Board for storage.

2. Distribution

A copy of the approved Minutes shall be sent to the OCDE bargaining units and to appropriate staff members. Members of the public may request a copy of the Minutes from the Recording Secretary.

Reference: Education Code Sections 1040 and 1042
Government Code Section 54953.5

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-4

Gifts/Acceptance by Board of Education

Gifts may be approved for acceptance by the Orange County Board of Education provided that such gifts are considered appropriate for use by the Orange County Department of Education. If desired, the Board may request, prior to acceptance, examination of any item intended as a gift.

The County Superintendent of Schools and his staff shall establish and follow appropriate procedures for acceptance.

Reference: Education Code Sections 1040 and 1042

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-5

Participation by Public at Board Meetings

The Orange County Board of Education welcomes input concerning any subject within its jurisdiction from members of the public at all Board meetings. To accomplish the goal, the following procedure will be used:

1. An individual wishing to address the board is requested to complete a 3" x 5" request form secured from the Recording Secretary prior to the board meeting or prior to Board consideration of an agenda item.

2. Each person shall be aware that comments to the board shall be limited to not more than three minutes. The total time allotted for public input will be 45 minutes. It is the intent of the board to provide for audience participation during the meeting to be at a time that is as convenient as possible to all concerned.

3. If the topic of discussion selected by a member of the public is a current agenda item, he/she may be asked to delay discussion until the subject is before the board at the regular agenda time.

4. Speakers may not relinquish/yield their time to others.

The jurisdiction of the Orange County Board of Education is to be defined broadly for the purposes of this policy. This policy is not meant to limit debate or restrict the discussion of educational issues during Orange County Board of Education meetings.

Reference: Education Code Sections 1040/ Government Code Sections 54953 and 54954.3

Adopted: 06/18/1996
Revised: 08/21/2008
Revised: 08/13/2014

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-6

Meeting Procedures

Meetings of the Orange County Board of Education shall be conducted by the President in a manner consistent with the adopted Board Policies and parliamentary procedure, as outlined in The ABC's of Parliamentary Procedure, a scriptographic booklet by Channing L. Bete Co., Inc., Greenfield, MA.

Reference: Education Code Sections 1040 and 1042

Adopted: 10/17/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-7

Posting to the Internet

The placing of information on the Internet shall include but not be limited to the following:

Board of Education Members and Trustee Areas Served
Email Address for Board Members
Description of the Board of Education
Agenda and Minutes

Agenda and Minutes will be kept on the Web Page for a period of twelve months. All information will be posted in accordance with Brown Act requirements. Minutes will be posted after they are approved by the Board.

Statements posted to the Board's portion of the OCDE website are reserved for decisions of the Board or other related statements at the Board's direction. No statement or opinion by an individual board member shall be posted on the Internet unless it is part of the Board member's individual biography.

Reference: Education Code Sections 1040 and 1042

Adopted:
Revised: 10/05/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-8

Board Quorum and Voting

Meetings of the Orange County Board of Education shall be conducted only when a quorum of three members is present. The Orange County Board of Education may take action by a majority of the quorum passing a motion. If there is a tie vote, the motion will fail.

In the event a Board member leaves the hearing room, momentarily causing a Lack of Quorum, that member shall notify the President, or the Acting Board President, immediately of their intended absence. The President, or the Acting Board President, may either call a recess or adjourn the meeting.

Reference: Education Code Sections 1040 and 1042
Martin v. Ballenger, 25 Cal. hpp. 2d 435(1938)

Adopted: 10/09/2002
Revised: 07/16/2014

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-9

Board Meeting Opening – Pledge of Allegiance

Meetings of the Orange County Board of Education shall officially begin with reciting the Pledge of Allegiance:

> *I pledge allegiance to the flag, of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

Reference: Education Code Sections 1040, 1042

Adopted: 05/15/2003

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-10

Employee Salaries and Retirement Benefits

If the salary of an employee is increased at the sole discretion of the Orange County Superintendent of Schools by ten thousand dollars ($10,000) or more, in a twelve month period, the matter shall be brought to the attention of this Board by placing the matter on the agenda for its discussion at the next regularly scheduled public meeting of the Board. The Superintendent of Schools or his/her designee shall report the salary increase under the Communication/Information/Discussion portion of the meeting.

If the Superintendent of Schools, at his/her sole discretion, proposes an increase to an employee's retirement benefits not associated with a salary adjustment, the matter shall be brought to the attention of this Board for its discussion and approval at the next regularly scheduled public meeting of the Board. This policy shall not apply to increases employees may receive from retirement systems outside of the Superintendent's and this Board's authority.

Reference: Education Code Sections 1302(a) and 1302(b)

Adopted: 01/10/2013

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-11

Election, Power, and Duties of Board President and Board Vice President

1. **Annual Election of President and Vice President.** At its regularly scheduled meeting during the month of July of each year, the Board shall nominate and elect from its membership a President, Vice President, and Board Clerk to serve until the election of their successors.

2. **Powers and Duties of the President.** The President, when present, shall preside at all meetings of the Board and shall take the President's Chair at the hour appointed for every Board meeting and Shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner Prescribed by these Rules. The President shall preserve order and decorum, and shall decide all questions of order.

3. **Powers and Duties of the Vice President.** When the President is unable to act at a Board meeting or is absent from a Board meeting, the Vice President shall exercise all the powers and duties of the President and shall be considered to be the Acting President.

4. **Powers and Duties of the Board Clerk.** The Board clerk shall sign all board approved Resolutions, and the annual OCDE Budget that is submitted to the state Superintendent of Public Instruction in the event the Orange Superintendent of Education as ex-officio member of the board is absent, sick, deceased or voluntarily does not sign on a timely basis the approved Orange County Board of Education adopted OCDE Budget.

4. **Selection of President Pro Tem.** When the President and Vice President are unable to act at a Board meeting or are absent from a Board meeting, the remaining Board members present, if there is a quorum, shall, by an order entered into the minutes, select one of their members to act as President Pro Tem for that meeting. The President Pro Tem shall have and exercise all of the powers and duties of the President during the President's absence or inability to act from the Board meeting. The President Pro Tem shall be considered to be the Acting Board President only for that meeting.

Reference:

Adopted: 09/03/2014
Revised: 06/03/2020

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-12

Invocations or Inspirational Words at Board Meetings

The Orange County Board of Education ("Board") values receiving invocations and inspirational words at Board meetings to be an integral part of our nation's heritage and the intent of the founding fathers. In furtherance of the Board's intention of solemnizing these occasions, unifying the Board in its purpose, the Board allows presenters to provide invocations and/or inspirational words directed to the Board. Furthermore, both invocations and inspirational words allow for a broadening of ideas and involvement of community leaders. Invocations and inspirational words shall be serious, solemn, respectful, and lend gravity to the occasion. Invocations and inspirational words shall be directed to the Board and invite Board members to reflect on their shared ideals, common ends, and united purpose as they embark on the difficult and necessary task of governance. The opportunity to provide an invocation or inspirational words at a Board meeting shall be open to all religious denominations, interests and organizations and the Board shall maintain and enforce the nondiscrimination policy.

Invocations and inspirational words shall be directed at the Board and focus on the Board's service to the community. Invocations and inspirational words shall not exceed 3 minutes. They shall not denigrate believers, nonbelievers, agnostics, religious majorities and/or religious minorities or subgroups. Invocations shall not, proselytize, and/or advance, promote, criticize or disparage any religion or belief. They shall not promote hate, violence, or any physical or emotional harm whatsoever. The invocations and inspirational words shall not threaten damnation, preach conversion or seek to indoctrinate. In all other respects, the Board will not regulate, prejudge or approve invocation content.

The Board is mindful that some individuals either may not want to participate or feel compelled to be present during invocations or while inspirational words are being stated. To that end, the Board will provide the public with an opportunity to excuse themselves prior to an invocation or the delivery of inspirational words. To every extent possible, students will not be present in the Board meeting during invocations or the delivery of inspirational words. If necessary, the Board agenda shall be configured in a manner to separate invocations and inspirational words from matters that may impact a student's educational experience. (i.e. awards/performances).

Individuals who present invocations or inspirational words ("presenters") should be sensitive to issues to be addressed at the Board meeting and the particular concerns and/or sensitivities of those in attendance. The Board seeks to allow presenters representative of a diverse cross-section of religious and cultural viewpoints to deliver invocations or inspirational words. Neither Board Members, nor members of the Orange County Department of Education ("Department") staff shall deliver invocations or inspirational words. Each December, Department staff shall invite presenters for the calendar year. Interested persons may contact either the Department or Board Executive Committee to place their names on the list of Presenters. Presenters shall be randomly selected and received confirmation from the Department or Board Executive Committee. Confirmations shall identify the date and time for the invocation. If the presenter is unable to attend the Board President may request a volunteer from the audience.

Reference: Town of Greece v. Galloway, 134 S.Ct. 1811 (2014); March v. Chambers, 463 US 783 (1983); American Legion v. American Humanist Association, 139 S .Ct. 2067(2019)

Adopted: 10/01/2014
Revised: 10/07/2020, 12/06/2023

CONSTITUTIONAL GUIDELINES

The Orange County Board of Education ("Board") recognizes that in *Marsh v. Chambers*, 463 U.S. 73 (1983), the United States Supreme Court ("Supreme Court") held, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times to the founding of the Republic and ever since, and practice of legislative prayer has coexisted principal of disestablishment and religious freedom." *Id*., at 786. The Supreme Court further held, "To invoke divine guidance on a public body … is not, in the circumstances, an establishment of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." *Id*., at 792.

The Board further recognizes that in *Town of Greece v. Galloway,* 572 U.S. 565 (2014), the Supreme Court approved County Council opening prayers concluding that, "legislative prayer to lend gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society." *Id.*, at 1818. Regarding invocations, the Supreme Court explained that opening invocations are intended "to lend gravity to the occasion and reflect that values long part of the Nation's heritage" and should not "denigrate nonbelievers or religious minorities, threaten damnation or preach conversion." *Id*., at 1823.

The Board seeks to adopt the above referenced guidelines concerning the validity of opening invocations or inspirational words. The reference to these cases should not be construed to indicate that this Board has a preference between invocations and inspirational words.

PURPOSE

The Board therefore adopts this Administrative Regulation ("AR") to explain, execute and implement Board Policy ("BP") 100-12. Consistent with BP 100-12, the Board intends to allow persons, including but not limited to members of the clergy, members of religious denominations, and members of civic organizations ("Presenters"), to address the Board with invocations and/or inspirational words. Invocations and inspirational words shall be serious, solemn, unifying, respectful, and lend gravity to the occasion in order to allow Board Members to reflect upon shared ideals and common ends before they embark on the fractious business of governing. BP/AR 100-12 shall not be implemented to affiliate the Board with, or express the Board's preference for any faith, religion, denomination or organization. Instead, BP/AR 100-12 are intended to recognize the important purpose of legislative prayer and/or inspirational words and in so doing express the Board's respect for diverse viewpoints, religious denominations and faiths represented and practiced in Orange County. Furthermore, neither BP/AR 100-12 are intended to demonstrate purposeful preference of one organization, religion or faith of the Presenter offering the invocation or inspirational words.

PUBLIC/STUDENTS

BP/AR 100-12 are not intended to require any person, particularly students, to observe, witness, or participate in any legislative prayer, invocation, inspirational words, moment of silence ("invocation or inspirational words") and any such presentation by a Presenter shall not impact any person's ability to participate in the Board meeting. To that end:

1. Before the invocation or inspirational words, the Board shall announce that the invocation or inspirational words are forthcoming and suspend the meeting briefly in order to give those who wish to absent themselves an opportunity to leave.

2. At the beginning of the Board Meeting, the Board President shall introduce the Presenter and the individual selected to recite the Pledge of Allegiance. The Board President shall state that the

invocation and Pledge of Allegiance are voluntary. The latest Pledge of Allegiance shall follow the invocation or inspirational words.

3. The Board shall not state, comment, communicate or respond in any manner to express either approval or disapproval of the content of a Presenter's invocation or inspirational words.

4. Neither the Board, Board Members or employees of the Orange County Department of Education ("Department") shall direct the public to pray, stand, bow, or in any way participate in the invocation or inspirational words.

5. Any student observing, performing, or participating in the Board meeting need not be present during the invocation or inspirational words.

6. Any student engaging the Board concerning a scheduled agenda item need not be present in the board room in advance of the agenda item that applies to that student.

7. The Board and Department may participate in the invocation and inspirational words. However, Board members and Department employees cannot deliver an invocation or inspirational words and shall not compose, lead, or support, or otherwise indicate agreement or disagreement for or with any invocation or inspirational words.

INVITATION PROCESS

The Board intends to give all clergy, members of religious denominations, and members of civic organizations an equal opportunity to voluntarily deliver invocations or inspirational words. To that end:

1. A designee of the Board or Department shall compile and maintain a database of religious congregations, chaplains, and civic organizations within Orange County. ("Organizations list".)

2. The Organizations list shall be compiled by requesting a list of "churches," "congregations," "synagogues," "temples," "mosques," or other religious assemblies or civic organizations from all Orange County Chambers of Commerce. A list of chaplains shall be obtained from, local hospitals, law enforcement agencies and the County Fire Department.

3. The Organizations list shall be updated yearly by the Board or Department's designee.

4. On or about December 1 and June 1 of each calendar year the Board//Department' s designee shall send invitations to each entity on the Organizations list to be an invocational speaker.

5. The invocational speaker(s) shall be selected and scheduled randomly on a "first-come first-serve" basis.

6. No Organization or individual shall be permitted to be the Presenter more than one time during each calendar year unless no other person has sought to be a Presenter or is available to be a Presenter for any particular Board Meeting.

(*Marsh v. Chambers*, 463 U. S. 73 (1983))
(*Greece v. Galloway*, 572 U.S. 565 (2014))

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-13

Legal Counsel Second Opinion-Budgetary Authority

Pursuant to state Education Code section 1042, the Orange County Board of Education is authorized to select a law firm to act as advisor to the Board in legal or administrative matters where any of the following occur:

- In-house counsel has a conflict of interest;
- In-house counsel has failed to render timely advice in a particular matter;
- The legal or administrative services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
- The Board desires a second legal opinion from that provided by in-house counsel in a particular matter.

The Board requires further legal opinions on several issues that remain unresolved or that require a second opinion from outside counsel. The passage of this special recommendation awards the law firm of Cota-Cole, LLP of Roseville, California, the contract to provide legal services to answer and address the below outlined legal question. The proposed hourly rate to answer the question(s) requested by said board is $ 350 per hour for work performed by Partners, and $300 per hour for work performed by Associates

The Board desires a second legal opinion in board related questions that may differ from that already provided by in-house counsel, and which otherwise qualify under the above standard for the Board's retention of outside counsel. (*See* 86 Ops. Cal. Atty. Gen. 57 (2003).) This issue is:

Budgetary Authority
Does the Board's authority to review and approve the budget of the Orange County Department of Education incorporate the authority to review and approve private, federal and state grants obtained under the name of the county superintendent of education? Do state, federal or private funds acquired by the county superintendent of education require individual approval by the board as part of the Board's audit review process?

Reference:

Adopted: 02/05/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-14

Legal Counsel Second Opinion-Charter School Petition

Pursuant to state Education Code section 1042, the Orange County Board of Education is authorized to select a law firm to act as advisor to the Board in legal or administrative matters where any of the following occur:

- In-house counsel has a conflict of interest;
- In-house counsel has failed to render timely advice in a particular matter;
- The legal or administrative services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
- The Board desires a second legal opinion from that provided by in-house counsel in a particular matter.

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The Board desires a second legal opinion in board related questions that may differ from that already provided by in-house counsel, and which otherwise qualify under the above standard for the Board's retention of outside counsel. (*See* 86 Ops. Cal. Atty. Gen. 57 (2003).) This issue is:

Charter Petition Procedure
In the event of a local charter school petition that is appealed to county boards of education, and before granting approval of the charter school petition, what are best practices and the standard of review? As a part of the Board approval process and practice of granting the appeal of a charter school petition, does existing state Education Code allow the Board to modify the language of the charter school petition with mutual agreement and consent by the charter school petitioners.

Reference:

Adopted: 02/05/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-15

Board Executive Committee authority to retain and consult outside legal counsel

The Board Executive Committee is hereby authorized to consult and retain outside legal counsel for the Board. The Board may consult outside legal counsel if the Board Executive Committee determines outside legal services are necessary because either:

(1) In-house counsel has a potential conflict of interest as determined by the Executive Committee or majority vote of the Board;

(2) In-house counsel has failed to render timely advice in a matter as determined by the Executive Committee that is exigent in nature. At the following board meeting such action will be brought to the Board for vote;

(3) The legal or administrative services being sought are in addition to those usually, customarily, and regularly obtained from in-house counsel;

(4) The Board desires a second legal opinion from that requested from in-house counsel in a particular matter; or

(5) Outside legal services are necessary for the sovereignty, confidentiality, efficacy of the Board and do not conflict with statutory guidelines.

Reference: Authority: California Education Code §§35041.5, 35160; 35160.1, 35160.2, 1042 (d), 1621; Jaynes v. Stockton (1961) 193 Cal. App. 2d 47

Adopted: 12/16/2015
Revised: 09/02/2020

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-16

Special Presentations by Board Members at the County Board of Education Regularly Scheduled Meetings

The Orange County Board of Education has as its primary mission the students and families that it educates. Presentations utilizing PowerPoint, media, or written material must be submitted to the Clerk of the Board or Assistant Secretary of the Board 48 hours in advance of scheduled meeting. The presentation may not exceed six minutes and no individual other than the board member may participate in the presentation. A member of the Board may place on the agenda a presentation(s).

The presentation(s) must be first publicly introduced under Board Member Comments. Under Board Comments, if the majority of the Board members approve of such presentation, then the presentation may be given by the individual Board member at the subsequent Board meeting. The Clerk of the Board shall attach to the minutes of any meeting a copy of any PowerPoint, media, or other written material distributed during any such presentation. If the distributed material cannot reasonably be attached to the meeting minutes, then the minutes shall include a sufficient description of the material that will allow the member of the public to locate the materials, including, if reasonably feasible, a link to the material on the Board's website.

Adopted: 01/13/2016
Revised: 01/11/2017

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-17

Public Presentations at the County Board of Education Regularly Scheduled Meetings

The Orange County Board of Education has as its primary mission the students and families that it educates. Presentations utilizing PowerPoint and media must be submitted to the Clerk of the Board or Assistant Secretary of the Board 48 hours in advance of scheduled meeting. The presentation may not exceed three minutes unless other time limits supersede (i.e. Charter Schools, etc.). The presentation shall take into consideration that minor children are frequently present at board meetings and no pornographic, obscene, illegal drug promoting, vulgar, violent, or inappropriate content shall be included in the presentation.

Adopted: 01/13/2016

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-18

Election of Board Clerk

In order to comply with statutory mandates it may become necessary and proper for the Board to elect a Clerk ("Board Clerk") to exercise ministerial duties on behalf of the Board. The Board Clerk shall be nominated, seconded, and approved by majority vote at a public meeting in open session.

Reference: Authority: Education Code §§1040, 35160, 35160.1, 35160.2, Orange County Department of Education 30 10306 000000 Form CB p. 3, 7

Adopted: 09/02/2020

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-19

Board Specific Purpose Fund

The Orange County Department of Education Administrative services and Business services departments shall create a separate object code under 5800 Professional-consulting and operating expenses entitled Board Specific Purpose Fund. The fund balance shall be determined by the Board during the Budget Adoption process. The fund shall be available for appropriation by majority vote of the Board at a regularly scheduled Board meeting.

Reference: Authority: Education Code §§1040 (a), 1042 , 1620, 1621 (d), 1622, 35160, 35160.1 and 35161.

Adopted: 09/02/2020

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-20

Object Code for Active and Ongoing Litigation

In the interests of budgetary transparency the Orange County Department of Education Administrative Services and Business Services departments shall create an additional object code, 5876, which separately reflects matters of active and ongoing litigation. This shall be presented to the Board of Education in the First Interim Report and Second Interim Report ("Interim Reports"). The County Superintendent of Schools is instructed to present the Interim Reports to the Board of Education as required by statute.

Reference: Authority: Orange County Board of Supervisors Resolutions passed in February and June 1977; Education Code §§1040 (c), 1042 (a), 1240 (j), 1280 and 1281.

Adopted: 09/02/2020

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-21

Executive Committee Approval Legal Counsel Invoices

Redacted legal invoices from the legal counsel of the Orange County Board of Education (Board) is public information. For the purpose of board confidentiality and preserving the privacy of the Attorney-Client relationship, the Executive Committee is empowered by the board to inform the Superintendent of the approval of invoices for payment. The approved invoices will be agendized under Consent Calendar for each board meeting, and the redacted invoices available for public review. Any member of the Board has the ability to review any unredacted legal invoices with board counsel.

Adopted: 08/04/2021

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-22

County Board Approval of Grants and Contracts

The County Board of Education ("Board') recognizes its statutory authority to approve and accept grants, contracts and other entitlements.1 The Orange County Department of Education ("Department') is a local public agency supported by state apportionment and local tax collections. The Board recognizes and encourages the Department to pursue external revenue sources, including, but not limited to, government entities, private foundations and corporations. By this policy, the Board requires that such applications be consistent with the missions and goals of both the Board and Department.

Prior to Department acceptance and/or implementation of new special projects, entitlements, grants or contracts (hereinafter collectively "new obligation(s)') shall be accepted by the Board. If the Board does not accept any new obligation(s) it shall not proceed. In the event the Department and/or County Superintendent of Schools ("Superintendent') must seek acceptance and/or implementation of any new obligation(s) before the next regularly scheduled Board meeting, the Board Executive Committee is authorized to provide the Department/ Superintendent tentative approval for any new obligation(s) subject to subsequent ratification by the full Board. The Department/Superintendent is authorized to reapply for a new obligation(s) that has been previously Board-approved pursuant to this policy. The Board encourages local school districts ("District') to seek approval from local Boards of Education ("school board(s)') prior to accepting and/or implementing any new obligation(s). If a District wishes to participate in any new Board-approved obligation(s) submitted and/or administered by the Department/Superintendent the local district shall seek approval from school board(s). If any new obligation(s) is not approved by the school board(s) the Department/Superintendent shall remove the District from any new obligation(s).

The Board further recognizes that certain administrative responsibilities are vested with the Department/Superintendent.2 Hereinafter, in the interest of transparency and good governance, should the Department/Superintendent seek to encumber and/or expend public resources, the Department/Superintendent shall identify the statutory authority upon which the encumbrance/expense was justified. The Department/Superintendent shall provide the Board with the aforementioned justification by a quarterly report at a regular Board meeting. Any and all new obligation(s), encumbrances and/or expenses of $25,000 or more shall be approved by the Board at each regularly scheduled Board meeting.

1 Education Code §§1251, 1259, 1260, 1271, 1273, 1275, 1277, 1279, 1280, 1602, 1703, 1750, 1751, 1752. (See also San Diego Office of Education Policy No. 3200, revised April 10, 2013)

2 Education Code §§1240, 1252, 1253, 1253.5, 1254, 1256, 1258, 1262, 1263, 1266-1270.1, 1276, 1278

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Adopted: 10/06/2021

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-23

County Board Of Education Professional Development

The Orange County Board of Education finds that professional development programs and/or continuing education of county board members should focus to enhance county board members' knowledge and effectiveness in the areas of:

1. Governance and boardsmanship;
2. Board ethics;
3. State and federal legislation, and case law that affect the operation of County boards and local school districts;
4. New educational reform initiatives and research-based instructional strategies that enhance student achievement.

Approval

The Board collectively and/or Board members individually have the opportunity to seek and identify Professional development opportunities as set forth in Resolution #21-22. The Board member(s) shall present the Professional Development opportunity to the Board President. Should the Board President deem the Professional Development opportunity appropriate pursuant to Resolution # 21-22, the Board President may consult with Orange County Department of Education staff ("staff") regarding the propriety of the request. If the Board President and/or staff deem the request appropriate the request shall be tentatively approved.

Distribution

The Professional Development budget is intended to give the Board discretion, latitude and flexibility in seeking professional development opportunities. The Professional Development budget can, but need not, be distributed equally among Board members. The Board recognizes that each Board member may have differing priorities, experience, and/or personal circumstances which may impact their Professional Development participation.

Request and Reimbursement

Tentative approval shall constitute advanced approval allowing staff to access the Professional Development budget. In the event there is insufficient advanced notice Board member(s) may bear the cost of the Professional Development opportunity and subsequently seek reimbursement.

Ratification and Reporting

Professional Development ratification items shall be on the consent agenda, unless removed from the consent agenda by a Board member. Upon the request by two (2) or more Board members the Board Member(s) participating in the Professional Development shall publicly report on how and why the expenditure enhanced the Board member(s)' knowledge and effectiveness in the area set forth in Resolution #21-22.

Adopted: 12/14/2022

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-24

Decorum Policy

The Orange County Board of Education ("Board") recognizes that the First Amendment to the United State Constitution preserves the right of the public to attend public government meetings and ask critical questions of government officers. However, the right to appear at public meetings and speak is not absolute, and government may adopt reasonable regulations to protect its legitimate interest in conducting an orderly public meeting.

WHEREAS, California Government Code ("Government Code") §54954.3(a) provides in relevant part: "every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2."

WHEREAS, Government Code §54954.3(b)(1) provides: "(b)(1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker."

WHEREAS, Government Code §54957.9 provides: "In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting."

WHEREAS, Government Code §54957.95(a) provides: "in addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting. (2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b)."

WHEREAS, Government Code §54957.95(b) defines disruptive behavior as follows: "'Disrupting' means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs,

impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following: (A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law; (B) Engaging in behavior that constitutes use of force or a true threat of force."[1]

WHEREAS, California Penal Code §403 provides: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor."

RULES OF DECORUM

In accordance with the authority set forth above, by this policy, the Board establishes the following Rules for Board Meeting Decorum ("Rules of Decorum"):

1. Meeting shall be conducted in an orderly manner to ensure the public has a full and fair opportunity to be heard.

2. Board members shall preserve and exhibit civility and decorum. A Board member shall not by conversation, or other means, delay or interrupt proceedings or disturb any other Board member while speaking.

3. County Superintendent of Schools staff and employees ("staff member(s)") shall endeavor to observe the same Rules of Decorum set forth in this Board Policy (100-24).

4. Meeting attendees and members of the public shall:

    a. Refrain from making personal, impertinent, slanderous or profane remarks directed at any Board member, staff member or meeting attendee;

    b. Refrain from engaging in disorderly, disruptive, disturbing, delaying or boisterous conduct, including, but not limited to: (1) loud, threatening or abusive language; (2) whistling; (3) clapping; (4) foot stomping or any other act which interrupts, disturbs or delays the orderly conduct of the Board meeting.

RESPONSE TO DISRUPTIVE BEHAVIOR

In the event an individual or group engages in disruptive behavior as defined above, the Board President or acting Board President may respond as follows:

1. Warn the group or individual(s) that if their conduct is not promptly ceased, they may be removed from the Board meeting.

2. Gavel out of the meeting and have the Board meeting room cleared and continued in

[1] "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code §54957.95(b)(2))

session as set forth in Government Code §54957.95(a).[2]

3. Direct security personnel to remove the individual(s) or group from the Board meeting that have violated the Rules of Decorum.

4. The Board President or acting Board President shall exercise his/her discretion if and when it is prudent to readmit an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

ENFORCEMENT PERSONNEL

It is and shall be the Board's policy to have an Orange County Sheriff's Department Deputy Sheriff(s) present at each regular, special, and/or emergency meeting to ensure public safety. It is further the policy of the Board to engage private security personnel at every regular, special, and/or emergency meeting to enforce Board Policy 100-24.

NOTICE

Board Policy 100-24 shall be posted prominently at all regular, special, and/or emergency Board meetings.

Adopted: 06/07/2023

[2] Pursuant to the Ralph M. Brown Act, media shall be allowed to remain in the Board meeting and the Board shall discuss only matters appearing on the agenda.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-25

Executive Committee

The Orange County Board of Education ("Board") has traditionally adopted an Executive Committee operational model. (See Board Policies 100-2, 100-15.) The purpose and intent behind the Executive Committee model is to allow legal Board operations and discussions between regularly scheduled Board meetings consistent with the Ralph A. Brown Act.

This new board policy (Board Policy 100-25), clarifies and codifies into a board policy, entitled "Role of the Executive Committee" the following language:

(1) The Executive Committee is comprised of the Board President and Board Vice President selected at the annual organizational meeting (See Education Code section 1009), and does not constitute a board quorum in compliance with the Ralph A. Brown Act.

(2) The Executive Committee traditionally meets with the Orange County Superintendent of Schools ("Superintendent") and the Superintendent's designee(s), establishing and determining the board's agenda for each regularly scheduled Board meeting, and acts in accordance with Board Policy 100-2.

(3) The Executive Committee facilitates Board functions between regularly scheduled Board meetings. The Executive Committee and the Board shall act in accordance with all applicable laws, including, but not limited to, Government Code section 54950 et seq., and Education Code sections 35012, 35140-35150, and 35160-35164.

(4) Board policy100-2 permits any member of the Board to place an item on the board agenda as an action or information item, and the Executive Committee retains sole authority to finalize the Board agenda.

(5) Board Members, including the Executive Committee, may consult with the Superintendent, Superintendent's designee(s), and Board Counsel and/or General Counsel to determine the prudence and legal propriety of placing items on the agenda to include closed session items.

(6) Matters and decisions of exigent or non-exigent origins require board approval at a regular, special, or emergency board meeting(s)) in accordance to the Brown Act.

7) The purpose and role of the Executive Committee is to represent the best interests of the Board in all matters, working towards board consensus, board member involvement, full transparency, and openness on matters of governance on matters, that may or may not come before the Board as an agenda item.

Reference: California Government Code sections 54950-54963
California Education Code sections 35012, 35140-35150, 35160-35164

Adopted: 05/07/2025

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-1

Leave of Absence/Judicial and Official Appearance/Other Board Business/Illness

It shall be the policy of the Orange County Department of Education to grant leaves of absence to Board Members to 1) appear as a witness in court other than as a litigant, 2) serve on a jury, or 3) respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the Board Members. Such leaves of absence shall be granted with pay up to the amount of the difference between the Board Member's regular earnings and any amount he/she receives for jury or witness fees.

A member of the county board of education may be paid for any meeting for which he or she is absent if the board includes within its minutes a finding that at the time of the board meeting the member was performing services required by his/her elected office.

During any year, members also may be paid when the County Board, by resolution, finds that they were absent because of illness.

Reference: Government Code Section 1230

Adopted: 06/18/1996
Revised: 11/11/2004

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-2

Health Insurance

A member of the Orange County Board of Education terminating his/her services will be allowed to continue as a member of the Orange County Department of Education's health insurance group, provided he/she meets the following criteria:

1. He/she must have served on the Orange County Board of Education after January 1, 1981.

2. He/she pays full cost of the health plan selected.

3. His/her total services as a board member of a local and/or County Board at the time of termination of services is not less than 12 years.

4. Board members eligible to participate under this policy must exercise this option at the time of terminating service. This option is not available to Board members once termination from the Department's insurance program has occurred.

The Department of Education shall determine the payment schedule and method of applying for continuance in the health insurance group.

Reference: Government Code Section 53201 (53200-209)

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-3

Boardsmanship

Obligation of Board Members
Board members shall hold the public education of children and youth above any partisan principle, group interest, or personal interest.

Role of Board Members
The Board member has no individual authority. Individually, the Board member may not make commitments on behalf of the Board or Department.

No individual Board member, by virtue of holding office, shall exercise any administrative responsibility with respect to the Office of the County Superintendent of Schools, nor as an individual, command the services of any employee of the County Superintendent.

Individual Board members may request information related to their Board responsibilities from the County Superintendent or his/her designee at any time. If the information that is requested will require considerable time and/or cost to prepare, the request shall come from the County Board of Education itself, rather than an individual member. At no time shall a Board member request staff to perform tasks or provide information of a personal nature.

Closed Session
Discussions conducted in closed session shall not be communicated, divulged or released unless a majority of Board members agree to release the information. Any Board member who violates this may be publicly censured by a majority vote of the members of the Board.

Appeals
When a matter pending before the Board is an appeal of a school district decision, such as an interdistrict transfer, a student expulsion, a charter school petition, etc., the Board will act in a quasi-judicial capacity when hearing and deciding the appeal. A fundamental component of any appeal process is the fairness and impartiality of the Board. In order to promote public trust in the process and the decision, Board members shall refrain from pre-decision communication with parties to the appeal that are related, or may reasonably be perceived as being related, to the issue pending before the Board.

Public Statement/Communication
When Board member(s) express themselves during a Board meeting, whether in agreement or disagreement with the Board majority, the Board member(s) shall communicate in a way that promotes the Board's ability to conduct business in a professional manner.

When Board member(s) communicate to community groups, the media, legislators, or others, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as viewpoints of the Board. Board members should make every effort to inform other Board members in advance when planning to make public statements/communication. Board members should make every effort to inform other Board members after being contacted by the media, legislators, community groups, etc. Communication authorized to be made on behalf of the Board shall be made by the Board President, or designated representative.

Official Board letterhead with seal shall only be used by Board officers and the recording secretary for communication on behalf of the Board. Personal Board letterhead with the Board seal, may be used for communications that are not sent on behalf of the Board but on behalf of the individual Board member. Communications of this nature should include a disclaimer indicating that the opinion contained in the communication is not that of the Board, the department of education, or of the other Board members. Exceptions require prior Board approval.

Reference: Education Code Sections 1040, 1042

Adopted: 06/18/1996
Revised: 11/11/2004

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-4

Commission on Professional Competence – Appointment

It shall be the policy of the Orange County Board of Education that pursuant to Education Code Section 44944 (b) if either the district governing board or the employee fail to select a member to a Commission on Professional Competence, the Orange County Superintendent of Schools is designated to make the selection.

Reference: Education Code Section 44944

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-5

Travel

All Board members travel shall be approved by the Orange County Board of Education.

Board members will use Department forms for travel purposes.

Board members may request expense advance. Expense advance or reimbursement shall not be made to a Board member who has an outstanding claim.

Reference: Board of Education; Education Code Sections 1040, 1042

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-6

Fingerprinting Board Members

Each member of the Orange County Board of Education is required to have fingerprints on file with the Orange County Department of Education in the same manner as employees of the Orange County Department of Education.

Reference: Education Code Sections 1040, 1042

Adopted: 12/09/2004

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-7

Health and Welfare Benefits

The California Government Code permits the Orange County Department of Education to provide health and welfare benefits to members of the Orange County Board of Education.

As elected officials, members of the Orange County Board of Education ("the Board") are not under the supervision or control of the Orange County Superintendent of Schools ("the Superintendent"). However, Board members are employees of the Orange County Department of Education ("the Department") pursuant to California law and Internal Revenue Service regulations. This classification results in health and welfare benefits being exempt from Federal and California income taxes.

Health insurance premiums for small groups such as the five-member Board are substantially greater on a per capita basis than the per capita premiums of larger groups. In order to reduce costs, the Board has authorized the Superintendent to include Board members in the group health and welfare plans provided to other qualified Department employees. As a result, the Superintendent has entered into group health and welfare plan contracts on behalf of Department employees including Board members.

It is the policy of the Board that members who elect to receive such benefits must comply with all documentation obligations required of other Department employees including, but not limited to, Dependent Benefit Reviews.

Should any Board member fail to comply with such requirements, that Board member shall be deemed ineligible for such health and welfare benefits.

This policy shall become effective January 1, 2014.

Reference:

Adopted: 12/11/2013

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

200-8

Ethics Training

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. Board members shall participate in mandatory ethics training, as outlined below, and are encouraged to participate in ongoing opportunities for professional development sufficient to help them understand their responsibilities, stay abreast of new developments in education, and improve governance skills.

Each Board member shall complete a two-hour course on ethics by January 1, 2026, and at least once every two years thereafter.

Completion of the free online training offered by the Fair Political Practices Commission, in consultation with the State of California Department of Justice, Office of the Attorney General, shall be deemed to satisfy this requirement. The link to the training is:

https://www.fppc.ca.gov/content/fppc-v2/fppc-www/learn/public-officials-and-employees-rules-/ethics-training.html

or

https://oag.ca.gov/ethics

A record of each Board member's participation in the required ethics training shall be retained by the Board recorder.

Reference: Government Code Section 53234-53235.2

Adopted: 12/16/2015
Revised: 02/10/2016
Revised: 05/07/2025

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

300-1

Expulsion Hearings

If a pupil is expelled from a school by the district's governing board, the pupil or the pupil's parents may file an appeal to the Orange County Board of Education. The Orange County Board of Education shall hold the hearing following the filing of a formal request and render its decision.

The Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee shall establish procedures and timelines that will meet the Education Code requirements regarding the expulsion appeal hearing.

Reference: Education Code Sections 48919 through 48924

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

300-2

Interdistrict Attendance Appeal Hearings

The Orange County Board of Education is committed to parental rights and parental choice. The Orange County Board of Education is also sensitive to the rights, responsibilities and issues of local school districts.

The parent and/or person having legal custody of a pupil may file a formal appeal to the Orange County Board of Education after the failure or refusal of the governing board of either school district to issue a permit, or to enter into an agreement allowing the attendance.

The Orange County Board of Education shall, after the formal appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time.

The Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee shall establish procedures and timelines that will meet the Education Code requirements regarding inter-district attendance appeal hearings.

The Orange County Board of Education considers the level of commitment of the parties in their respective positions, as demonstrated in part through a personal appearance at the appeal hearing, to be an important factor in reaching its determination. Accordingly, any parent, guardian or entity choosing to participate in any appeal hearing shall appear in person. However, the Orange County Board of Education recognizes that circumstances beyond the control of the respective parties may make an in-person appearance impractical or impossible. Such circumstances may include, but are not limited to, the following:

- A documented medical disability or condition
- Unavoidable travel outside of Orange County
- Other extenuating circumstances (examples include immigration issues, court appearances, jury duty)
- Health and Safety Concerns: If there's a risk to participants due to a chronic medical condition or general concerns about public health.
- Travel Constraints: Unforeseen issues like flight cancellations, bad weather, or road closures can hinder participants from attending in person.
- Emergency or Unexpected Events: If something urgent arises that requires rescheduling or remote options.
- Accommodation for Disabilities: For participants with mobility challenges or health conditions that make travel difficult
- Lack of childcare

The Orange County Board of Education will consider a number of issues in the best interests of the pupil in family when hearing an inter-district appeal, including, but not limited to, the following:

1. The transportation needs of the family;

2. The childcare needs of the family;

3. Other siblings in the family. For example, when the pupil has a sibling or other member of the household attending school in the receiving district, to avoid splitting the family or household's

attendance;

4. The continuity of the child's current educational program (e.g., completion of elementary school, middle school or high school). For example, to allow the pupil to complete a school year when his or her parents or guardians have moved out of the district during the year;

5. The parent's place of employment;

6. The pupil's psychological or physical well-being. A problem with the pupil's psychological or physical well-being may be supported by the written statement of a qualified professional;

7. A substantial danger to the pupil health or safety. Specifically, harmful or dangerous circumstances or health issues that exist in the current attendance area which will be substantially mitigated by attendance and another district. The danger to the pupil health or safety may be supported by a written statement of a qualified health expert, police report, school record, or other documentation;

8. A specialized and specific academic program or service, unavailable in the district of residence but necessary to the pupil's career or academic objectives. Such a program or service must be related to the pupil's career objectives or academic advancement and not based solely on the pupil's interests or desires, or on extracurricular activities or athletics. This criterion does not apply to elementary education programs;

9. Hardship resulting from a lack of available or appropriate afterschool options for the pupil in the district of residence. The parent or legal guardian must demonstrate attempts to find appropriate childcare in the district of residence and must describe these attempts in the written materials provided when the appeal is filed;

10. A severe and demonstrated hardship to parents/guardians which can affect a pupil's success in school. The parent/guardian must specify and describe the type of hardship in writing: "hardship" shall be understood to exclude inconvenience to the parents or matters of preference;

11. The pupil's desire to remain in his/her school or current attendance for the balance of the semester of the school year. The pupil's desire may be based on his/her anticipated promotion from the school or current attendance at the end of the semester or school year or on a need for education no continuity for the remainder of the semester or school year;

12. The pupil's and/or parent/guardian's plan to move in the near future and desire to begin the semester or school year in his or her new school district. The pupil and his/her parent/guardian may offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document;

13. When recommended by the School Attendance Review Board, County Child Welfare, probation or social services agency staff in document cases of serious home or community problems which make it inadvisable for the pupil to attend the school of residence;

14. The financial impact of educating the pupil (district of proposed attendance) or losing the pupil (district of residence). In either case impacted district(s) must demonstrate in writing that the pupil's transfer would place a unique hardship on the district's resident pupils in terms of reduced services or other acceptable outcomes;

15. The pupil’s demonstrated failure to meet reasonable standards relating to behavior, attendance or diligence to studies. The demonstration of such failure must be based on a written explanation of the district's previous experience with the pupil under an interdistrict transfer agreement or other documented evidence;

16. Lack of space for the pupil in the receiving district. The district of proposed transfer must demonstrate in writing that the pupil’s transfer would result in an undue hardship to the district's resident pupils in terms of overcrowding and/or would be a violation of a collective bargaining agreement regarding class-size and goals. The District must demonstrate that the undue hardship outweighs the hardship to the pupil;

17. Other exceptional or extraordinary circumstances which could weigh heavily in favor of the upon pupil or the affected school district. The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstance and its effect on the appellant pupil or the resident pupils of the district.

Reference: Education Code Section 46601

Adopted: 06/18/1996
Revised: 08/16/2017
Revised: 05/04/2022
Revised 12/04/2024

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

300-3

Interdistrict Attendance Appeal Hearings - Continuances

Upon the motion of either party, upon the recommendation of the Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee, or upon its own motion, the Orange County Board of Education may grant a continuance upon a showing of good cause.

Reference: Education Code Section 46602

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-1

Independent Study Program

The County Board of Education recognizes its legal responsibility for the education of pupils in the school system. The Board authorizes the County Superintendent to establish independent study as an optional alternative instructional strategy for transitional kindergarten, kindergarten and grades 1-12, by which all enrolled pupils may reach curriculum objectives and fulfill graduation requirements outside of the regular classroom setting.

The primary purpose for independent study is to offer means of individualizing the educational plan for pupils whose needs may be met best through study outside of the regular classroom setting. Independent study may be used by all pupils who are motivated to achieve educationally as well as or better through this strategy than they would in the regular classroom.

Independent study for each pupil shall be under the general supervision of an OCDE employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code section 44300.

No pupil shall be required to participate in independent study.

No course required for high school graduation shall be offered exclusively through independent study.

An individual with exceptional needs, as defined in Education Code Section 56026, may participate in independent study only when the individualized education program (IEP) team determines that the pupil's educational needs can be appropriately met through the placement.

No temporarily disabled pupil may receive individual instruction pursuant to Education Code Section 48206.3 through independent study.

The County Superintendent or designee shall provide appropriate existing services and instructional resources to enable pupils to complete their independent study successfully and shall ensure the same access to all existing services and resources in the school in which the pupil is enrolled as is available to all other pupils in the school. The County Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this must include access to all courses offered by OCDE for graduation and approved as creditable under the A-G admissions criteria.

Pupils requesting independent study and their parents/guardians should recognize that independent study at the elementary level realistically must emphasize a commitment on the part of the pupil's parents/guardians. At the secondary level, the major commitment must be made by the pupil, assisted or supported as necessary by parents and others who may assist directly with instruction.

The County Superintendent or designee shall ensure that pupils participating in independent study for 15 school days or more receive the following throughout the school year:

1. For pupils in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction.

2. For pupils in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction.
3. For pupils in grades 9-12, opportunities for at least weekly synchronous instruction.

The County Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following:

1. Verification of current contact information for each enrolled student.
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation.
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary.
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

The County Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more.

Pupil-Parent-Educator Conference

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, OCDE shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study.

Written Agreement

The County Superintendent or designee shall ensure that each participating pupil has an executed written independent study agreement with the County Superintendent as prescribed by law. Independent study agreements shall include, but not limited to, all of the requirements of Education Code section 51747(g). Individual independent study agreements and any subordinate pupil contracts and assignments must be consistent with the department's approved course of study. Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). The parent/guardian's signature on the agreement shall constitute permission for the pupil to receive instruction through independent study.

For the 2021–22 school year only, the County Superintendent or designee shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the local educational agency's internet website, including, but not limited to:

- The right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section;
- Pupil's rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study; and
- The synchronous and asynchronous instructional time that a pupil will have access to as part of independent study.

If 15 percent or more of the pupils enrolled in Orange County Department of Education programs speak a single primary language other than English, the written information shall be written in English and the primary language.

The County Superintendent shall establish appropriate screening procedures to ensure that the necessary level of understanding and preparation exist to meet the conditions of the independent study agreement prior to its approval by the designated certificated representative of the district.

Any time an individual with exceptional needs is referred for placement in independent study, an individualized education program (IEP) team, which includes the special education manager or designee, shall be convened. The IEP team may recommend that an individual with exceptional needs be offered the alternative instructional strategy of independent study, provided that the student meets the same criteria for participation as is met by his/her nondisabled peers.

For all grade levels and programs in independent study, the maximum length of time which may elapse between the time the assignments are made and the date by which the pupil must complete the assigned work shall be no more than one month. Specific programs will establish appropriate checkpoints during the assignment period in order to monitor student progress. When necessary, based on the specific circumstances of the student's approved program, the County Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

Satisfactory educational progress must be determined based on all of the following indicators:

1. The pupil's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of pupil achievement and engagement specified in Education Code 52060(d)(4)-(5).
2. The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.
3. Learning required concepts, as determined by the supervising teacher.
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher.

When any pupil fails to make satisfactory educational progress or complete four consecutive independent study assignments during the agreed assignment period, the County Superintendent or designee shall conduct an evaluation to determine whether it is in the pupil's best interest to remain on independent study.

A written record of the findings of any evaluation conducted pursuant to this policy shall be maintained as a mandatory interim pupil record. The record will be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

The County Superintendent or designee shall report to the Board the number of pupils in independent study by typical categories of study and duration, the ADA generated, a description of their performance on such indicators of quality as the Board may specify, and the number and proportion of pupils by typical categories who graduate or successfully complete their studies.

The County Superintendent or designee shall establish regulations to implement this policy in accordance with law.

Reference: Education Code Sections 39141.9, 44865, 46300(e), 46300.01. 46300.3, 46300.4, 48340, 51225.3, 51745-51749.5, 52000(e), 52015, 52017, 56026
California Code of Regulations, Title 5 – 11700, 11701, 11702, 11703

Adopted: 06/18/1996
Revised: 02/14/2008
Revised: 09/01/2021

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-2

Student Suspension and Expulsion

It is the intent of the Orange County Board of Education that the administration of the Special Education Services and Alternative Education Services develop and implement procedures which will carry out all provisions of Education Code Sections 48900 through 48926. The Board recognizes and supports the process of suspension and expulsion as an integral part of the education process for students with special needs.

1. A pupil may be suspended from a school or program or recommended for expulsion in conformity with Education Codes 48900 through 48926.

2. The principal may recommend the pupil's expulsion to the administrative panel of three (3) or more certificated persons, none of which are members of the board or employed on the staff of the school in which the pupil is enrolled, except in such cases defined in Education Codes 48900 through 48926 as mandatory expulsions whereby the principal shall recommend the expulsions to the administrative panel. Any pupil who is in possession of a firearm on the grounds of a county school, or at an activity of a county school, shall be referred for expulsion. The period of expulsion shall be for one calendar year, unless an earlier date is ordered. The period of expulsion should be considered on a case-by-case basis.

3. Upon recommendation by the principal or by the hearing panel, and in accordance with Education Code, the administrative panel may order a pupil expelled.

4. Any pupil who is found to be in possession of a firearm or weapon at school, or at a school activity off school grounds, shall be referred to local law enforcement for prosecution.

Appeals

Expulsion orders are appealable to the County Board of Education in accordance with California Education Code Section 48919.

Applicability

These policies shall govern procedures for the suspension and expulsion of pupils from programs operated by or in association with the Orange County Department of Education.

Reference: Education Code Sections 48900-48926

Adopted: 06/18/1996
Revised: 08/26/1999

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-3

Child Development Program - Confidentiality

The use or disclosure of individual information concerning children or their families will be limited to purposes directly related to the administration of the Orange County Department of Education (OCDE) Child Development Services Program (CDSP). The OCDE CDSP is required by California Education Code to determine a family's eligibility for services based on family size, income, employment, or training status. The OCDE may therefore contract employers, training institutions, and/or other concerns to verify a family's eligibility status. OCDE is further required by Assembly Bill 2184 to provide eligibility information to the County of Orange Social Services Agency with respect to families who are AFDC recipients who also qualify for and receive subsidized child care services. Information obtained by OCDE for eligibility purposes will only be used, for reasons other than that for which it was originally intended, with the parent's written consent, a court subpoena, or in the investigation of a crime.

Each child's custodial parent(s) may review their child(ren)'s file upon request at the OCDE CDSP administration office during regular office hours. CSDP has developed confidentiality guidelines for parent conferences. Confidential family matters that may have an influence on the child's behavior or development may be discussed with the program director, program manager, or classroom teacher. Confidentially of such information will be maintained within the context of applicable laws and report guidelines. Parental authorization will be required prior to disclosure of information regarding a child's education progress or family status with the exception of a court order, subpoena, or in the investigation of a crime.

Reference: State Department of Education

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-4

Educational Materials, Criticism Concerning

Criticisms relating to educational materials in use or to be used in the Orange County Department of Education schools, library, media center or other activity operated by the Department, are to be written out and sent to the County Superintendent of Schools. The Superintendent shall investigate the concern and respond to the inquirer. This policy does not apply to anonymous concerns.

Reference: Education Code Sections 1040, 1042

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-5

Alcohol and Drug Use, Student Behavior and Discipline Policy

I. Alcohol and Drug Free School Environment

Because the use of alcohol and other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences, the governing Board intends to keep department schools free of alcohol and other drugs.

The Board desires that every effort be made to reduce the chances that our students will begin or continue the use of alcohol and other drugs. Alcohol is illegal for use by minors. The Superintendent or designee shall develop a comprehensive prevention program that includes instruction, intervention, recovering students, support, and enforcement/discipline. The Superintendent or designee shall clearly communicate to students staff, and parents/guardians all Board policies, regulations, procedures and school rules related to this prevention program. Special efforts shall be made to ensure that these materials are understood by parents/guardians and students of limited literacy or limited English proficiency.

Recognizing that keeping schools free of alcohol and other drugs is a concern common to the department and community, the Board supports cooperation among schools, parents/guardians, law enforcement, and other appropriate community organizations involved in preventing alcohol and other drug abuse.

A. Education Program: Chemical abuse is primarily a health problem. As such it falls within the school's responsibility in the area of student health. It also has a direct and negative impact upon the ability of students to learn the purpose for which schools are established. Abuse of mind-altering substances ranges from initial experimentation to hard core addiction. The underlying causes of drug abuse include the entire spectrum of human problems. Each school within the Orange County Department of Education will develop programs which recognize this diversity and which are capable of responding to individual problems and needs while assuring an orderly and safe environment in the school.

B. Instruction: Instruction in all grades regarding the effects of alcohol, narcotics, hallucinogens, and restricted dangerous drugs shall be a part of the basic curriculum adopted annually by the Governing Board. In addition to the basic curriculum special presentations will be planned. Efforts will be made to involve reputable community agencies in planning substance abuse programs for students, staff, and parents.

C. Program Coordination: The principal of each school shall designate a member of the staff as a resource person who will assume specific responsibilities related to drug abuse. (That individual might be the principal.) This person will receive training in aspects of the drug abuse problem. Training will include the legal, medical, pharmacological, psychological, and educational facets of the problem.

The designated resource person will utilize his or her training to coordinate the following:

- In-school resources for factual drug information and for the development of an instructional program which emphasizes refusal skills, decision making, and positive self-concept.
- Involvement of parents or guardians in the school's drug prevention and intervention activities.
- Inservice education for staff.

D. Control Program: Every school has a potential drug abuse problem and the problem cannot be ignored. Administrative procedures attached to this policy attempt to strike a balance between the needs of the individual chemical abuser and the protection of the total student body. Alcohol or other chemicals of abuse cannot be tolerated on campus and written agreements concerning the involvement of police in the schools will be developed between the schools and appropriate law enforcement agencies. Possession, use or distribution of such substances at school or school functions will result in the approved intervention process or in serious disciplinary action.

E. Intervention Program: Students who never possess or abuse chemicals at school may still have serious problems involving alcohol or drugs which demand the attention and assistance of school personnel. Those students, and their parents or friends, should not be afraid to discuss such problems because of fear of punishment or humiliation. Provisions of Section 400.13 (d) do not apply to such students.

1. Teachers, counselors, and administrators are professional people, already trained in working with youth; they should also be familiar with legal, sociological, psychological and medical effects of substance abuse or addiction. It is the goal of this Department, through inservice programs and other education opportunities, to continually raise staff awareness, understanding and effectiveness in regard to chemical abuse.

2. School staff will be alert to those symptoms in students which may indicate problems with chemical abuse and initiate assistance through the intervention program. Those symptoms include the following:

   - Abrupt change in mood or attendance or performance at school
   - Sudden decline in attendance or performance at school
   - Sudden resistance to discipline at home or school
   - Impaired relationship with family or friends
   - Drowsiness or inattention to discussion and surroundings
   - Weight loss, inattention to dress
   - Unusual flare-ups of temper
   - Stealing
   - Heightened secrecy about actions and possessions.
   - Association with new friends, especially with individuals who use drugs.

3. Schools have an obligation to provide early identification and intervention in student drug use. A school-based intervention system will be maintained to provide this service.

   Referral to appropriate agencies for intensive counseling or therapy also is an important obligation of the schools. Information concerning these agencies shall be made available to staff at each school, and to students and parents, through the Designated Resource Person.

4. When intervening in family chemical abuse problems, as with dealing with other serious human difficulties, Orange County Department of Education staff shall demonstrate the sensitivity, tact, confidentiality, ethics, and good judgment expected of professionals who are entrusted with well-being of young people.

Reference: California School Boards Association

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-6

Day Centers

The County Superintendent shall administer and operate public schools in Day Centers which are established and maintained by the Orange County Board of Supervisors. The schools shall provide appropriate populations of juvenile court school pupils with qualified education and training.

The Day Center Schools shall accept all referrals of pupils by the County Probation Department pursuant to Welfare & Institutions Code Sections 601, 602, 654, and 707, and referrals of dependent children of the juvenile court pursuant to Welfare & Institutions Code Sections 300, et seq.

The County Superintendent shall ensure that full academic support services are provided to the Day Center Schools. The Superintendent shall also provide a special education service program to the Day Center Schools, which compiles with the requirements of Education Code Sections 56000, et seq.

The minimal school day shall be 240 minutes, calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The maximum school day shall be 360 minutes.

The County Superintendent or his or her designee shall develop internal procedures for the enrollment of pupils in the Day Center School.

Reference: Education Code Sections 48645, et seq.
Welfare & Institutions Code Section 889

Adopted: 06/18/1996
Revised: 11/12/1998

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-7

Tobacco Use

The health hazards of tobacco use have been well established and accepted by society. Therefore, the policy stated below is established to (1) reflect and emphasize the hazards of tobacco use; (2) further the goal of consistency among ongoing school programs by discouraging students from using tobacco products; (3) protect the health and safety of students, employees, and the general public; and (4) set a non-tobacco use example by adults.

Smoking or the use of any tobacco products by pupils at facilities owned or leased by the Orange County Department of Education or while attending school-sponsored activities or while under the supervision and control of Department employee(s) is prohibited. Effective April 3, 1995, the use of any tobacco products is also prohibited on department property at any time, anywhere, as well as in any department owned or leased facilities and/or vehicles.

Smoking or the use of tobacco products by employees within any indoor facilities and/or vehicle owned or leased by the Orange County Department of Education is prohibited, subject to smoking area exceptions set forth in the accompanying Administrative Regulation, through April 3, 1995. Effective April 3, 1995, the use of any tobacco products is also prohibited on department property at any time, anywhere, as well as in any department owned or leased facilities and/or vehicles.

Smoking or the use of tobacco products by visitors to any indoor facility owned or leased by the Orange County Department of Education is prohibited. Effective April 3, 1995, the use of any tobacco products is also prohibited on department property at anytime, anywhere, as well as in department owned or leased facilities and/or vehicles.

The Board of Trustees, therefore, in the best interest of the health and safety of students, employees, and the general public directs the Superintendent to develop regulations to implement this policy.

Reference: Education Code Section 48901
Health and Safety Code 25940.5, 25946, 25948
Public Law 103-227, Section 1043

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-8

Healthy Generations Healthy Learners Prenatal Substance Use Prevention Education

In compliance with California Education Code Section 51203, the Correctional and Alternative Education Schools will provide instruction on the effects of alcohol, narcotics, restricted dangerous drugs, and other dangerous substance upon prenatal development as determined by science (reference Health and Safety Code Section 11032), as part of the comprehensive substance use prevention education program.

Regulations:

This instruction will be provided in the Health class/course(s) which include students in grades (s) 7, 8, and 9-12 inclusive.

Reference: Education Code Section 51203
Health and Safety Code 11032

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-9

Expulsion of a Pupil with Exceptional Needs

It shall be the policy of the Orange County Board of Education to refer students in our programs back to the district or residence when expulsion is being considered. The Board of Education provides a contract service to school districts that may have an alternative placement available for the student being considered for expulsion. Additionally, the Board of Education would be put in a position of conflict if a parent wanted to appeal an expulsion recommendation from programs operated by the Board.

Reference: Education Code Section 48915.5

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-10

Family Educational Rights and Privacy Act (FERPA)

Under the federal Family Education Rights and Privacy Act ("FERPA"~~:~~) (20 U.S.C. § 1232g and 1232h) as well as California law, a student's parents or legal guardian, or a student who has reached 18 years of age, has a right to:

1. Inspect and review the student's educational records within statutory timelines.

2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

3. Consent to disclosure of personally identifiable information contained in the student's education records, except to the extent the FERPA and its implementing regulations authorize disclosure without consent.

4. Students shall not be required to submit to a survey, analysis or evaluation without prior written consent of the parents, legal guardian, or if the student is over 18 years of age or older, concerning:

    1) Political ~~a~~ffiliations or beliefs of the student or the student's parent;
    2) Mental or psychological problems of the student or the student's family;
    3) Sexual behavior and attitudes;
    4) Illegal, antisocial, self-incriminating and demeaning behavior;
    5) Critical appraisals of other individuals with whom respondents have close family relationships;
    6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
    7) Religious practices, affiliations, or beliefs of the student or student's parent;
    8) Income, (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

5. File with the U.S. Department of Education or California Department of Education a complaint concerning alleged failures by the Orange County Department of Education to comply with the requirements of FERPA and its implementing regulations or California law.

The Orange County Department of Education shall will notify parents, legal guardians and student 18 years and older of their rights under FERPA and California law. Each division within OCDE will develop procedures for processing requests for student records in accordance with the Board policy.

Reference: Title 20 of the United States Code sections 1232g and 1232h
Education Code sections 49063 and 49069

Adopted: 01/22/1998
Revised: 07/15/2004

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-11

Student Promotion and Retention

The Orange County Department of Education expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement established by the Orange County Department of Education.

Progress toward high school graduation shall be based on the student's ability to pass the subjects and electives necessary to earn the required number of credits. The student must also meet the minimum proficiency requirements.

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher-grade level. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate a student.

It is the philosophy of the Orange County Department of Education that learning matters and that all students can learn and be successful. As such, students who attend county schools are expected to attain individual learning goals.

Students shall be considered for promotion and retention in specific subject areas and between certain grade levels:

1. Second grade and third grade in reading
2. Third grade and fourth grade in reading
3. Fourth grade and fifth grade in reading, English/language arts, and mathematics
4. The end of the intermediate grades and the beginning of middle school grades in reading, English/language arts, and mathematics
5. The end of the middle school grades and the beginning of high school in reading, English/language arts, and mathematics

The Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, policy, procedures, and administrative regulations. The students should be identified as early as possible in the school year and in the students' school career. Promotion retention decisions shall be based up multiple criteria as established by procedures. Procedures shall specifically address criteria and practices and will include considerations for special education and English Language Learner students.

Parent(s)/guardian(s) of students identified as a risk for retention or recommended for retention shall be notified. The Superintendent or designee shall provide opportunities for intervention instruction. Intervention instruction shall assist the student in overcoming academic deficiencies. Such mandatory instruction may include, but is not limited to, tutorial programs, after-school programs, extended day and year programs and Saturday School. Parent(s)/guardians(s) shall be provided an option to exclude their child from this mandatory instruction. The recommendation regarding retention shall be discussed with parent(s) guardians(s) prior to any final determination regarding promotion or retention.

Exceptions

In accordance with Education Code 48070.5, a process to appeal a decision to retain a student is in place (see Superintendent's Procedures). The decision of the appeal panel shall be final.

Pupils performing below minimum standard for promotion shall be retained unless the pupil's regular classroom teacher specified in writing that retention is not the appropriate intervention. The teacher's evaluation shall be provided and discussed with the student consultation team, which includes the pupil's parent or guardian and the school principal before any determination of pupil retention or promotion.

Reference: Education Code 48070.5, 372525, 42239

Adopted: 08/26/1999

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-12

Charter Schools

The Orange County Board of Education (Board) encourages the establishment of quality charter schools in Orange County as an integral part of the California educational system. The Board believes that charter schools provide one opportunity to implement school- level reform and to support innovations which improve student learning and enable students to become self-motivated, competent, and lifelong learners. These schools shall operate under the provisions of their charters, specific state and/or federal laws and regulations, and general oversight of the chartering authority. The Board's actions as an authorizer shall be guided by the laws, regulations, and policies applicable to petition review, monitoring and oversight, renewals, and revocation.

Please see the following for additional information:

- Appendix #400-12
- Template Agreement

Legal Authority: Education Code sections 35160, 35160.2, 47600 *et seq*.; 5 California Code of Regulations section 11960 *et seq.*

Adopted: 04/20/2005

Revised: 03/11/2015
Revised: 02/10/2016
Revised: 02/01/2023

Appendix 400-12

Charter School Petition Review

When considering charter petitions, the County Board shall be guided by the intent of the Legislature, that quality charter schools are and should be an integral part of the California educational system. It shall be the policy of the Board to give appropriate consideration to petitions for charter schools to be operated under its jurisdiction. It is the objective of the board that all charter school petitions shall be reviewed in accordance with the letter and spirit of the law. Accordingly, the Board shall implement state and federal law and regulations fully and fairly, and protect the interests of parents, students, and the public when granting or denying charter petitions.

The provisions of this policy shall pertain to 1) charter school petitions proposing a countywide charter school(s) submitted directly to the Board, and 2) petitions denied by the Governing Board of a school District and subsequently submitted to the Board for review. In the case of petitions presented on appeal, the County Board shall follow the procedures outlined below.

Petitions for countywide charter schools shall be reviewed by the Board under the requirements of applicable law and regulations as well as any additional requirements that the Board considers necessary for the sound operation of countywide charter schools. Petitions denied by school Districts, and submitted to the Board for review, shall be reviewed by the Board under the requirements of applicable law and regulations. The Board shall hold charter schools under its jurisdiction accountable for fulfilling the terms of their charters and may revoke a charter if deemed necessary.

Ad Hoc Committee on Charter Appeals/Applications

Upon receipt of a charter school appeal or countywide application, the Board may establish an Ad Hoc Committee on Charter Appeals/Applications consisting of two Board members appointed by the President of the Board. The Committee shall act as a liaison between the Board, Orange County Department of Education (OCDE) staff and charter school petitioners on all matters related to the appeal or application.

Charter School Petition Appeals

Petitioners

The provisions of this section pertain to petitions denied by the Governing Board of an Orange County School District and subsequently submitted to the OCBE for review.

Prior to submitting a petition for review, petitioners should carefully review this Board Policy which sets forth Policy Sections 1, 3, 4.

<u>Authorizers</u>

The provisions of this section pertain to petitions denied, or not acted upon, by the Governing Board of Orange County School District and subsequently submitted to OCBE for review. Once the Petitioner notifies the District that they will pursue an appeal to OCDE, designated District staff should carefully review and comply with the Board Policies set forth in Policy Section 2.

<u>Policy Sections</u>

1. Documentation Required of Petitioners

2. Documentation Required of Local Authorizers

3. The Review Process

4. Criteria for the Review and Approval of Charter School Petitions

Section 1-Documentation Required of Petitioners

Within thirty (30) calendar days of the denial by the local the local District, appellants shall deliver to the Office of the Orange County Superintendent of Schools fifteen (15) printed copies and one electronic copy of a petition containing the following:

1. A Table of Contents.

2. A complete unedited copy of the charter petition as denied by the District, including supporting documents considered by the District when the petition was denied.

3. Evidence of the District governing board's action to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code Section 47605(b).

4. If available, the Charter School's written response to the District's findings for denial of the charter petition.

5. A description of any changes to the petition necessary to reflect the County Board of Education as the chartering entity, as applicable, consistent with Title 5, California Code of Regulations section 11967(b)(4)). This description may be provided in narrative form or through supplementary documentation, and may include, but is not limited to, the following:

    a. A description of any changes to the petitioner's Governing Board and/or leadership which have occurred subsequent to the denial by the local District. (This includes resignations and additions.);

    b. A description of any changes to the petitioner's enrollment projections and operational budget which have occurred subsequent to the denial by the local District and the reasons therefore. For purposes of this section, a change is "material" if it equals or exceeds one classroom

    c. A description of any changes to the petitioner's proposed physical facilities which have occurred subsequent to the denial by the local District and the reasons therefore;

    d. Clarifications that address deficiencies noted in the District governing board's written factual findings; and/or

    e. Clarifications necessary to address the evaluation criteria established by this Board Policy and any implementing procedures or administrative regulations that may differ from the District governing board.

6. A signed certification stating the petitioners will comply with all applicable law.

7. Signature pages as required by Education Code §47605 (a)

Petitioners may, at their discretion, submit any additional information may deem necessary to enable the OCBE to give appropriate consideration to the petition. However, proposed changes in the following areas will not be considered by the OCBE. Accordingly, petition should not include the proposed changes in the following areas:

a. The proposed educational program, as described in Education Code section 47605(b) (5) (A) (ii), including, but not limited to reconfiguration of the school; curriculum, instruction and assessment; framework for educational design; the basic learning environment or instructional approach or approaches.

b. The target student population, including grade levels to be served, and specific educational interests, backgrounds, or challenges. For the purposes of this section a delay of not more than two (2) school years in serving one or more grade level shall be considered a change to the target student population.

c. The school's mission.

Section 2-Documentation Required of Local Authorizer

Upon petitioner's notification to the local school Districts of its intention to appeal the denial to the OCBE, within thirty (30) days of the school District Superintendent or designee shall deliver to the Office of the Orange County Superintendent of Schools a District Prepared Charter School Appeal Package containing the following:

1. District Required Charter School Appeal Checklist.

2. District's confirmation that the petition was accepted and the District's review period started on the day the charter school submitted the petition, pursuant to Education Code §47605 (b).

3. Evidence that the District held a public hearing no later than sixty (60) days after receiving a petition pursuant to Education Code §47605 (b).

4. Evidence that the District board took action to grant or deny the charter within ninety (90) days of receipt of the petition, pursuant to Education Code §47605 (b).

5. If the District and the charter school mutually agreed to an extension of the timeline (not to exceed thirty (30) days) the District should provide a copy of the timeline extension agreement pursuant to Education Code §47605 (b).

6. Evidence that the District published all staff recommendations, regarding the petition at least fifteen (15) days before the public hearing, pursuant to Education Code §47605 (b).

7. Evidence that the denying District provided charter petitioners equivalent time and procedures to present evidence and testimony to respond to the District recommendations and findings during the public hearing at which the Governing Board of the school District will either grant or deny the charter, pursuant to Education Code §47605 (b).

8. Evidence the District provided the OCBE and the Orange County Superintendent of Schools/Orange County Department of Education ("Department") a written transcript of the hearing where the charter petition was denied, or not acted upon, pursuant to Education Code §47605 (b).

9. Evidence that the District encourages the establishment of equity charter schools as an integral part of the California educational system, pursuant to Education Code §47605 (c).

10. If the petition has been previously denied, the District should provide documentation from the previous denial to the OCBE and Department, pursuant to Education Code §47605 (k).

11. If the petition had been remanded to the District for reconsideration, the District should provide the documentation to the OCBE and Department of such reconsideration, pursuant to Education Code §47605 (k).

12. If the petition was remitted to the District for reconsideration and the District contends that there were, "material," changes to the petition, the District should provide documentation of evidence of significant, "material changes," pursuant to Education Code §47605 (k).

Section 3-The Review Process

The Public Hearing

No later than sixty (60) days after receiving a petition, the OCBE shall hold a public hearing on the provisions of the charter, at which time the Board shall consider the level of support for the petition by teachers, parents or guardians, and the school District(s) where the charter school petitioner proposes to place school facilities. During the public hearing, the Board may ask questions of petitioners or District representatives related to the proposed charter, as necessary to give appropriate consideration to the petition. Both proponents and opponents of the charter petition will be given equivalent time to respond Board questions.

Petitioners will be permitted a maximum of fifteen (15) minutes to address the OCBE. Petitioners may, but shall not be required to, utilize technology including but not limited to PowerPoint, in addressing the Board. It is the expectation of the Board that petitioners will specifically address the written findings the local District cited in the District's denial of the petition.

Upon receipt of a request received by OCDE a minimum of five business days before the scheduled public hearing, representatives of the local school District will also be permitted a maximum of fifteen (15) minutes to comment on the petition.

During the public hearing, the Board will also receive a maximum of fifteen (15) minutes public comments. Individual comments shall be limited to three minutes each. Upon a motion duly passed by a majority to the Board, these time limits may be extended.

Within thirty (30) days of the public hearing, and within ninety (90) days from receipt of the petition, the OCBE shall grant or deny the charter in a Board meeting separate from the meeting in which the public hearing was held, unless the OCBE and petitioner extend the date of approval or denial by an additional thirty (30) days by written mutual agreement.

If the OCBE does not grant or deny the petition within the time period set forth in the previous paragraph, the petitioner may submit the petition to the State Board of Education for review.

Communications with OCDE Staff

Throughout the review process it is expected that the petitioner will remain in regular communications with designated OCDE staff members and respond to inquiries in a prompt and timely manner. Likewise, it is the expectation of the Board that OCDE staff members will respond to inquiries by petitioners in a prompt and timely manner.

Communications with the OCBE Ad Hoc Committee on Charters

Upon request, petitioner shall meet with members of the Ad Hoc committee as well as designated OCDE staff members to discuss matters relating to the petition. The meeting shall take place in the offices of the OCDE or at a mutually agreeable location.

The Timing of the Staff Report and Recommendation

The OCDE staff shall publish a report and recommendation for approval or denial publicly and to both Board members and petitioners no later than fifteen (15) business days before the Board is scheduled to vote to approve or deny a charter appeal.

Section 4-Criteria for the Review and Approval of Charter School Petitions and Charter School Renewal Petitions by the OCBE.

When reviewing charter petitions, the OCBE shall remain guided by the intent of the Charter School Act that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. AB 1505, passed by the legislature in 2019, created a new basis for review of the charter petitions related to the fiscal impact, the OCBE recognizes that there is a fiscal impact on District specifically intended by the Charter School Act as the letter acknowledges the charter schools are intended to provide vigorous competition within the public school system to stimulate continuous improvement in all public schools.

The OCBE shall review the charter school petition pursuant to California Education Code section 47605(b) and applicable regulations and apply the following criteria in voting to approve or deny a petition:

(a) For purposes of Education Code section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the OCBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the OCBE.

(b) For purposes of Education Code section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is any of the following:

(1) A program that involves activities that the OCBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.

(2) A program that the OCBE determines not to be likely to be of educational benefit to the pupils who attend.

(c) For purposes of Education Code section 47605(b)(2), the OCBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."

(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the OCBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

(2) The petitioners are unfamiliar in the OCBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.

(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:

(A) In the area of administrative services, the charter or supporting documents do not adequately:

1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and timeline to develop and assemble

such practices and expertise.

2. For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.

(B) In the area of financial administration, the charter or supporting documents do not adequately:

1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.

2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school Districts of similar type, size, and location.

3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.

4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school District of similar size to the proposed charter school.

5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school Districts of similar type, size, and location.

(C) In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

(D) In the area of facilities, the charter and supporting documents do not adequately:

1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

2. In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.

3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.

(4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas:

(A) Curriculum, instruction, and assessment.

(B) Finance and business management.

(d) For purposes of Education Code section 47605(b)(3), a charter petition that "does not contain the number of signatures required by subdivision (a)" of Education Code section 47605 shall be a petition that did not contain the requisite number of signatures at the time of the submission of the original charter to a school District governing board pursuant to Education Code section 47605(a). The OCBE shall not disregard signatures that may be purported to have been withdrawn or to have been determined to be invalid after the petition was denied by the school District. The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.

(e) For purposes of Education Code section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in subdivision (d)" of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in Education Code section 47605(d).

(f) For purposes of Education Code section 47605(b)(5), the OCBE shall take the following factors into consideration in determining whether a charter petition does not contain a "reasonably comprehensive" description of each of the specified elements.

(1) The description of the educational program of the school, as required by Education Code section 47605(b)(5)(A), at a minimum:

(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.

(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.

(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.

(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).

(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.

(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.

(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level

expectations, and other special student populations.

(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.

(I) Contains a reasonably comprehensive description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(2) Measurable pupil outcomes, as required by Education Code section 47605(b)(5)(B), at a minimum:

(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.

(B) Include the school's Academic Performance Index or similar growth target, if applicable.

(C) Demonstrate that the pupil outcomes align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

(3) The method by which pupil progress is to be measured, as required by Education Code section 47605(b)(5)(C), at a minimum:

(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph (2)(A) of subdivision (f) of this section.

(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) or similar program.

(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.

(D) Provides, to the extent practicable, the method for measuring pupil outcomes for state priorities consistent with the way information is reported on a school accountability report card.

(4) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(b)(5)(D), at a minimum:

(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.

(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:

1. The charter school will become and remain a viable enterprise.

2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).

3. The educational program will be successful.

4. The charter school and its governing body will comply with the Brown Act, the Public Records Act, the Political Reform Act, and Government Code section 1090.

(5) The qualifications to be met by individuals to be employed by the school, as required by Education Code section 47605(b)(5)(E), at a minimum:

(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.

(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.

(C) Specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.

(6) The procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(b)(5)(F), at a minimum:

(A) Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.

(B) Include the risk assessment/examination of faculty and staff for tuberculosis as described in Education Code section 49406.

(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.

(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.

(7) Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(d), the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school

District to which the charter petition is submitted, as required by Education Code section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

(8) To the extent admission requirements are included in keeping with Education Code section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(d) and any other applicable provision of law.

(9) 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 satisfaction of the chartering authority, as required by Education Code section 47605(c)(5)(I), at a minimum:

(A) Specify who is responsible for contracting and overseeing the independent audit.

(B) Specify that the auditor will have experience in education finance.

(C) Outline the process of providing audit reports to the OCBE, California Department of Education, or other agency as the OCBE may direct, and specifying the time line in which audit exceptions will typically be addressed.

(D) Indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions.

(10) The procedures by which pupils can be suspended or expelled, as required by Education Code section 47605(b)(5)(J), at a minimum:

(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.

(B) Identify the procedures by which pupils can be suspended or expelled.

(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.

(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).

(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D):

1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.

2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension

or expulsion.

(11) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security, as required by Education Code section 47605(b) (5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

(12) The public school attendance alternatives for pupils residing within the school District who choose not to attend charter schools, as required by Education Code section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA

(13) The description of the rights of any employees of the school District upon leaving the employment of the school District to work in a charter school, and of any rights of return to the school District after employment at a charter school, as required by Education Code section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:

(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.

(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.

(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the OCBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.

(14) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(c)(5)(N), at a minimum:

(A) Include any specific provisions relating to dispute resolution that the OCBE determines necessary and appropriate in recognition of the fact that the OCBE is not a local District.

(B) Describe how the costs of the dispute resolution process, if needed, would be funded.

(C) Recognize that, because it is not a local District, the OCBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the OCBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.

(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47604.5, the matter will be addressed at the OCBE discretion in accordance with that provision of law and any regulations pertaining thereto.

(15) The declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act. Education Code section 47605(b)(5)(O) recognizes that the OCBE is not an exclusive public school employer. Therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (commencing with Government Code section 3540).

(16) The procedures to be followed by the charter school for school closure, which shall include at a minimum, each of the following:

(a) Designation of a responsible entity to conduct closure-related activities.

(b) Notification of the closure of the charter school to parents (guardians) of pupils, the authorizing entity, the county office of education (unless the county board of education is the authorization entity), the special education local plan area in which the school participates, the retirement systems in which the school's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education, providing at least the following:

(1) The effective date of the closure;

(2) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;

(3) The pupils' school Districts of residence; and

(4) The manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

(c) Provision of a list of pupils in each grade level and the classes they have completed, together with information on the pupils' District of residence, to the responsible entity designated in subdivision (a).

(d) Transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the responsible entity designated in subdivision (a), 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 school that may function as the annual audit, and that includes at least the following:

(1) An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.

(2) An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.

(3) An assessment of the disposition of any restricted funds received by or due to the

charter school.

(g) Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, including but not limited to, the following:

(1) The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.

(2) The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

(h) Completion and filing of any annual reports required pursuant to Education Code section 47604.33.

(i) Identification of funding for the activities identified in subdivisions (a) through (h).

(g) A "reasonably comprehensive" description, within the meaning subdivision (f) of this section and Education Code section 47605(b)(5) shall include, but not be limited to, information that:

(1) Is substantive and is not, for example, a listing of topics with little elaboration.

(2) For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.

(3) Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.

(4) Describes, as applicable among the different elements, how the charter school will:

(A) Improve pupil learning.

(B) Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.

(C) Provide parents, guardians, and pupils with expanded educational opportunities.

(D) Hold itself accountable for measurable, performance-based pupil outcomes.

(E) Provide vigorous competition with other public school options available to parents, guardians, and students.

(h) AB 1505 created two (2) new provisions to be used when evaluating charter petitions, and in Education Code section 47605 (c) (7) and (c) (8). When reviewing petitions, the OCBE recognizes these provisions are intended to be considered as statutory exception and the presumption of approval required by the Charter Schools Act.

(1) For the purposes of Education Code section 47605 (c) (7), "community," shall be defined by the charter in the petition.

(2) The analysis of fiscal impact of the charter under Education Code section 47605 (c) (7) shall include the following:

(A) The fiscal impact of the charter on the District, such as those that strengthen the community's capacity to provide education to all resident public school students. This should include, but is not limited to, strengthening outcomes for students and the community such that it brings long-term fiscal impact to the area.

(B) Compensatory fiscal impact of the charter, such as effects of the charter that diminish the adverse fiscal impact demonstrated by the District. This could include, but is not limited to, reduced District expense, rent from non-Prop 39 agreement, or other payments of services that increase the total District revenue.

(C) Adverse fiscal impact of the charter on the District which shall be defined as effects of the charter that would prevent the District from from providing an adequate education as required by the California Constitution.

(3) Further, the following definitions shall apply:

(A) "Substantially undermine," shall mean that, if the charter school is approved, the District would be unable to operate or offer existing academic or programmatic offerings by reducing their scale or costs.

(B) "Duplicative," shall mean that the proposed charter is essentially the same in its mission, structure, program offerings, proposed pedagogy, and other key features, relative to an existing school that has the capacity to meet the demand the charter would otherwise serve. The offering of a charter school in a different part of the community and at existing, similar program, shall not be seen as duplicative nor shall the charter be seen as duplicative if the charter proposes to combine offerings from multiple different District schools into one program.

(i) For the purposes of Education Code section 47605 (c) (8), a charter school is subject to a rebuttable presumption of denial if the District in which they propose to locate has a qualified interim certification and the county superintendent of schools has certified that approving the charter school would result in a negative interim certification, has a negative interim certification, or is under state receivership.(1) This exception shall only be used for review of charter petitions submitted in District in one the formal fiscal certification statuses enumerated above.

(2) When OCBE review the charter petition denied, or not acted upon, by the District pursuant to Education Code section 47605 (c) (8), OCBE shall also review the school District's findings under that section. In addition to reviewing the District findings, OCBE shall also review all evidence provided to observe the fiscal impact of the charter school. The rebuttable presumption falls to the charter petitioners to demonstrate that the adverse fiscal impact of the charter will be minimal and that the benefit of the charter school on students, families, taxpayers and the District are substantial. The charter petitioner is encouraged to provide evidence of positive and compensatory fiscal impact of the charter petition on the District as well as data that demonstrates the negative fiscal impact will be minimal.

(A) Positive fiscal impacts of the charter on the District shall include, but not be limited to those that strengthen the District's capacity to provide an education to all resident public school students.

(B) Compensatory fiscal impact of the charter are the effects of the charter that diminish the adverse fiscal impact demonstrated by the District. These could include, but are not limited to, reduced district expenses, rent from a non-Prop 39 agreement, or other payments or services that increase the total District revenue.

The Board shall hold charter schools under its jurisdiction accountable for fulfilling the terms of their charters and may revoke a charter if deemed necessary.

Section 5: **OCBE Charter Petition Criteria for Renewal**

Charter school should follow all criteria set forth in the OCBE Charter Petition Renewal Process. OCBE review all charter school renewals in accordance with Education Code section 47607 and 47607.2.

AB 1505 established a three (3) track renewal process which provides additional guardrails to ensure fair and robust renewal determinations. The California Department of Education annually publishes a data file that provides performance categories (Low, Middle or High track) for all non-DASS charter schools to be used for charter school renewal. A charter school shall have school work performance levels on at least two (2) measurements of academic performance per year in each of the two (2) consecutive years immediately preceding the renewal decision in order to determine the high-and low-performing tracks. OCBE will use this list to determine which track a charter school falls and therefore which criteria to use for reviewing a charter school renewal.

AB 1505 also establishes the use of verified data in some renewals. That is defined in Education Code section 47607.2 (c) as, "data derived from nationally recognized, valid, peer reviewed, and more manageable sources that are externally produced," and shall include measures of postsecondary outcomes. The California State Board of Education ("SBE") has established further criteria to define verified data and has identified an approved list of valid and reliable assessments.

Charter Schools Renewals for High Track Schools

(a) For the purposes of Education Code section 47607 (c) (2) (A), a charter school falls in the high track if they either:

(1) Receive a green or blue on all their state indicators in the two (2) recent consecutive years schoolwide; or

(2) Meets its schoolwide metric as well as a minimum level of subgroup performance on measurements of academic performance. To meet this criteria, a school must demonstrate the following:

(A) That school is the same status or higher than the statewide average status for the academic indicator; and

(B) For subgroups underperforming across statewide average status for all students, across each academic indicator, a majority of underperforming subgroups must have a higher status than the statewide average for that subgroup.

(b) OCBE shall provide a charter that qualifies for this tract an expedited/streamlined renewal process pursuant to Education Code section 47607 (c) (2) (C) the end of the school will only be required to update the petition to include new charter school requirements and acted in the law after the charter was granted or last renewed.

(c) OCBE shall renew any charter that is designated as high track.

(d) OCBE shall grant a high- track schools a renewal for a period of seven (7) years.

Charter School Renewals for Low Track Schools

(a) For the purposes of Education Code section 47607.2 (a), charter falls into the low track if they either:

(1) Receive an orange or red on all of their state indicators in the two (2) most recent consecutive years schoolwide; or

(2) Have the same status or lower than the statewide average status for the academic indicators and a majority of underperforming subgroups have a lower status than the statewide status for that subgroup.

(b) For charter schools deemed to be in the low track, OCBE shall not renew the charter unless they make written factual findings, specific to the particular petition that:

(1) The charter is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected in a written plan adopted by the governing board of the charter school; and

(2) There is clear and convincing evidence, as shown by verified data, of either:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in the school; or

(B) Strong postsecondary outcomes, as defined by college enrollment, persistent, and completion rates equal to similar peers.

Charter School Renewals for Middle Track Schools

(a) For the purposes of Education Code section 47607.2 (b), a charter school that does not meet the criteria for either the high or low track shall be considered in the middle track.

(b) When receiving renewals of charter schools in the middle track, the OCBE shall:

(1) Consider all state and local indicator schoolwide for all subgroups;

(2) Place greater weight on the measurements of academic performance, as defined by ELA, Math, College/Career, and English Learner Progress.

(c) OCBE shall renew a charter in the middle track for a period of five (5) years.

(d) OCBE may only deny renewal of a charter in the middle track if it makes written factual findings of all of the following:

(A) The charter school has failed to meet or make sufficient progress towards meeting standards that provide a benefit to the pupils of the school; and

(B) Closure of the school is in the best interests of pupils; and

(C) The decision to non-renew provided greater weight to performance on measurements of academic performance.

(e) Charter schools in the middle track have the option of submitting verified data to OCBE, but are not required to. If the charter school submits data that meets the criteria for verified data outlined in Education Code section 47607.2 (c), OCBE shall consider it as part of its renewal determination.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-13

Education for Homeless Children and Youth

The Orange County Board of Education ("Board") recognizes its legal responsibility to ensure that homeless students have access to the same free and appropriate public education provided to other students within its schools and programs. The schools and programs operated by the Board shall provide homeless students with access to education and the services necessary for these students to meet the same challenging academic standards as other students. Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Orange County Superintendent of Schools ("Superintendent") or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulations.

Transportation

When the parent/guardians of a homeless student attending a school or program of the Board requests that transportation be provided to and from the school of origin, the Homeless Liaison shall consult the superintendent or designee of the school district in which the homeless student resides to agree upon a method to apportion the responsibility and costs of the transportation for homeless students who are referred to the schools and programs of the Board.

Reference: Education Code sections 1980-1986, 25588.2, 39807.5, 48645.1 and 486453.5 United States Code Title 42 sections 11432-11435 (McKinney Vento Homeless Assistance Act)

Adopted: 10/28/2008

Revised Procedure: 07/09/2015

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

400-14

Suicide Prevention for Alternative, Community and Correctional Education Schools and Services

The Orange County Department of Education (OCDE) recognizes that suicide is a leading cause of death among youth and an even greater amount of youth think about (17% of high school students) and attempt suicide (over 8% of high school students), thus requiring vigilant attention from school staff. As a result, OCDE is ethically and legally responsible for responding appropriately and timely in preventing suicidal ideation, attempts, and deaths, as well as to respond to the aftermath of a suicide death. The Orange County Department of Education shall work to create safe and nurturing campuses that minimize suicidal ideation in students.

In an attempt to reduce suicidal behavior and its impact on students and families, the Superintendent shall implement strategies for suicide prevention, intervention, and postvention, and the identification of the mental health challenges that are frequently associated with suicidal thinking and behavior. These strategies shall include professional development for all school personnel in all job categories who regularly interact with students and are in a position to recognize the risk factors and warning signs of suicide.

The purpose of this policy is to protect the health and well-being of all Orange County Department of Education students by having procedures in place to prevent, assess the risk of, intervene in, and respond to suicide.

OCDE:

a) Recognizes that physical, behavioral, and emotional health is an integral component of a student's educational outcome.
b) Further recognizes that suicide is a leading cause of death among young people.
c) Acknowledges the school's role in providing an environment which helps to foster positive youth development.

Toward this end, this policy is meant to be paired with other policies supporting the emotional and behavioral health of students more broadly. Suicide prevention strategies may include, but are not limited to, efforts to promote a positive school climate that enhances students' feelings of connectedness with the school and is characterized by caring staff, positive relationships, and interactions among students.

The Superintendent or designee shall coordinate a Suicide Prevention Work Group to review and update prevention, intervention, postvention, and bereavement supports. The Suicide Prevention Work Group shall include representatives from Safe School & Support Services, Special Education, School Counseling, Health Services, Title I, Mental Health Clinicians, as well as school administrators, teachers, community partners, and parents. Further, each school shall identify at least one staff member, preferably an assistant principal or lead mental health professional, to serve as liaison to the Suicide Prevention Work Group and coordinate suicide prevention activities, resources, and protocols for their specific school site.

The Suicide Prevention Work Group may also serve as an advisory group for mental health services, crisis response planning, threat management, and other areas supporting the social-emotional needs and well-being of students. The Suicide Prevention Work Group shall meet, at minimum, bi-annually to review this policy and related procedures.
The Superintendent or designee, with input from the Suicide Prevention Work Group, shall implement procedures for prevention strategies and intervention guidelines that include, but are not limited to the following:

1) Awareness and messaging about suicide

2) Suicide prevention, training, and education for all school staff members

   a) At a minimum, all school staff shall participate in training on the core components of suicide awareness and prevention. Training materials may include programs that can be completed through self-review of suitable suicide prevention materials. Core components of the general suicide awareness and prevention training shall include:

      i. Suicide risk factors, warning signs, and protective factors;
      ii. How to talk with a student about thoughts of suicide;
      iii. How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment;
      iv. Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member;
      v. Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide
      vi. How to identify appropriate mental health services, both at the school site and within the larger community
      vii. When and how to refer youth and their families to additional services

3) Employee qualifications and scope of responsibility

   a) Employees of the Orange County Department of Education and OCDE partners must act only within the authorization and scope of their credential or license.

   b) This policy does not authorize or encourage a school employee to diagnose or treat mental illness unless the employee is specifically licensed, authorized, and employed to do so.

4) Specialized training for support staff and school mental health providers

   a) Additional professional development in suicide risk assessment and crisis intervention shall be provided to school mental health professionals (school counselors, psychologists, social workers, and nurses).

5) Parent, guardian, and caregiver notification, participation, and education

6) Student participation and education

7) Professional development, education and services shall also include additional information regarding groups of students who may be at elevated risk for suicide. These groups include, but are not limited to, the following:

   a. Youth affected by suicide;
   b. Youth with a history of suicide ideation or attempts;
   c. Youth with disabilities, mental illness, or substance abuse disorders;
   d. Lesbian, gay, bisexual, transgender, or questioning youth;
   e. Youth experiencing homelessness, doubled up, or in out-of-home settings, such as foster care;

f. Youth who have suffered traumatic experiences

8) In-school and out-of-school suicide attempts, contagion effect, and memorials

9) Re-entry protocols and postvention

Strategies may encompass primary, secondary, and tertiary forms of prevention for grades 7-12. Primary or universal prevention activities should include age appropriate, student-centered curriculum and programs including safe and healthy choices, coping strategies, help-seeking strategies, anti-bullying, communication, mentoring, and drug prevention. Identified higher-risk students will receive more specialized interventions to address risky behaviors and early signs and symptoms of mental illness or drug experimentation. Tertiary strategies will be a supportive practice and intervention for students who have engaged in self-harming behavior, are survivors of suicide attempts, or bereaved due to loss of friends and family.

INTERVENTION

Whenever a staff member suspects or has knowledge of a student's suicidal ideations, he/she shall immediately notify the school administrator, school psychologist, school counselor, or school-based mental health provider. Phone messages or emails are not acceptable methods of notification. Upon verbal notification, school administration or support staff shall follow up with the student immediately.

Appropriate risk assessment procedures will be followed. If appropriate and in the best interest of the student, the mental health team member shall contact the student's parents/guardians/caregivers as soon as possible and shall refer to mental health resources in the community.
Students shall be encouraged to notify a teacher, principal, administrator, school counselor, school psychologist or school based mental health provider, or other adult when they are experience thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

POSTVENTION

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is vital that schools are prepared ahead of time in the event of such a tragedy. The Superintendent or designee shall establish crisis response procedures to ensure student safety and appropriate communications in the event that a suicide occurs by an attempt made on campus, at a school-sponsored activity, or at home. The Suicide Death Postvention Response Plan shall incorporate both immediate and long-term steps. This plan shall also help manage various aspects of the crisis and help prevent suicide contagion. In this way, postvention is inextricably linked to prevention. The response plan may include the following steps:

a) Contact Key Individuals
b) Notify School Community
c) Before School- Staff Meeting/Staff Support
d) Student Meeting/Support Students
e) After School Staff Meeting

IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:

OCDE Policies and Procedures:

- Nondiscrimination/Harassment-Students
- Positive School Climate
- Guidance and Counseling Services

Legal Reference:

EDUCATION CODE

32280-32289 Comprehensive safety plan
49060-49079 Student records
49602 Confidentiality of student information
49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent
5850-5883 Mental Health Services Act

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Model Youth Suicide Prevention Policy
- Youth Suicide-Prevention Guidelines for California Schools 2005
- Health Framework for California Public Schools, Kindergarten Through Grade Twelve 2003

CALIFORNIA DEPARTMENT OF MENTAL HEALTH PUBLICATIONS

- California Strategic Plan for Suicide Prevention: Every California is Part of the Solution 2008

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

- School Connectedness: Strategies for Increasing Protective Factors Among Youth 2009

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

- National Strategy for Suicide Prevention: Goals and Objectives for Action 2001

WEB SITES

- American Psychological Association: http://www.apa.org
- California Department of Education, Mental Health: http://www.cde.ca.gov/ls/cg/mh
- California Department of Mental Health, Children and Youth Programs: http://www.dmh.ca.gov/Sevices
- Programs/Children and Youth Centers for Disease Control and Prevention, Mental Health: http://www.cde.gov/mentalhealth
- National Institute for Mental Health: http://www.nimh.nih.gov
- U.S. Department of Health and Human Services, Substance Abuse, and Mental Health Services Administration: http://www.samhsa.gov

Adopted: 11/08/2017

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-1

Publication of Materials

It shall be the policy of the Orange County Board of Education that the County Superintendent make available, at cost, to the people of Orange County, materials related to the services that the County Superintendent is authorized to provide. Cost shall be determined in accordance with Department procedure. It shall be the responsibility of the County Superintendent to ensure that the Department complies with all requirements of the Education Code regarding publication criteria, charges, sales and distribution.

Reference: Education Code Sections 1249 and 1944

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-2

Copyright/Computer Software

It is the intent of the Orange County Department of Education to adhere to provisions of copyright laws in all applicable areas. Recognizing that the illicit copying of computer software is a major problem for the industry and that violations of copyright laws are detrimental to the development of effective educational uses of computers, it shall be the policy of the Orange County Department of Education to prohibit violation of all copyright laws.

Reference: Education Code Sections 1040, 1042

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-3

Copyright Materials

It shall be the policy of the Board that original materials, including but not limited to, printed works and media, developed by and through the County Superintendent, be copyrighted. Charges for such copyrighted materials shall be made in accordance with Board Policy 500-1.

Reference: Education Code Sections 1044 and 1045

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-4

Civic Center Policy – Use of Facilities

Use of Orange County Department of Education facilities (buildings, grounds and equipment) shall be granted in accordance with this policy.

The goal of the Civic Center Policy shall be to assist community groups without hindering the education program or the fiscal integrity of the Department of Education.

I. **Priorities of User Groups/Fees**

A. Without Fees

The Department shall grant without charge the use of any school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations organized to promote youth and school activities, including, but not limited to:

1. Girl Scouts, Boy Scouts, Camp Fire, Inc.
2. Parent-teachers associations
3. School-community advisory councils

This subdivision shall not apply to any group which uses school facilities or grounds for fundraising activities which are not beneficial to youth or public school activities of a school district or the Department.

B. Actual/Necessary Direct Costs

Except as otherwise provided by law, the Department shall charge an amount not to exceed its direct costs for any and all activities other than those specified in subdivision A.

C. Fair Rental Value

In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of a school district or the Department or for charitable purposes, a charge shall be levied for the use of school facilities or grounds which charge shall be equal to fair rental value.

II. **Hours**

At the discretion of the Department, the facilities will be made available only at such times during which the regular programs of the Department will not be disturbed and at no time between the hours of 10:00 p.m. and 6:00 a.m. or when the security of the facilities cannot be guaranteed to the satisfaction of the Department.

III. **Special Additional Feed**

Special materials, equipment, and services must be requested and approved in writing at least 48 hours in advance of the scheduled activity. Fees will be based on schedules which are computed at actual Department of Education costs.

IV. **Unauthorized Use of Department of Education Property**

The following uses or actions are prohibited and shall serve as a reasonable basis for denying or revoking a permit:

A. Any religious purpose, or for denomination doctrine, or any religious education except when temporary use is granted when a church or religious organization has no other suitable meeting place.

B. Discriminating against a person's race, color, religion, sex, or handicap.

C. Rioting or disturbing the peace. The Department may require security personnel before approving a permit request, cost of which will be paid by user groups.

D. Sale of food stuffs without prior approval of the Department.

E. Use of Department's equipment, including but not limited to, telephones, computer terminals, word processing equipment, typewriters and calculators without Department authorization.

F. Using intoxicants or narcotics. Smoking is not permitted in Orange County Department of Education facilities. Effective April 3, 1995, use of tobacco products is prohibited for students, employees, and visitors at all times (including evenings and weekends) and in all locations (including parking lots, department and personal vehicles, athletic fields, playgrounds, and buildings).

G. Using materials or devices which constitute a hazard. All materials must be flameproof.

H. Exceeding the posted facility capacity.

I. Gambling.

J. Parking on playfields or playing areas.

K. Other uses prohibited by law.

V. **Waiver**

Any policy(ies), procedures, and fees may be waived upon the prior written approval of the Orange County Board of Education or the Orange County Superintendent of Schools. Special contracts or joint use agreements may supersede any part of the Civic Center Policy and supporting documents.

VI. **Cancellation**

The Department of Education, at its discretion, shall have the right to cancel and terminate a permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit on the part of the permittee. Should any such violation occur, the Department of Education, at its discretion, shall have the right to deny any future requests by the permittee for the use of any other Orange County Department of Education facilities.

Reference: Education Code Sections 38130-38139

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-5

Uniform Complaint Policies

The Orange County Department of Education is primarily responsible for its local compliance with federal and state laws and regulations related to Uniform Complaint Procedures.

It is the policy of the Orange County Board of Education that any individual, public agency or organization may file a complaint if they believe the department is not complying with federal or state laws or regulations pertaining to the following programs: Adult Basic Education, Consolidated Categorical Aid Programs, Vocational Education, Child Care and Development, Child Nutrition, Migrant Education and Special Education.

This policy also applies to complaints which allege unlawful discrimination under federal or state law in any program operated by the Department.

This policy also applies to complaints regarding pupil fees instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, teacher vacancy or misassignment, and high school exit examination intensive instruction and services.

Written complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination will be investigated and responded to by appropriate Orange County Department of Education staff in accordance with the procedures and deadlines set out in Title 5. California Code of Regulations sections 4600-4687 and the policies and procedures of the Department.

Reference: Education Code Sections 49010-49013
Title 5, CCR, Sections 4600-4687
Title 34, Sections 76.780-783

Adopted: 06/18/1996
Revised: 10/23/2008

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-6

Special Claims Policy

It is the policy of the Orange County Board of Education that any claims against the Department for money or damages which are excepted by Government Code Section 905 from the requirements of Government Code Sections 900 to 915.4, and which are not governed by certain statues or regulations shall be governed by the Special Claims Procedure 500-6.

Reference: Government Code Section 935

Adopted: 06/18/1996

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

500-7

Investment Policy

I. PURPOSE:

To establish a policy for investment of funds held by the Orange County Department of Education (the "Department"). The policy also governs the issuance of debt by the Department. This policy is based upon federal, state, and local laws, and prudent money management practices. To the extent that this policy conflicts with applicable law, the applicable law shall prevail. The primary goals of this policy are:

. To assure compliance with all federal, state, and local laws governing the investment of monies and the issuance of debt;

. To protect the principal deposits of the Department; and

. To generate investment income within the parameters of this policy.

II. POLICY:

The Department's primary investment objective shall be to maintain the safety and liquidity of its funds. Safety of principal is the foremost objective of the Department. The investment factors the Department shall consider, in order of descending importance, are the following:

. Safety of invested funds;

. Sufficient liquidity to meet future cash flow requirements; and

. Attain maximum yield consistent with the aforementioned requirements.

In addition, the Department shall adopt measures as set forth herein to ensure that the issuance of debt by the Department complies with all applicable state and federal laws, including federal and state securities laws.

The County Superintendent of Schools ("County Superintendent"), or its designee, under the direction of the Board of Education, shall have the responsibility for all decisions and activities performed under the Department's investment policy. The Superintendent shall have the ability to allocate resources or delegate responsibility as necessary to optimize the safety and liquidity of the investment portfolio and to implement this investment policy.

III. LEGAL CONSTRAINTS;

Pursuant to California Education Code Section 41001, the Department shall deposit all funds received or collected from any source into the Orange County Treasure, to be placed to the credit of the proper Fund of the Department, except as otherwise provided herein. The County Treasurer will be instructed by the Department to segregate the Department's funds from funds on deposit by other non-school related depositors to maintain the protections afforded by California Government Code Section 27100.1.

Pursuant to California Education Code Section 41015, the Department may invest all of part of funds deposited in a Special Reserve Fund or any surplus monies not required for the immediate necessities of the Department in any

of the investments specified in California Government Code Sections 16430 or 53601. Special Reserve Funds are defined as those funds which the Board of Education has designed for capital outlay or other purposes where an accumulation over a period of fiscal years is desired.

IV. AUTHORIZED INVESTMENTS

The Department shall make investments in the context of the "Prudent Investor Rule" (Civil Code Section 2261 et seq.), which in substance states that:

> "Investment all be made with the judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence, exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The Department shall deposit all funds received or collected from any source into the Orange County Treasury, except as provided for through the California Education Code. Those funds maintained in a Special Reserve Fund or any surplus funds not required for the immediate necessities of the Department shall be available for investment ("funds available for investment") under the conditions set forth in the policy.

1. The Orange County Investment Pool(s) established by the Orange County Treasurer for the benefit of local agencies and/or schools. The Department may invest up to one-hundred percent (100%) of its funds available for investment in the Orange County Investment Pool(s).

2. The Local Agency Investment Fund established by the California State Treasurer for the benefit of local agencies. The Department may invest up to one-hundred percent (100%), of its funds available for investment in the Local Agency Investment Fund.

3. To the extent that the Department directs the investment of its funds to specific securities, those securities shall be limited to the securities identified in California Government Code Section 53601, as set forth on Exhibit "A." However, the Department will not, under any circumstances, direct the investment of its funds to reverse repurchase agreements unless such transactions are matched to maturity.

Monies received from the sources, or for the purposes, listed below may be deposited in a bank or other financial institution. Monies so deposited shall be in a fully-insured or collateralized account(s) or instrument(s). Bank accounts maintained outside of the County Treasury shall be limited to the following purposes:

(a) Cash Clearing Account
Purpose: To deposit accounts receivable checks then write check to County Superintendent once checks have cleared.

(b) Revolving Cash
Purpose: Emergency transactions for payroll and accounts payable.

(c) Self-Insured Trust Account
Purpose: To pay various insurance claims.

(d) TRANs Proceeds

V. COMPLIANCE WITH STATE AND FEDERAL SECURITIES LAWS:

The Department will take reasonable steps to ensure that any debt offerings issued by the Department comply fully with all applicable sate and federal securities laws. In connection with all debt offerings issued by the

Department, the Department will retain bond counsel and disclosure counsel to review the offerings materials prepared in connection with the debt offering to ensure that disclosers contained in offering materials comply with federal and state securities laws. The Associate Superintendent of Business shall be responsible for reviewing the offering materials regarding the accuracy of information disclosed in such materials.

VI. DEPOSIT OF PROCEEDS FORM THEISSUANCE OF DEBT:

The Department shall not issue debt, for the sole purpose of generating funds for investment. The Department shall limit the issuance of debt for the purposes of meeting short term cash flow needs and to fund capital projects.

When depositing proceeds from the issuance of debt the Department shall limit such investments to those authorized investment identified in this policy. Should a trust agreement of a particular debt issued by the Department be more restrictive than the Department's policy on authorized investments, then the trust agreement will take precedence.

VII. INVESTMENT REVIEWS:

The Associate Superintendent of Business will review quarterly reports on investment performance.

VIII. CHANGES TO INVESTMENT POLICY:

The Policy dated June 18, 1996, has been submitted to the Board of Education for review and approval. This Policy will be reviewed at least annually to ensure its consistency with the objectives of income, growth and safety, and changes in applicable laws and financial trends. Any proposed amendments to the Investment Policy will require approval by the Board of Education.

IX. FINANCIAL PROFESSIONAL'S COMPLIANCE WITH INVESTMENT POLICY:

All outside investment advisors/managers, attorneys and other financial professionals employed or retained by the Department and/or its representatives, including without limitation financial advisors, underwriters, bond counsel, and disclosure counsel must review this policy and sign a statement of compliance confirming that they have reviewed this investment policy and will fully comply with these policies. A copy of the Statement of compliance is attached as Exhibit "A."

Reference: Education Code Sections 41001, 41015
Government Code Sections 53601, 53646

Adopted: 06/18/1996

600-1

Budget Adoption -Signing and Submitting the Adopted Budget

Upon adoption and approval of the annual budget the County Superintendent of Schools shall sign and submit the budget to the State Superintendent of Schools by June 30. Failure to perform this ministerial duties will be interpreted as an unlawful act of insubordination by the Board.

References: Authority: Education Code §§1040; 1042; 14050; 17340

Adopted: 09/02/2020

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa California

BOARD POLICY

600-2

Parental Rights

The Orange County Board of Education recognizes that parents/guardians are their children's first and most influential teachers and that active parent involvement in the education of their children contributes greatly to student achievement and a positive school environment.

20 USC 6318 mandates that each district receiving federal Title I, Part A, funds to have a written parent involvement policy developed jointly with and agreed upon by parents/guardians of participating students.

California Education Code 51101 mandates districts to adopt a policy on parent involvement applicable to each school that does not receive Title I funds.

The Board supports the important public policy interests underlying these laws, and it affirms the following as its official policy and position with respect to parent/guardian rights in public education:

PARENTS BILL OF RIGHTS
Parents/guardians should have the right to access, participate in, and be notified regarding all aspects of their children's educational program. These rights include, but are not limited to:

1. Curriculum/Classwork/Displays
    - to receive all information on a school's comprehensive program offerings, including support and alternative programs;
    - to inspect and have access to all tests and instructional materials given to their children;
    - to inspect and have access to all classroom displays and extra credit assignments that may or may not be considered part of their children's formal course curricula;
    - to observe and have access to all instructional activity in a class or course in which their children are enrolled and present;
    - to provide recommendations to the Orange County Superintendent of Schools and the Orange County Board of Education on all school curricula including core and ancillary supporting materials, and to have those recommendations heard and considered;
    - to be able to opt out of classroom assignments, core curricula, and ancillary supporting materials that the parent deems inappropriate for their children BEFORE it is presented to children as set forth in California law;

2. Student Health and Psychological well being
    - to be notified if an injury, threat, or condition exists that may affect their children's health and/or safety such as or including privacy and safety in restrooms or similar spaces on campus, bullying, and threats of violence;
    - to be notified of their children's preferred use of gender pronouns;
    - to be notified that their children are seeking psychological counseling by school personnel and informed of the content of the counseling such as and including gender affirming therapies, and any mandated health, cognitive, and/or language screening examinations;

3. School Access
    - to feel welcomed, respected, and supported in their school communities;
    - to be treated with courtesy and respect by all school personnel, and to be accorded all rights without regard to race, color, creed, religion, national origin, sex, gender, age ethnicity

alienage/citizenship status, marital status, partnership status, sexual orientation, gender identity or disability;

- to participate in regular written or verbal communications with teachers and other school staff to share and discuss issues or concerns regarding their child's academic, social and behavioral progress, and the school's activities, programs, operations, resource allocation, and policies;
- to meet with their children's teachers and principal in accordance with established procedures;

  to participate in meaningful and productive parent-teacher conferences to discuss their children's progress in school and have access to other school staff, as appropriate, throughout the school year to discuss successes as well as concerns and challenges;
- to be informed on a regular basis, both informally and through formal progress reports, of their children's academic, developmental, and behavioral progress in school.

Adopted: 02/01/2023

Board Procedures

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

Expulsion Appeal Hearing Procedure **300-1**

The order of the hearing shall be as follows:

1. President of the Board shall preside
2. Coordinator of Student Services makes a brief summary
3. Presentation for the student (Limited to 10 minutes)
4. Presentation for the district (Limited to 10 minutes)
5. Response on behalf of the student (Limited to 5 minutes)
6. Response for the district (Limited to 5 minutes)
7. Board members question appellants and/or respondents
8. Board discussion and deliberation which may include closed session deliberations with counsel
9. Board makes decision
10. Hearing concluded by President

The review of the expulsion decision is limited to the following questions:

1. Whether the governing board acted without or in excess of its jurisdiction
2. Whether there was a fair hearing before the governing board
3. Whether there is prejudicial abuse of discretion in the hearing
4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board

The decision of the Orange County Board of Education shall be limited as follows:

1. Where the Orange County Board of Education finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board, it may do either of the following:

    a. Remand the matter to the governing board for reconsideration and may, in addition, order the student reinstated pending such reconsideration.

    b. Grant a hearing *de novo**, upon reasonable notice thereof, to the student to the governing board. The hearing shall be conducted in conformance with the rules and regulations adopted by the county board under Section 48919.

    The *de novo* hearing procedure is as follows:

    Presentation of witnesses and other evidence for/by the student
    Presentation of witnesses and other evidence for/by the district
    Response of witnesses as appropriate
    Closing arguments for the student
    Closing arguments for the district
    Response
    Questions
    Discussion
    Board decision

2. In all other cases, the Orange County Board of Education shall enter an order either affirming or reversing the decision of the governing board. In any case in which the county board enters a decision reversing the local board, the county board may direct the local board to expunge the record of the student, and the records of the district of any references to the expulsion action and such expulsion shall be deemed not to have occurred. (Education Code 48923)

The decision of the Orange County Board of Education shall be final and binding upon the student and upon the governing board of the school district. The student and the governing board shall be notified of the final order of the county board in writing, either by personal service or by certified mail within five (5) school days. The order shall become final when rendered.

*over again, anew

Ref: Education Code Sections 48919 through 48924

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

Interdistrict Agreement Appeal Policy

300-2

I. Hearing Procedures

A. "The hearing will be conducted only in closed session at a regular or special meeting of the board, unless the student requests, at least five days prior to the day of the interdistrict attendance appeal hearing, that the hearing be conducted in a public meeting." (Education Code section 35146)

B. In addition, the following procedure will apply:

1. President of the Board shall preside
2. Coordinator of Student Services makes a brief summary
3. Appellant makes presentation (limited to 10 minutes)
4. Response by district (limited to 10 minutes)
5. Appellant makes response (limited to 5 minutes)
6. Districts make response (limited to 5 minutes)
7. Board members question appellant and/or respondents
8. Board discussion and deliberation
9. Board makes decision regarding the case
10. Hearing concluded by the President

II. Possible Decisions of the Board

A.	Grant	This means that the request for interdistrict attendance transfer has been granted. The decision is in favor of the appellant (family).
B.	Deny	This means the request for the interdistrict attendance transfer is denied. The decision is in favor of the respondent (school board).
C.	Reconsider	This means that the case is referred back to the governing board of the district or residence. The district board is charged to rehear the case. The district board must assure that all necessary legal procedures are followed and/or new information reviewed. (The reconsideration must occur at the district level prior to refiling with the County Board.)

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

INDEPENDENT STUDENT PROGRAM **400-1**

Educational opportunities through independent study may include, but shall not be limited to, the following:

1. Special assignment extending the content of regular courses of instruction.

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.

3. Individualized alternative education designated to teach the knowledge and skills of the core curriculum.

4. Continuing and special study during travel.

5. Volunteer community services activities that support and strengthen student achievement.

The independent study option may be offered by a school under the supervision of the principal or designee, or from a district-designated location that meets the requirements of the law where selected staff serve pupils enrolled in two or more schools. In the latter instance each student remains enrolled in the school of origin.

Pupils interested in independent study should contact their school principal or the designated responsible administrator.

Approval of proposed independent study agreements shall be based on the following criteria:

1. Evidence that the pupil can work independently.

2. Indications that the pupil will work to complete the assignments and meet necessary appointments.

3. Availability of one or more certificated teachers with appropriate qualifications including classroom teaching experience and adequate time to supervise the student effectively.

4. A written statement of educational objectives and the means of accomplishing and measuring progress toward them.

A reason for requesting optional alternative instruction using the independent study instructional strategy that is acceptable under any one of the following conditions:

a. If the pupil has been enrolled in a district school for 45 days or more and the principal of that school approves.

b. If the applicant has not been enrolled for at least 45 days in a district school and the administrator who will be responsible for independent study approves.

If the pupil and/or parent appeal a rejection of the application to the Superintendent, a committee established by the Superintendent shall reconsider the application and make the decision.

If the pupil applicant is under age 18 the parent or guardian must approve and sign the written agreement.

No more than 10 percent of the pupils enrolled in Continuation or Opportunity Education may be on independent study. The cap shall be calculated as specified by the California Department of Education.

All course work offered to adults through independent study shall meet the requirements for a high school diploma.

Independent Study Written Agreements

1. A written Independent Study Agreement for a pupil must require and cover a study plan that represents not less than the equivalent of a minimum school day for the pupil's grade level for every school day covered by the agreement and shall include:

2. The manner, frequency, date, time, and place for submitting a pupil's assignments and for reporting his or her progress.

3. The title and statement of the major objectives of the course of study covered by the agreement or for elementary grades, other indications of academic accomplishment to be covered by the agreement.

4. The specific resources, including materials and personnel, which will be made available to the pupil in order to attain the objectives.

5. A schedule regarding achieving objectives and completing the agreement.

6. A schedule regarding conferences between pupil and supervising teacher.

7. The method utilized to evaluate the pupil's work.

8. A statement of the maximum length of time allowed between the assignment and the completion of a pupil's assigned work as determined by governing board policy.

9. A statement of the maximum number of assignments that a pupil may miss before an evaluation must be made of whether the pupil should be allowed to continue in independent study, as determined by board policy.

10. The duration of the Independent Study agreement, up to a limit of one semester or one-half year for a school on a year-round schedule.

11. A statement of the number of course credits or, for elementary grades, other measures of academic accomplishments appropriate to the agreement, to be earned by the pupil upon completion.

12. A statement that independent study is an optional alternative in which no pupil may be required to participate.

13. The signatures of the pupil, pupil's parent or guardian, certified employee of the district who has been designated as having responsibility for the general supervision of independent study, and any person who has direct responsibility for providing assistance to the pupil.

(NOTE: Items 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 meet the requirements of the C.C.R. Title 5 regulations, section 11702. The other times are optional.)

Administration of the Independent Study Option

The use of independent study shall be administered by the administrator in charge; responsibilities shall include:

1. Ensuring that independent study occurs in accordance with state law and district policy and regulations.

2. Approving the participation of all pupils requesting independent study for a period exceeding five school days.

3. Facilitating the completion of independent study written agreements.

4. Approving all credits earned via independent study supervised at a location apart from the pupil's regular school and forwarding this information to the appropriate school staffs so that it becomes part of the student's permanent record.

5. Authorizing the selection of all staff who are assigned to supervise independent study.

6. Supervising any staff assigned to independent study functions who are not regularly supervised by another administrator.

7. Completing and coordinating the preparation of all necessary records and reports.

8. Establishing and maintaining systematically all records required by state regulations for an audit trail of average daily attendance attributed to independent study and reported by the district.

9. Monitoring enrollment in independent study to stay within prescribed limits and maximize income to the district without compromising its educational quality.

10. Developing and managing the budget for independent study.

11. Obtaining and maintaining current information and skills required for the use of independent study that meets established standards for district educational programs.

12. Preparing and submitting reports as required by the Superintendent or School Board.

Independent Study Supervising Teachers

1. Teachers who directly supervise independent study on a regular basis will be approved prior to assignment by the independent study administrator.

2. The principal of any school may recommend teachers and students for independent study. The teacher may be the student's regular classroom teacher, particularly when the student is at the elementary level.

3. Independent study teachers shall:

    a. complete designated portions of the written agreement,
    b. add additional information when appropriate,
    c. supervise and approve course work,
    d. d. design lesson plans,
    e. assess all student work,
    f. judge the time value of assigned work or work products completed and submitted by the student,
    g. select and save with each agreement representative samples of completed and evaluated pupil assignments on a monthly basis, and
    h. maintain any required records and files on a current basis.

4. Independent study teachers shall complete a record of pupil assignments on not less than a monthly basis. The records shall provide for individual assignments, resources provided to facilitate the completion of

each assignment, due date, and evaluation added when the assignments have been completed. All records shall be consistent with the terms of the written agreement.

5. Independent study teachers shall determine and assign grades or other approved measures of pupil achievement when appropriate.

Independent Study Records

Department records shall identify all pupils participating in independent study and shall specify the grade level, program placement, and school in which each of these students is enrolled.

Each school shall maintain records for the students enrolled in the school.

Records shall include, but not be limited to, the following:

1. A copy of the district policy, administrative regulation, and procedures pertaining to independent study.

2. A file of all agreements with representative samples of completed and evaluated student assignments.

3. A list of all students who have participated or are currently participating in independent study which show credits attempted by and awarded to each pupil per agreement and a record of the pupil's attendance.

4. An attendance register separate from the register used for regular classroom attendance, in which attendance is recorded on the basis of positive attendance accounting procedures.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

STUDENT SUSPENSION AND EXPULSION PROCEDURES **400-2**

A. GROUNDS FOR SUSPENSION AND EXPULSION

A student may be suspended, or recommended for expulsion pursuant to Education Code Section 48900, if the superintendent or superintendent's designee or the principal or principal's designee determines that the pupil has committed any of the following:

Prohibited Acts:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon the person of another, except in self defense.

2. Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object.

3. Unlawfully possessed, sold or otherwise furnished, or been under the influence of any controlled substance, listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kinds.

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commending with Section 11053) of the Health and Safety Code, an alcoholic beverage or intoxicant of any kind, and then either sold, delivered or otherwise furnished to any person another liquid, substance or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant.

5. Committed or attempted to commit robbery or extortion.

6. Caused or attempted to cause damage to school property or private property.

7. Stolen or attempted to steal school property or private property.

8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.

9. Committed an obscene act or engaged in habitual profanity or vulgarity.

10. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers administrators, school officials, or other school personnel engaged in the performance of their duties.

12. Knowingly received stolen school property or private property.

13. Possessed an imitation firearm. An "imitation firearm" means a replica of a firearm that it so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica in a firearm.

14. Committed or attempted a sexual assault or committed a sexual battery.

15. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

16. Committed sexual harassment.

17. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.

18. Engaged in harassment, threats, or intimidation directed against a pupil or group of pupils.

19. Made terroristic threats against school officials or school property, or both.

Location Where Prohibited Acts Committed

The above acts must relate to school activities or attendance which occur at any time, including, but not limited to:

1. While on school grounds.

2. While going to or coming from school.

3. During the lunch period, whether on or off the campus.

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

Truant or Tardy Students

For pupils who are truant, tardy, or otherwise absent from assigned school activities, all reasonably available alternatives to suspension are to be implemented (Education Code Section 48900). These alternatives may include the assignment of a failing grade pursuant to rules and regulations adopted pursuant to Education Code Section 49067.

B. NOTIFICATION TO LAW ENFORCEMENT AUTHORITIES

The principal or site liaison shall notify appropriate city or county law enforcement authorities of acts that may violate Penal Code Section 245, (Education Code Section 48902), 626.9 or 626.10, or Education Code Section 48900(c) or (d).

C. ATTENDANCE OF SUSPENDED CHILD'S PARENT OR PARENT DESIGNEE FOR PROTION OF THE SCHOOL DAY

1. The County Board of Education has adopted a policy authorizing teachers to provide that the parent or guardian of a pupil suspended by a teacher pursuant to Education Code Section 48910 for committing an obscene act, engaging in habitual profanity or vulgarity, or disrupting school activities or otherwise willfully defying the valid authority of school officials, attend a portion of a school day in the class from which the pupil was suspended. (Education Code Section 48900.1(a)).

2. Attendance is required only of the parent or guardian actually living with the pupil (Education Code Section 48900.1(c)).

3. The principal shall send a written notice to the parent, Probation or Social Services Department stating that attendance by the parent or guardian is legally required pursuant to the Education Code (Education Code Section 48910.1(c)). The notice may request that an agency representative attend.

4. The parent or guardian who receives the written notice shall attend class. The notice may specify that the parent's or guardian's attendance be on the day in which the pupil is scheduled to return to class or within a reasonable period of time thereafter.

5. After the classroom visitation the parent or guardian shall meet with the principal or his/her designees prior to leaving the school.

D. SUSPENSION FROM CLASS BY TEACHERS

1. A teacher may suspend a pupil from class for the day of the suspension and the day following for any of the acts set forth in Education Code Section 48900. The teacher must:
   a. Immediately report the suspension to the principal; and
   b. Immediately send the pupil to the principal or principal's designee for appropriate action; and

2. As soon as possible, the teacher must ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.

   a. Whenever practicable, a school counselor or school psychologist shall attend the conference.
   b. At the request of the teacher or parent, a school administrator shall attend the conference.

3. During the period of suspension the pupil shall not return to the class from which the student was suspended unless both the teacher and the principal agree. The pupil shall not be placed in another regular class, or if assigned to more than one class per day, to other regular classes scheduled at the same time during the period of suspension.

4. A teacher may also refer a pupil to the principal or the principal's designee for consideration of a suspension from school for any of the acts enumerated in Section 48900.

5. The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension (Education Code Section 48913.)

E. SUSPENSION FROM SCHOOL BY PRINCIPAL

The principal or the principal's designee or the superintendent or superintendent's designee may suspend a pupil (including a disabled pupil) from school for not more than five consecutive school days. Education Code Section 48911. A pupil may be suspended upon a first offense if the principal or superintendent determines that the pupil violated subdivisions (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code Section 48900.5).

In all other cases a pupil may be suspended only when other means of correction fail to bring about proper conduct.

F. NOTICE TO PARENT/GUARDIAN UPON RELEASE OF MINOR STUDENT TO PEACE OFFICER

When a program administrator or other official releases a student to a peace officer in order to remove the minor from school or program premises the official shall take immediate steps to notify the student's parent/guardian or responsible relative regarding the student's release to the officer and the place to which to student is reportedly being taken, except when the student is a victim of suspected child abuse, I which case the County Office of Education must provide the parent/guardian's address and telephone number to the officer.

G. PUPIL CONFERENCE PRIOR TO SUSPENSION

1. Prior to suspension, a conference between pupil and, whenever practicable, the school employee who referred the pupil must be conducted by the principal, principal's designee, the superintendent or the superintendent's designee (Education Code Section 48911(b)).

2. At the conference, the administrator present should advise the pupil of the evidence against him or her, the reasons for the discipline, and give the pupil the opportunity to present his/her version of the facts (Education Code Section 48911(b)).

3. A principal, principal's designee the superintendent, or the superintendent's designee may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, or the principal's designee or the superintendent, or the superintendent's designee determines that an emergency situation exists. A "emergency situation" exists when the principal, principal's designee, the superintendent, or the superintendent's designee determines there is a clear and present danger to the lives, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent or agency representative and pupil shall be notified or the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. The conference must be held within two school days unless the pupil waives this right or is physically unable to attend for any reason. The conference shall then be held as soon as the pupil is physically able to return to school for the conference (Education Code Section 48911(c)).

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

EDUCATIONAL MATERIALS, CRITICISM CONCERNING **400-4**

Since opinions may differ in a democracy, on occasion the suitability of a particular book or material may be questioned. A challenged book or material will not be immediately removed from the collection, but will be reviewed again in the light of the objections raised. Such cases shall be handled by the following procedures:

A. If the complainant wishes to file a formal complaint, he/she must present the complaint in writing on the form provided (see following pages).

B. The materials in question shall be reviewed by a Reviewing Committee of at least three members appointed by the County Superintendent. Members of the committee shall be deemed by the Superintendent to have competence in the subject area concerned, and/or experience with and knowledge about the age group with which the material is used.

C. The Reviewing Committee shall evaluate the questioned material with the specific objections in mind. Their analysis and recommendation shall be completed as rapidly as possible and their final recommendation presented in writing to the Board of Education.

D. After considering the recommendation of the Reviewing Committee, the Board of Education shall make final decision as to whether or not the material is to be retained in the collection and shall direct the Superintendent to notify in writing the individual members of the Reviewing Committee, and the complainant of the Board's final decision.

E. Only the decision of the Board of Education shall authorize removal of the material from the collection, and the decision of the Board is to be regarded as final.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

PROCEDURES FOR ALCOHOL AND DRUG USE **400-5**

The administration shall practice the following procedures relative to student drug use or abuse on school property or wherever the student is under the jurisdiction of the schools. Provisions of this procedure shall apply to all violations described in Section 48900 of the California Education Code: "Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health & Safety Code, an alcoholic beverage, or an intoxicant of any kind.

Note: Alcohol is a drug, illegal for use by minors, and cases involving alcohol shall be treated in the same manner as for other drugs. (See Policy 400.15 for use of tobacco.)

A. Use or Possession

1. No internal medication is to be administered by school personnel except as prescribed by a doctor (Education Code, 49423).

2. Dangerous and narcotic drugs which a student has on prescription and carries on to school property for ingestion as prescribed by a doctor must be in their original containers and kept in the nurse's or principal's office, whichever provides greater security. Parents will be notified as to location of the prescribed medicine.

3. Whenever any staff member has reason to believe that a student may be under drug influence, that staff member shall immediately notify the principal, and the principal, if in agreement, shall notify the parents, suspend the student. Depending on the circumstances, the student is removed from the school. Depending on the circumstances, the student may be taken to a physician or hospital, to his or her home, or to the jurisdiction of the police. The proper law enforcement agency shall be notified.

4. In all instances in which laws have been broken, the appropriate law enforcement agency shall be notified; i.e., police and/or probation. Depending upon circumstances, the student will be suspended for one to five days, per Education Code 48900. If the student is not taken into custody, upon return with parent or custodian, administrator or designee will conduct a chemical use assessment and use that information to work with the student consultation team to take whatever other action may be appropriate.

5. In appropriate circumstances, the principal or superintendent may recommend a student for expulsion for use or possession of controlled substances or alcoholic beverages.

B. Selling or Providing

The following procedure will be followed when there is reason to believe that student has sold or provided drugs at a school site or at school activities.

1. The school administrator or designee shall advise the local juvenile narcotics officer or law enforcement personnel. If a school administrator or designee releases a student to a peace officer, the administrator will take immediate steps to notify the parent or guardian of the release and the place to which the student was taken.

2. When appropriate, the school administrator or designee will take the student to the school office, where the administrator or designee will confront the student with the suspicion, or the administrator or designee may

notify the police before taking the pupil to the office. Unless made inappropriate by some emergency, the student should be removed from a classroom only by a school administrator or by his or her designee.

3. With reasonable suspicion, a search for drugs may be made by the administrator or designee, which includes searching the student's person, his or her belongings, and Department owned facilities such as science drawers, shop lockers, etc. Such a search shall be conducted by the administrator or designee with at least one other school employee as witness or by a police officer.

4. The student may be questioned by the school administrator or designee without notifying the student of his or her rights, but if the administrator believes that a law has been broken, the police or the Probation officer shall be notified.

When there is reasonable evidence that a student has actually sold or provided narcotics or other drugs on or about school premises or at school-sponsored functions, or that he or she possessed drugs with the intent to sell or distribute, the police must be notified. Regardless of any legal action taken by the police, however, the administrator will follow the provisions of Education Code Section 48915(a) which provides for a recommendation of expulsion unless " . . . the principal or superintendent finds, and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which shall be set out in the report of the incident." A recommendation for expulsion will require the following action:

5. A hearing by the Board or by an Administrative Panel as provided by Education Code Section 48918. The Board or Panel, as provided by law, shall consider all factors, including the age of the student, in taking or recommending action. Note: The administrator is allowed flexibility in determining whether a student "provided" an illegal substance or "shared" such a substance. "Sharing" (for example sharing a can of beer or a marijuana cigarette), shall be handled under Section A5. "Providing" (for example, giving marijuana or other drugs in large quantities or for independent or later consumption) shall be handled under Section B.

Note: In any instance in which a student requests that illegal substances be brought to school or to any school function, and such substance is actually brought to school or to a school activity, that student, as well as the provider, will fall under the condition of Section B.

Provisions of this administrative procedure shall be disseminated to students and parents or guardians through school newsletters, student handbooks, parent or guardian and student meetings, newspapers, radio, televisions and other means of communication.

Procedures will be developed to review and update policies annually.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

PROCEDURES FOR TOBACCO DRUG USE **400-7**

Effective April 3, 1995, the use of tobacco products is prohibited anywhere, anytime on Department property and in Orange County Department of Education vehicles. The successful implementation of this policy will depend on the thoughtfulness, consideration, and cooperation of tobacco-users and non-users. All individuals on above stated premises share in the responsibility of adhering to and enforcing this policy.

A. All existing policies and regulations regarding the use of tobacco products are as follows:

1. The use of tobacco products shall be prohibited in Orange County Department of Education vehicles.

2. All Orange County Department of Education facilities shall have posted at major entrances and in main meeting rooms signs designating the facility as a non tobacco use facility.

B. County Office staff shall provide a reference list of cessation clinics, community resources, and other agencies to assist employees choosing to quit the use of tobacco.

C. An information letter and Application for Use of Facilities has been developed to inform approved facility users of Orange County Department of Education of the Use of Tobacco Products policy and users' responsibility to adhere to the policy.

D. Violations of this policy by employees will be handled through progressive disciplinary actions.

E. Violations will be handled in accordance with the progressive discipline plans at each school site.

F. Violations by facilities lessors will be handled in accordance with Civic Center Policy – Use of Facilities 500-7.

The Use of Tobacco Products policy will be reviewed annually.

Information about the policy and enforcement procedures will be communicated clearly to school personnel, parents or guardians, students, and larger community.

Ref: Education Code 35160, 35160.1, 48901
Health and Safety Code 25940.5, 25946, 25948
Public Law 103-227, Section 1043

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

EXPULSION OF A PUPIL WITH EXCEPTIONAL NEEDS **400-9**

Each contract for services entered into by the Orange County Department of Education and the local school district shall contain language as follows:

”It is understood by and between the Orange County Department of Education and the _____ School District that students referred to programs operated by the Orange County Department of Education shall remain the legal responsibility of the school district. In the event the student commits an expellable offense, the Orange County Department of Education shall refer the student back to the school district and the school district shall institute expulsion proceedings pursuant to the applicable Education Code provisions. The staff of the Orange County Department of Education shall cooperate with the school district in the processing of the expulsion.”

Ref: Education Code Section 48915.5

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

STUDENT PROMOTION AND RETENTION **400-11**

Upon the enrollment of a student within any Orange County Department of Education operated program, an assessment shall be completed in the areas of:

1. Reading proficiency,
2. English language arts and writing, and
3. Mathematics

The only exceptions to the assessment shall be for those students who are enrolled in an OCDE-operated program and who have:

. An active Individualized Education Program plan which includes an assessment of skills completed within 6 months of the date of placement, or
. Who are English learners and have failed to meet academic standards in areas in which only limited instruction has been provided.

Student Identification to be Considered for Retention by Grade Level:

As prescribed by law, the Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels (Education Code Section 48070.5):

1. Between grades two and three;
2. Between grades three and four;
3. Between grades four and five;
4. Between the end of the intermediate grades and the beginning of the middle school grades;
5. Between the end of the middle school grades and the beginning of the high school grades (grade 9).

Criteria for Consideration of Retention

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English, language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades.

Students shall be identified on the basis of the following indicators:

. Current student achievement, grades (below "C"), and credits earned for grades 9-12.
. Individual student goals as indicated on the Individual Learning Plan.
. Composite performance on multiple assessments.
. Portfolio of student work.
. School attendance.
. Informal teacher records.

Designation of Teacher

The "teacher" making the recommendation for promotion/retention shall be the teacher who:

1. Serves as the full-time credentialed teacher for the student during the entire instructional day for the student.
2. Provides more than 50% of the student's instruction for any school day.
3. For those students enrolled in a departmentalized instructional program, recommendation will be made to the "Student Consultation Team" to include departmentalized teachers.

The recommendation to promote or retain shall be discussed with the "Student Consultation Team" prior to final decision.

Teacher Determination for Student Retention

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is NOT the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is NOT appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement.

Final Teacher Recommendation for Retention/Promotion

If the teacher's recommendation to promote is contingent on the student's participation in a tutorial program or an after school, summer school, or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the "Student Consultation Team" before any final determination of retention or promotion.

Requirement for Parent Notification of Students "At-Risk" of Retention

When a student is identified as being at-risk of retention, the Superintendent or designee shall so notify the student's parents or guardians, in writing, as early in the school years as practical. The student's parents/guardians shall be invited to a meeting to consult with the teacher(s) responsible for the decision to promote or retain the student.

The parents/guardians will be advised of the critical nature of attending and participating in this meeting. The meeting will include the participation of appropriate staff and other appropriate authorities, if the student's school attendance and performance is linked to his/her court ordered condition of probation. The letter of notification shall include a copy of the Board of Education's policy on "Promotion and Retention" and the administrative rules and regulaitons to those parents/guardians who have been notified that their child is at risk of retention.

Appeal of Teacher's Decision to Retain or Promote Student

1. The decision to promote or retain a student may be appealed consistent with Board policy, administrate regulations, and the law.

2. The burden shall be on the appealing party to show why the teacher's decision should be overruled.

3. To appeal the teacher's decision, the parents/guardian, and the student, if appropriate, shall submit a written request to the Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion. The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

4. If the Superintendent or designee determines that the appealing party has overwhelming demonstrated that the teacher's decision should be overruled, then the Superintendent or designee shall overrule the teacher's decision.

5. If the decision is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objectives, which shall become part of the student's record.

Provisions of Remedial Instruction

To the extent to which county offices of education are funded to provide systematic and intensive supplemental instruction to students retained pursuant to Education Code Section 48070.5, with parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention or identified as being at-risk of retention, to participate in a supplemental program.

a. Such programs shall be offered after school, during the extended day, during the summer, on Saturdays, and/or during intercession. However, a student shall not be removed from instruction of his/her regular day core curriculum.

b. The aforementioned services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at-risk or retention pursuant to E.C. 48070.5.

2. Students who have been identified as having a deficiency in mathematics, reading, or written expression based upon the results of tests administered by the district or under the STAR program.

c. The supplemental instruction program shall be developed in accordance with the requirements of Education Code Section 37252.5. This Education Code provides for intensive supplemental instruction to pupils enrolled in grades 2 to 9, inclusive, who have been retained pursuant to Education Code Section 48070.5. As noted, attendance in the supplemental instructional programs shall not be compulsory within the meaning of Education Code Section 48200.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY PROCEDURE

Education for Homeless Children and Youth

400-13

Definitions

Homeless means students who lack a fixed, regular, and adequate nighttime residence and includes:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings.

3. Children and youths who are living in cars, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above.

School of origin means the school or program that the student attended when permanently housed or the school or program in which the student was last enrolled.

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parents/guardian.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian.

School/Program Homeless Liaison Contact Information

The Superintendent designates the following staff person as the School/Program Homeless Liaison ("Homeless Liaison") for homeless students attending a school or program of the Board:

Homeless Liaison

Orange County Department of Education

Room B-2004

200 Kalmus Drive, Costa Mesa, CA 92626

714-953-6513

The Homeless Liaison shall ensure that:

1. Homeless students are identified by school or program personnel and through coordinated activities with other entities and agencies.

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, its schools and programs.

3. Homeless families and students receive educational services for which they are eligible.

4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.

5. Notice of the educational rights of homeless students is disseminated at places where children receive services, such as schools, shelters and community centers.

6. Enrollment disputes are mediated in accordance with law, Board policy and procedure.

7. Parents/guardians are fully informed of all transportation services.

Enrollment

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian request otherwise.

When making a placement decision, the principal or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing.

In the case of an unaccompanied youth, the Homeless Liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights.

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the principal or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision to the Homeless Liaison.

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school or program of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment.

The principal or designee shall immediately contact the school or program last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the Homeless Liaison. The Homeless Liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.

Enrollment Dispute Resolution Process

If a dispute arises over school selection or enrollment in a particular school or program, the student shall be immediately admitted to the school or program in which enrollment is sought pending resolution of the dispute.

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the Homeless Liaison.

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the Homeless Liaison, a description of the Homeless Liaison's decision, notice of the right to enroll in the school or program of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the Superintendent's designee and, if the dispute remains unresolved, to the California Department of Education ("CDE").

The Homeless Liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

If a parent/guardian disagrees with the Homeless Liaison's enrollment decision, he/she may appeal the decision to the Superintendent's designee. The Superintendent's designee shall make a determination within five (5) working days.

The Superintendent designates the following staff person as the County Coordinator for Homeless Education ("County Coordinator"):

Manager, Student Support Services
Orange County Department of Education
Room B-1014
200 Kalmus Drive, Costa Mesa, CA 92626
714-966-4093

If the parent/guardian wishes to appeal the County Coordinator's placement decision, the County Coordinator shall forward all written documentation and related paperwork to the CDE.

ORANGE COUNTY BOARD OF EDUCATION
Costa Mesa, California

BOARD POLICY PROCEDURE

CIVIC CENTER USE, Application for Use of School Facilities 500-4

Use or occupancy of the Orange County Department of Education facilities and/or grounds shall be primarily for public school purposes. Any authorized use or occupancy of the facilities and/or grounds for other than school purposes shall be secondary and subordinate to this primary purpose.

1. To reserve facilities and/or grounds at the Orange County Department of Education, contact the Facilities Unit at (714) 966-4070 to request an application and provide the following information.

    a. Name of organization
    b. Complete address and telephone number
    c. Time of use
    d. Nature of meeting
    e. Building and/or grounds requested
    f. Person responsible for use
    g. Estimated number of attendance

2. Applications should be submitted not later than fifteen (15) days prior to the desired time of use. If an application has not been returned to you approved within ten (10) days of the desired time of use contact the Facilities Unit at (714) 966-4070. The Orange County Department of Education reserves the right to assign or reassign facilities and/or grounds as necessary.

3. Payment of estimated fees shall be made within ten (10) days before the use of the facilities and/or grounds. Applicant will be invoiced for the balance of any rental and/or service fee due following the use of the facilities and/or grounds.

4. Cancellations should be made to the Facilities Unit at (714) 966-4070 at least forty-eight (48) hours in advance of the scheduled time of use so that the facilities and/or grounds may be reassigned.

5. Insurance: Applicant, upon request of the Orange County Department of Education, may be required to submit a certificate of insurance with limits of $500,000 bodily injury and property liability coverage, per occurrence, combined single limit. The applicant shall also name the Orange County Superintendent of Schools, the Orange County Board of Education and their offices, agents and employees as an additional insured on the policy and provide for a thirty (30) day notice of cancellation or reduction in coverage.

6. Applicant must certify under penalty of perjury that he/she has read the procedures, conditions and terms of the application, and shall abide by them and will conform to all applicable provisions of the Constitution and laws of California and to all other directives of the Orange County Superintendent of Schools, the Orange County Board of Education and their officers, agents and employees which may be communicated to the applicant. Failure to adhere to any of the procedures and the terms of the application may be interpreted as gross negligence and may nullify any agreement whether written or oral.

The following procedures have been established by the Orange County Department of Education to assist organizations with detailed information regarding the use of facilities and/or grounds. The Orange County Department of Educations appreciates the organization's interest and desire to use these facilities and/or

grounds and appreciates that the organization will work with the Orange County Department of Education in maintaining the physical condition of the facilities and/or grounds so that they may be enjoyed by other citizens and groups in the future.

1. Use or occupancy of any facilities and/or grounds shall be primarily for public school purposes. Any authorized use of occupancy of the facilities and/or grounds for other than public school purposes shall be secondary and subordinate to this primary purpose.

2. The term "organization" as used in these procedures is defined to mean and include the person or group or persons applying for use of school facilities and/or grounds.

3. All applications from outside organizations for the use of facilities and/or grounds shall be referred to the Facilities Unit of the Orange County Department of Education and shall be signed by an officer of the organization. These applications should be submitted to the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, CA 92626, Attn: Facilities Unit, fifteen (15) days prior to the desired time of use. Facilities and/or grounds must be under the supervision of a responsible adult (21 years of age or over).

4. The Orange County Department of Education reserves the right to assign or reassign facilities and/or grounds as necessary.

5. Cancellations should be made to the Facilities Unit at (714) 966-4070 at least forty-eight (48) hours in advance of the scheduled time of use so that the facilities and/or grounds may be reassigned.

6. Use is confined to the area(s) named in the approved application, with appropriate corridor and lavatory facilities.

7. Orange County Department of Education equipment will to be used unless specifically authorized.

8. A cleaning deposit for the facilities and/or grounds may be required from all individuals and groups prior to facility and/or ground use. The facility and/or grounds must be cleaned and returned to reasonable condition after all meetings. Deposit refunds will be returned provided the facility and/or grounds are left in a reasonable condition.

9. No keys will be issued to applicants. Personnel of the Orange County Department of Education will be available with keys during the periods scheduled on the application.

10. No use or occupancy of any school facility will be permitted if the Orange County Board of Education, in the exercise of its discretion, determines that such use or occupancy is prohibited by law, or that such use or occupancy will interfere with the use of the facility for school purposes, or that it will result in picketing, rioting or other disturbance of the peace, or in damage to the facility which will render it unfit for or will interfere with its proper use for school purposes.

11. There shall be no intoxicants, narcotics, firearms, or weapons used, nor shall profane language, quarreling, fighting or gambling be permitted. Smoking is prohibited.

12. Whenever the use of school facilities without a service charge is permitted, it is understood that there will be no admission fee charged, no soliciting of funds, no free-will offering nor sale of literature by the organization using school facilities and that the meeting shall be non-exclusive and open.

13. The Orange County Board of Education may require that it be furnished, reasonably in advance, with a complete program and copies of all speakers with addresses and script of any entertainment to be given in school facilities. If such copy reasonably demonstrates that the program will be in violation of law or of these procedures, the proposed use shall not be permitted.

14. Organizations using school facilities shall comply with all applicable laws, rules and regulations. Any use contrary to or in violation of any law, rule or regulation shall be grounds for cancellation of the permit and removal of the users from the facilities. The Orange County Department of Education may ban such organization from future use.

15. Permission to use school facilities may be granted in accordance with adherence to all of the policies and procedures of the Orange County Department of Education. Any fees charged will be in accordance with the current schedule of charges approved by the Orange County Superintendent of Schools and/or the Orange County Board of Education.

16. The following fee schedule is based on the facility and/or grounds used and is subject to change. There many be an additional charge if custodial overtime is required. The Orange County Department of Education requires fees to be paid in advance.

FEE SCHEDULE

Rental Fees

Facility Use	$_____	per hour x	_____hrs.	=	$_____
Kitchen	$_____	per hour x	_____hrs.	=	$_____
Custodian	$_____ Regular	per hour x	_____hrs.	=	$_____
	$_____ Overtime	per hour x	_____hrs.	=	$_____
	$_____ Holiday	per hour x	_____hrs.	=	$_____
Cleaning Deposit	$_____	per hour x	_____hrs.	=	$_____

17. Payment of the estimated fees shall be made within ten (10) days before the use of facilities and/or grounds. Organization will be invoiced for the balance of any rental and/or service fee following the use of facilities and/or grounds.

18. Organization herby agrees to hold harmless, indemnify and defend the Orange County Superintendent of Schools, the Orange County Board of Education, and their officers, agents and employees, from any loss, damage, liability, cost or expense that may arise during or be caused in any way resulting from organization's negligence during the use of facilities and grounds.

19. Organization upon request of the Orange County Department of Education may be required to submit a certificate of liability insurance naming the Orange County Superintendent of Schools, the Orange County Board of Education and their officers, agents and employees as an additional insured and meet the minimum insurance requirement as follows: $500,000 bodily injury and property liability coverage, per occurrence, combined single limit, and provide for a thirty (30)

day notice of cancellation or reduction in coverage. The certificate of insurance may be waived at the sole discretion of the Orange County Department of Education.

20. Organization certifies under penalty of perjury that he/she has read the procedures, conditions and terms of the application and shall abide by them and will conform to all applicable provisions of the Constitution and laws of California and to all directives of the Orange County Superintendent of Schools, the Orange County Board of Education, and their officers, agents and employees which may be communicated to the applicant. Failure to adhere to any of the procedures and the terms of the application may be interpreted as gross negligence and may nullify any agreement whether written or oral.

21. Verbal authorization by any employee of Orange County Department of Education does not constitute an agreement. All agreements will be approved and/or disapproved in writing on the appropriate Use of Facilities application.

ORANGE COUNTY BOARD OF EDUCATION
Costa Mesa, California

BOARD POLICY PROCEDURE

COMPLAINT PROCEDURES **500-5**

Uniform Complaint Procedure

This procedure applies to the filing, investigation and resolution of a complaint regarding an alleged violation by the Orange County Department of Education of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination.

I. Scope of Complaint Procedure

This procedure applies to the following programs administered by the California Department of Education.

1. Adult basic education established pursuant to Education Code Sections 8500-8538 and 52500-52616.5;
2. Consolidated categorical aid programs as listed in Education Code Section 64000(a);
3. Migrant education established pursuant to Education Code Sections 54440-54445
4. Vocational education established pursuant to Education Code Sections 52300-52480;
5. Child care and development programs established pursuant to Education Code Sections 8200-8493;
6. Child nutrition programs established pursuant to Education Code Sections 49490-49560;
7. Special education programs established pursuant to Education Code Sections 56000-56885 and 59000-59300.

This procedure also applies to complaints which allege unlawful discrimination under federal or state law in any program or activity conducted by the Department, including the filing of complaints which allege unlawful discrimination against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

II. Persons Who May File Complaint

A complaint may be filed by any individual, including a person's duly authorized representative or an interested third party, public agency, or organization. Individuals who may file complaints include Department students, employees, and parents or guardians.

III. Retaliation: Confidentiality

A complainant shall be protected from retaliation as a consequence of filing a complaint. The identity of a complainant alleging discrimination shall remain confidential, as appropriate.

IV. Complaint Officer

The Assistant Superintendent, Human Resources and Support Services, is designated as the Uniform Complaint Officer. The Uniform Complaint Officer shall be responsible for receiving complaints of unlawful discrimination, investigating complaints, and for ensuring that the Department complies with the provisions of this procedure. The Uniform Complaint Officer shall be knowledgeable about the laws and programs he or she is assigned to investigate.

V. Filing a Complaint: Time Lines

For other than discrimination complaints, any individual, public agency or organization may file a written complaint with the Uniform Complaint Officer, alleging a matter which, if true, would constitute a violation by the Department of a federal or state law or regulation governing any of the programs listed above.

A written complaint alleging unlawful discrimination shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, or by one who believes an individual or any specific class of individuals has been subjected to prohibited discrimination. A complaint alleging unlawful discrimination shall be filed with the Uniform Complaint Officer, not later than six months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination. A complainant may file a written request for an extension of time for filing a complaint of unlawful discrimination, with the California Department of Education.

VI. Department Investigation

Within 60 days from receipt of the complaint, the Uniform Complaint Officer shall complete an investigation of the complaint and prepare a written Department Decision. This time may be extended by written agreement of the complainant.

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, and Department representatives to present information relevant to the complaint. The investigation may include an opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the Department to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The Department Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the Uniform Complaint Officer. The Decision shall be written in English and in the language of the complainant. The Decision shall contain the following:

1. Findings of fact based on the evidence gathered;
2. Conclusions of law;
3. A disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant's right to appeal the decision to the California Department of Education; and

7. The procedures to be followed for initiating an appeal to the California Department of Education.

VII. Appeal to California Department of Education and Civil Law Remedies

Any complainant(s) may appeal a Department Decision to the California Department of Education by filing a written appeal with the California Department of Education within 15 days of receiving the Department Decision. This complainant shall specify the reason(s) for appealing the Department Decision.

The appeal shall include:

1. A copy of the complaint, and
2. A copy of the Department Decision

Upon notification by the California Department of Education that the Department Decision has been appealed, the Uniform Complaint Officer shall forward the following to the Superintendent:

1. The original complaint
2. A copy of the Department Decision
3. A summary of the nature and extent of the investigation conducted by the Department, if not covered in the Decision
4. A report of any action taken to resolve the complaint
5. A copy of this complaint procedure, and
6. Such other relevant information as the Superintendent may require.

The complainant(s) also has a right to seek civil law remedies no sooner than 60 days have elapsed since filing an appeal with the California Department of Education, with the exception of injunctive relief, for which the moratorium does not apply, provided complainant(s) is timely advised of right to file a complaint.

VIII. Annual Notification

The Department shall annually notify, in writing, its students, employees, parents or guardians of its students, advisory committees, appropriate private school officials and representatives, and other interested parties of these complaint procedures, including the opportunity to appeal to the California Department of Education. The notice shall identify the person responsible for processing complaints. The notice shall also advise the recipient of the notice of any civil law remedies that may be available, of the appeal and review procedures available to the recipient, and that copies of these complaint procedures shall be available free of charge. This notice shall be in English, and when necessary pursuant to section 48985 of the Education Code, in the primary language or mode of communication of the recipient of the notice.

IX. Civil Law Remedies

Complainants are not required to exhaust the OCDE uniform complaint procedure prior to pursuing civil law remedies. Civil law remedies include, but are not necessarily limited to, injunctions, restraining orders, or other remedies or orders arising from legal and equitable actions filed in California and federal courts. Statutory authority for such actions includes, but is not limited to, the following:

1. California Education Code, Sections 200, et seq. – prohibits public schools from discriminating on the basis of sex, ethnic group identification, race, national origin, religion, mental or physical disability, or grounds set forth in Penal Code Section 422.55
2. California Education Code Section 32289 – noncompliance with the school safety plan requirements of the No Child Left Behind Act of 2001 (20 U.S.C. § 7114 (d)(7).
3. California Education Code Section 56046 – prohibits an employee of the OCDE or the Special Education Local Planning Area (SELPA) from directly or indirectly using or attempting to use their official authority for the purpose of interfering with employees or private individuals or organizations in assisting a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil.
4. Penal Code, Sections 422.55 and 422.6(a) – makes it a crime to injure or threaten another person because of the person's race, ethnicity, religion, national origin, disability, gender or sexual orientation. Also makes it a crime to injure or threaten another person because it is perceived that the person has one or more of those characteristics.
5. Title 5, Section 4900(a) – prohibits discrimination in a local agency program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability.
6. California Government Code section 11135, et seq. – prohibits discrimination in programs funded by the state.
7. Title IV, Civil Rights Act of 1964 (42 U.S.C. § 2000c-8) – prohibits segregation.
8. Title VI, Civil Rights Act of 1964 (42 U.S.C. § 2000d) – prohibits race, color or national origin discrimination.
9. Title IX, Education Amendments of 1972 (20 U.S.C. §§ 1681, et seq.) – prohibits sex discrimination.
10. Individuals with Disabilities Education Act (20 U.S.C. §§ 1400, et seq.) – prohibits discrimination against children with disabilities.
11. Section 504, Rehabilitation Act of 1973 (29 U.S.C. § 794) – prohibits discrimination against disabled persons.
12. Americans With Disabilities Act (42 U.S.C. §§ 12101, et seq.) – prohibition of discrimination against disabled persons.

Assistance with the above civil law remedies may be obtained from various sources, including the following:

- Private legal counsel.
- Local mediation centers, such as: American Arbitration Association (213.362.1900)
  JAMS Endispute (949.224.1810 or 714.939.1300)
- Legal assistance agencies, such as: Hispanic Legal Services (714.541.6740)
  Legal Aid Society of Orange County (714.571.5200)
  Legal Center of Hermandad Mexicana (714.541.0250)

Williams Complaint Procedure

This procedure applies to the filing, investigation and resolution of a complaint regarding allegations related to the settlement and implementation of the Williams and Valenzuela lawsuits against the State of California.

I. Scope of Complaint Procedure

This procedure applies to the investigation and resolution of complaints when the complainant alleges that any of the following has occurred:

1. Textbooks and Instructional Materials

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

b) A pupil does not have access to textbooks or instructional materials to use at home or after school.

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

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

2. Teacher Vacancy or Misassignment

a) A semester begins and a teacher vacancy exists.

b) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils 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 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 the semester for an entire semester.

"Beginning of the year or semester" means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester.

"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.

3. Facilities

a) A condition poses an emergency or urgent threat to the health or safety of pupils 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 pupils 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 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 pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

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.

"Open restroom" means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes.

4. High School Exit Examination (CAHSEE) Intensive Instruction and Services

a) A pupil, including an English learner, who has not passed the California High School Exit Examination (CAHSEE) by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the pupil has passed both parts of the exam, whichever comes first.

II. Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days.

A complaint alleging any deficiency specified in item #4 above shall be filed with a Department official designated by the Superintendent. Such complaints may be filed with the Assistant Superintendent, Human Resources and Support Services or at a school site and shall be immediately forwarded to the Superintendent or designee.

Each school shall have a complaint form available for such complaints.

III. Investigation and Response

The principal or the designee of the Superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or the designee of the Superintendent, as applicable, shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee.

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.

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Board of Education at a regularly scheduled meeting.

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the Department's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632.

All complaints and written responses shall be public records.

IV. Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the County Board of Education on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting.

V. Forms and Notices

The Superintendent or designee shall ensure that the Department's complaint form is available at each school, contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the Department's Williams complaint form in order to file a complaint.

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

ORANGE COUNTY BOARD OF EDUCATION
Costa Mesa, California

BOARD POLICY PROCEDURE

SPECIAL CLAIMS PROCEDURE **500-6**

This claims procedure shall govern claims against the Department of money or damages which are excepted by Government Code Section 905 from the requirements of Government Code Sections 900 to 915.4 , and which are not governed by any statues or regulations expressly relating thereto.

1. No suit for money or damages may be brought against the Department on a cause of action for which a claim is required to be presented in accordance with Government Code Sections 900 to 915.4, until a written claim therefore has been presented to the Department and has been acted upon by the governing board, or has been deemed to have been rejected by the board, in accordance with Government Code Sections 900 to 915.4. Any such action brought against the Department on the claim shall be subject to the provisions of Government Code Sections 945.6 to 946.

2. A claim relating to a cause of action for death or for injury to person or to personal property shall be presented as provided in Government Code Sections 915 to 915.4, not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Government Code Sections 915 to 915.4, not later than one year after the accrual of the cause of action.

3. The governing board shall act on a claim in the manner provided in Government Code Section 912.6 or 912.8 within 45 days after the claim has been presented. If a claim is amended, the board shall act on the amended claim within 45 days after the amended claim is presented. The claimant and the board may extend the period within which the board is required to act on the claim by written agreement made: (1) before the expiration of such period; or (2) after the expiration of such period of limitations provided in Government Code Section 945.6. If the board fails or refuses to act on a claim within the time prescribed by this subsection, the claim shall be deemed to have been rejected by the board on the last day of the period within with the board was required to act upon the claim. If the period within which the board is required to act is extended by agreement whether made before or after the expiration of such period the last day of the period within which the board is required to act shall be the last day of the period specified in such agreement.

4. When a claim required by this procedure to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an application may be made to the Department for leave to present such claim. Government Code Section 911.4(b), Sections 911.6 to 912.2 inclusive, and Sections 946.4 and 946.6 are applicable to all such claims, and the time specified in the policy shall be deemed the “time specified in Section 911.2” within the meaning of Sections 911.6 and 946.6.

Legal Reference: Government Code Section 935