HAPPY VALLEY UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Agenda

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

OPEN SESSION – 6:00 PM Elementary Cafeteria

1.0 Call to Order

2.0 Roll Call

3.0 Pledge of Allegiance

4.0 Approval of Open Session Agenda

5.0 Presentation – Students/Staff

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

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

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

7.0 Communication to the Board – Shasta County Office of Education's approval of the 2026/2027 Adopted Budget and LCAP **(Pg.3)**

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

8.1 Public Comment Session Opened
8.2 Items on the Agenda
8.3 Items not on the Agenda
8.4 Public Comment Session Closed

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

9.1 Approval of Minutes for Regular Board Meeting September 9, 2026 **(Pg.5)**
9.2 Approval of Warrants Sept. 4th – Oct. 9th, 2026 **(Pg.10)**
9.3 Approve Williams Quarterly Report – July – Sept. 2026 **(Pg.16)**
9.4 Approve Personnel Action Report **(Pg.17)**
9.5 Approve Parentsquare Contract **(Pg.18)**
9.6 Approve Best Behavior Contract **(Pg.24)**

10.0 Discussion/Action Items

10.1 Discussion/Action: Approval of Items Removed from the Consent Agenda
10.2 Discussion/Action: Approve Resolution #27-09 Designation of District Representative **(Pg.30)**
10.3 Discussion/Action: Approve 2025/26 Unaudited Actuals Schedule of Capital Assets **(Pg.31)**
10.4 Discussion/Action: Approve Travel for Washington D.C./NYC Trip March 28-April 2, 2027 **(Pg.32)**
10.5 Discussion/Action: Approve ELOP Salary Schedule **(Pg.36)**
10.6 Discussion: 2026/2027 Updated Budget Overview for Parents/LCAP Corrections **(Pg.37)**
10.7 Discussion: Updated August 2026 Board Policies (1st Read – public input on these policies is welcome at this time and will be taken under advisement) **(Pg.122)**

11.0 Superintendent Update

12.0 Business Manager Update

13.0 Enrollment Update as of October 9, 2026: 439 - Grades TK – 8 **(Pg.652)**

14.0 Next Meetings

November 10, 2026 (Date change due to Veteran's Day on November 11th)
December 16, 2026 (December meeting must be held no later than 15 days after the 2nd Friday in December)
January 2027 (Pending based on Organizational Meeting in December)

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

15.0 Adjourn Open Session

SHASTA
COUNTY OFFICE OF
EDUCATION

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

Superintendent
Mike Freeman

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

August 31, 2026

GOVERNING BOARD
HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

Dear Board Members:

In accordance with Education Code Sections 42127 and 52070, the Shasta County Office of Education has reviewed the adopted budget and Local Control Accountability Plan (LCAP) of the Happy Valley Union Elementary School District (the District) for fiscal year 2026-27.

Education Code requires the County Office to approve the LCAP or annual update for each school district after determining all of the following:

- The LCAP adheres to the template adopted by the State Board of Education.
- The budget includes expenditures sufficient to implement the specific actions and strategies included in the LCAP.
- The LCAP adheres to the expenditure requirements for funds apportioned on the basis of the number and concentration of unduplicated students, pursuant to Sections 42238.02 and 42238.03.

Education Code requires the County Office to approve, conditionally approve, or disapprove the adopted budget for each school district after doing the following:

- Examine the adopted budget to determine whether it complies with the standards and criteria established pursuant to Section 33127 and identify any technical corrections needed to bring the budget into compliance with those standards and criteria.
- Determine whether the adopted budget will allow the district to meet its financial obligations during the current fiscal year and is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments.
- Determine whether the adopted budget includes the expenditures necessary to implement the LCAP or annual update to the LCAP.

Based upon our review, the District's 2026-27 LCAP and adopted budget have been approved.

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

As always, we would like to thank your staff for their cooperation and effort during the budget process. If you have any questions or concerns, or if we can be of further assistance, please call me at 225-0209.

Sincerely,

Donell Evans
Senior Executive Director, District Fiscal Services

cc: Gina Murphy, Superintendent/Principal
Danniell Hampton, Chief Business Official

HAPPY VALLEY UNION SCHOOL DISTRICT Est. 1954

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Minutes

September 9, 2026
Happy Valley Elementary Cafeteria – Open Session – 5:15 p.m.
Happy Valley Elementary Staff Room – Closed Session – 5:20 p.m.
Happy Valley Elementary School Cafeteria – Open Session - 6:00 p.m.
17480 Palm Avenue, Anderson, CA 96007

OPEN SESSION – 5:15 p.m. Elementary Cafeteria

1.0 Call to Order @ 5:15 p.m.

2.0 Roll Call – Jodi S. Cheryl B. Erin C. Josh H. – Present
Jacque B. - Absent

3.0 Approval of Closed Session Agenda -

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve the closed session agenda.

4.0 Public Comment on Closed Session

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

4.1 Public comment session opened @ 5:15 p.m.
4.2 Persons wishing to address the Board – Items in Closed Session – None
4.3 Public comment session closed @ 5:16 p.m.

5.0 Adjourn Open Session and Convene Closed Session

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to adjourn open session and convene closed session.

CLOSED SESSION – 5:20 p.m. Elementary Staff Room

6.0 Closed Session

6.1 Significant Exposure to Litigation Pursuant to (Government Code Section §54956.9(b)): 1 Case

7.0 Adjourn Closed Session and Convene Open Session

On a motion by Erin Ciapponi, seconded by Jodi Shearman, the board voted 4-0 to adjourn closed session and convene open session @ 5:28 p.m..

OPEN SESSION – 6:00 PM Elementary Cafeteria

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

9.0 Pledge of Allegiance - led by Jodi Shearman

10.0 Approval of Open Session Agenda

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

11.0 Presentation – Students & Staff

Students: Zinnia Xiong, Sebastian Wolfe, Beverly Covert, Dante Pearson, McKenna Campbell, Liam David
Staff: Ashleigh Nibert, Aubree Stotka, Heather Montgomery, Shelby Thomas, Ashley Youman

12.0 Information/Discussion Items

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

Community – Darcy Weekely, a member of the Happy Valley Foundation Board, reported that the Foundation is in the beginning stages of developing a community park on the back portion of the Community Center property. Phase 1 of the project will include cleaning up the property and installing a gate. Development of the park will be completed in phases. Once completed, the park will be open during the day and closed from dusk to dawn.

Ms. Weekely also reported that the Foundation is working with 4-H and PTO on the annual Christmas tree lighting at the Fire Department.

a) Community – Darcy Weekely, a member of the Happy Valley Foundation Board, reported that the Foundation is in the beginning stages of developing a community park on the back portion of the Community Center property. Phase 1 of the project will include cleaning up the property and installing a gate. Development of the park will be completed in phases. Once completed, the park will be open during the day and closed from dusk to dawn.

   Darcy also reported that the Foundation is working with 4-H and PTO on the annual Christmas tree lighting at the Fire Department.

b) Certificated Staff – Corey Francescut introduced himself as the Junior High Physical Education Teacher and Athletic Director. He reported that during the 2025–26 school year, the athletics program raised approximately $25,000 through tournaments held on campus and snack bar sales. These funds help support the purchase of items such as new uniforms for the cross country and volleyball teams, as well as expenses associated with out-of-town tournaments.

   Corey also reported that fall sports are in full swing, with Soccer, Volleyball, and, for the first year, Flag Football being offered. He expressed his excitement for a fantastic year of athletics.

Ashley Youman reported that the new math curriculum is being well received by students. She also shared that she is serving as the yearbook advisor this year and reported that the cost of the yearbook will be lower this year.

c) Classified Staff – None

d) Board Members – Cheryl Best reported that the first 4-H meeting of the year will be held on Monday, September 14, at 7:00 p.m. at the Community Center. She also reported that there are new leaders for the Swine, Sheep, and Beef projects this year.

e) Primary Site Update – Gina Murphy reported that beginning-of-the-year assessments are taking place, reading groups have started, and awards are already being presented to classrooms for accomplishments in various areas. The awards include the Golden Dustpan for the cleanest classroom, the Spatula for the best-behaved class in the cafeteria, and the Steering Wheel for bus riders.

f) Elementary Site Update – Chris Nelson commented on the following: all safety drills and walk-abouts have been completed. Picture Day will be held on Friday, and the Grandparents/Grandfriends Day breakfast will take place on Monday. Five ELOP clubs are already underway, and electives have been added for fourth- and fifth-grade students. Several activities have taken place to welcome students who are new to the district, and the Wellness Coach has begun working with various student groups.

13.0 Communications to the Board – None

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

14.1 Public Comment Session Opened @ 6:33 p.m.
14.2 Items on the Agenda – None
14.3 Items not on the Agenda – Lee Nichols introduced herself as a member of the community and a candidate for the Board. She indicated that she would be available after the board meeting to meet with anyone who had questions for her.
14.4 Public Comment Session Closed @ 6:34 p.m.

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

15.1 Approval of Minutes for Regular Board Meeting August 12, 2026
15.2 Approval of Warrants August 8th – September 3rd, 2026
15.3 Approve Actuarial Study of Retiree Health Liabilities Under GASB 74/75
15.4 Approve Personnel Action Report

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

16.0 PUBLIC HEARING:

Public Hearing Regarding Sufficiency of Instructional Materials

Comments from the Community – Any persons wishing to address the board on the Sufficiency of Instructional Materials, may do so at this time. The Board limits the time allotted to each speaker to three (3) minutes.

16.1 Public Comment Session Opened @ 6:35 p.m.
16.2 Persons Wishing to Address the Board - None
16.3 Public Comment Session Closed @ 6:35 p.m.

17.0 Discussion/Action Items

17.1 Discussion/Action: Approval of Items Removed from the Consent Agenda - None

17.2 Discussion/Action: Approve Resolution #27-07 – Approve Resolution Regarding Sufficiency of Instructional Materials for Fiscal Year 2026-2027

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve Resolution #27-07.

17.3 Discussion/Action: Approve Proposition 28 Annual Report

Gina Murphy told the board members that she was looking into options for the Primary School.

On a motion by Erin Ciapponi, seconded by Cheryl Best, the board voted 4-0 to approve the Proposition 28 Annual Report.

17.4 Discussion/Action: Approve Resolution #27-08 Gann Limit

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve Resolution #27-08.

17.5 Discussion/Action: Approve Independent Study Policy 6158

On a motion by Jodi Shearman, seconded by Cheryl Best, the board voted 4-0 to approve the Independent Study Policy 6158.

17.6 Discussion/Action: Approve 2025/2026 EPA (Education Protection Account) Report

Danniell Hampton told the board this is a breakdown on how the funds were spent this last school year.

On a motion by Cheryl Best, seconded by Jodi Shearman, the board 4-0 to approve the 2025/2026 EPA Report.

17.7 Discussion/Action: Approve 2025/2026 Unaudited Actuals

Danniell Hampton told the board this is a view of how we close the books. The district

has a deficit of $51,000 instead of $288,000. She also reports that she was able to get the district to meet the CEA. The district has always had to get a waiver from the State. She also reported the cafeteria fund closed with roughly an additional $50,000 in unexpected funds.

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

17.8 Discussion/Action: Updated May Board Policies (See June 9th board packet)

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to approve the May Update policies as discussed.

18.0 Superintendent Update – Gina Murphy commented on the following: The curriculum portion of the Williams walk-through is complete. SCOE will be starting on the facilities walk-through soon. Herself and Danniell are working with Schraeder & Associates for facilities funding and Prop 2 grants. Happy Valley is considered a hardship district and can get money up front for design costs. The transition in CBO's is going very well. Danniell is picking things up very quickly and is a great fit for the district. The transition in our SPED program from SEIS to SIRUS is a little rocky and hopefully it will be worked out soon. Mrs. Murphy also read a letter to the board and community that addressed the allegations from last year and the process the district took as prescribed by law.

19.0 Business Manager Update – Danniell Hampton reported she is working with the auditors to help finish up the remainder of the 2025/2026 audit.

20.0 Enrollment Update as of September 3, 2026 – 439 Students TK-8th Grade

21.0 Next Meetings

October 14, 2026
November 10, 2026
December 9, 2026

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

22.0 Adjourn Regular Board Meeting

On a motion by Cheryl Best, seconded by Erin Ciapponi, the board voted 4-0 to adjourn open session @ 7:34 p.m.

Approved October 14, 2026

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Clerk of the Board

Checks Dated 09/04/2026 through 10/09/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011090537	09/17/2026	ACCU-PRINT	01-5801	AUGUST 26' FINGERPRINT SVCS (3)		60.00
9011090538	09/17/2026	ACE PAYMENT PROCESSING	01-4510	ES/PS MAINTENANCE SUPPLIES	229.48	
				ES/PS/MAINTENANCE SUPPLIES	166.93	396.41
9011090539	09/17/2026	AERIES SOFTWARE, LLC	01-5801	26/27 STUDENT SYSTEM INFO & ONLINE ENROLLMENT		18,190.30
9011090540	09/17/2026	AT&T	01-5910	SEPT 26' PHONE SVCS		734.01
9011090541	09/17/2026	CA DEPT OF TAX AND FEE ADMIN	01-9503	DIESEL EXEMPT BUS OPERATOR		28.55
9011090542	09/17/2026	CALIF SAFETY - ANNA SCHWA RTZ	01-5801	SEPT. 26' ALARM/MONITOR SERVICES		570.00
9011090543	09/17/2026	CARON-COOK, BONNIE	01-5211	AUG. 26' SPECIAL DAY CLASS MILEAGE REIMB		54.72
9011090544	09/17/2026	CHARACTERSTRONG	01-5805	26/27 CURRICULUM LICENSES		5,996.00
9011090545	09/17/2026	COLUMBIA ESD	01-5210	HVUESD- CALM AND COLLECTED WORKSHOP		1,200.00
9011090546	09/17/2026	COMPUTERSHARE TRUST COMPANY	01-5801	CORPORATE TRUST SVCS		750.00
9011090547	09/17/2026	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	01-5801	AUGUST 26' FINGERPRINT APPS	96.00	
				JULY 26 FINGERPRINTING APPS	96.00	192.00
9011090548	09/17/2026	FOSTER & FOSTER, INC	01-5805	GASB 75- 2ND INSTALLMENT		1,000.00
9011090549	09/17/2026	GAYNOR TELESYSTEMS INC.	01-5910	4 ADDITIONAL PHONES/PROGRAMMING	784.84	
				T33G PHONE TAX	514.80	1,299.64
9011090550	09/17/2026	GOLD STAR FOODS	13-4710	STUDENT MEAL SUPPLIES		2,018.10
9011090551	09/17/2026	HAPPY STOP MARKET	01-4601	AUGUST 26' TRANSPORT/MAINT FUEL	3,739.25	
			13-4510	AUGUST 26' TRANSPORT/MAINT FUEL	52.11	3,791.36
9011090552	09/17/2026	HAPPY VALLEY FRESH FTS	13-4710	STUDENT MEAL SUPPLIES		397.60
9011090553	09/17/2026	KERR, JUSTINE	01-5211	AUG. 26' MEETING/TRAINING D.O.		65.20
9011090554	09/17/2026	LAUNDRY WORLD	01-4510	ES/PS JANITORIAL SUPPLIES		2,231.26
9011090555	09/17/2026	MENDES SUPPLY COMPANY	01-4510	ES/PS JANITORIAL SUPPLIES		641.76
9011090556	09/17/2026	MMA Happy Valley Power, L.P.c /o MMA Renewable Ventures	01-5515	PRIMARY SOLAR ENEGERY PRODUCTION		1,333.02
9011090557	09/17/2026	MUELA, SHAWNA M	01-5211	AUG. 26 ELOP MILEAGE REIMB.		66.34
9011090558	09/17/2026	MYSTERY SCIENCE INC C/O DISCOV ERY EDUCATION, INC	01-4310	1ST-3RD GRADE MYSTERY SCIENCE RENEWAL		2,199.00
9011090559	09/17/2026	PG&E	01-5515	ELEM. ELECTRIC SVCS -7/31-8/31/26	86.47	
				FAMILY CENTER ELECTRIC SERVICES	105.60	
				PS/ES ELECTRIC SVCS- 8/3-9/2/26	947.81	1,139.88
9011090560	09/17/2026	POULTON, KARA A	01-5211	AUGUST 26' MILEAGE REIMBURSEMENT	78.66	
				JULY 26' MILEAGE REIMBURSEMENT	101.84	
				JUNE 26' MILEAGE REIMBURSEMENT	58.29	238.79
9011090561	09/17/2026	PRO TRAININGS LLC	01-5801	PROFIRST AID CERTIFICATIONS (5)		199.75

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

Checks Dated 09/04/2026 through 10/09/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011090562	09/17/2026	PRODUCERS DAIRY FOODS, INC.	13-4710	STUDENT MEAL SUPPLIES		1,264.34
9011090563	09/17/2026	Professional Exterminators	01-5510	ES SEPTEMBER 26' PEST TREATMENT	90.00	
				PS SEPTEMBER 26' PEST TREATMENT	70.00	160.00
9011090564	09/17/2026	PROPACIFIC FRESH	13-4710	STUDENT MEAL SUPPLIES		463.12
9011090565	09/17/2026	READ NATURALLY	01-4310	ADDITIONAL READ LIVE LICENSES		844.20
9011090566	09/17/2026	SCHOOLYARD COMMUNICATIONS, LLC	01-4140	26/27 SPANISH TRANSLATION MATERIALS		930.00
9011090567	09/17/2026	SCSAA, MEAGAN HAWLEY-STONE, SC SAA TREASURER	01-5310	C. NELSON 26/27 MEMBERSHIP DUES	65.00	
				G. MURPHY 26/27 MEMBERSHIP DUES	65.00	130.00
9011090568	09/17/2026	SHASTA CO OFFICE OF EDUCATION	01-5630	JULY 26' VEHICLE MAINTENANCE		438.31
9011090569	09/17/2026	SHASTA COUNTY ENVIRONMENTAL HEALTH DIVISION	13-5801	ELEMENT. 26/27 FOOD PERMIT	483.18	
				PRIMARY 26/27 FOOD FACILITY PERMIT	483.18	966.36
9011090570	09/17/2026	SYSCO - SACRAMENTO	13-4510	STUDENT MEAL SUPPLIES	130.68	
			13-4710	STUDENT MEAL SUPPLIES	2,813.25	2,943.93
9011090571	09/17/2026	U.S. BANK CORP PAYMENT SYSTEMS	01-4310	ELOP- CLUB SUPPLIES	90.92	
				ELOP- SPORTS CAMP SUPPLIES	193.18	
				ELOP-SPORTS CAMP SUPPLIES	249.43	
			01-4510	AMAZON PRIME SUBSCRIPTION	16.08	
				CAFETERIA PARTS	151.65	
				ELOP- AUGUST 2026 CAMP SNACKS	295.47	
				ELOP- BASKETBALL CAMP LUNCHES	924.61	
				ELOP- VOLLEYBALL CAMP LUNCHES	1,132.52	
				ES/PS MAINTENANCE SUPPLIES	281.38	
				ES/PS PAINT & D.O. SIGNS	764.96	
				ES/PS WATER OUTAGE SUPPLIES	216.65	
				P.D.-PEACEFUL PLAYGROUND EQUIPMENT	1,043.44	
				PRIMARY CONCRETE MAINT. SUPPLIES	1,415.32	
				WATER OUTAGE SUPPLIES	160.24	
				WATER SVCS	64.59	
			01-5210	EXECTUTIVE ASSIST. SSCAL CONFERENCE	205.00	
				R. PARKINSON P.D. TRAINING	290.00	
				STN EXPO- HOTEL HOLDING DEPOSIT REFUND	200.00-	
				SUPERINTENDENT ACSA TICKETS	340.00	
			13-4510	CAFETERIA - SCHOOL PICTURES	21.44	
				CAFETERIA SUPPLIES	43.79	

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

Checks Dated 09/04/2026 through 10/09/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011090571	09/17/2026	U.S. BANK CORP PAYMENT SYSTEMS	13-4510	CAFETERIA SUPPLY RETURN	111.74-	
				STUDENT MEAL & CAFE. SUPPLIES	223.48	
			13-4710	STUDENT MEAL & CAFE. SUPPLIES	128.74	
			13-5801	KITCHEN VAN WASH	22.99	7,964.14
9011090572	09/17/2026	US BANK EQUIPMENT FINANCE	01-5801	COPIER/LEASE SVCS	968.88	
			01-7439	COPIER/LEASE SVCS	1,431.84	2,400.72
9011090573	09/17/2026	US OMNI & TSACG COMPL SVCS INC	01-5801	RETIREMENT PLAN SVCS		15.00
9011090574	09/17/2026	VARIFAX SYSTEMS	01-4510	D.O. CANNON PRINTER INK		5,228.34
9011090575	09/17/2026	WASTE MANAGEMENT ANDERSON COTTONWOOD DISPOSAL	01-5545	ELEM. GARBAGE SVCS - 9/1-9/30/26	1,890.83	
				PRIMARY GARBAGE SVCS -9/1-9/30/26	965.05	2,855.88
9011092340	10/01/2026	ACE PAYMENT PROCESSING	01-4510	ES/PS/MAINT. SUPPLIES		84.13
9011092341	10/01/2026	ACSA	01-5210	26/27 ACSA SUPERINTENDENT ACADAMY- C. NELSON		1,350.00
9011092342	10/01/2026	AERIES SOFTWARE	01-5210	AERIES FALL/SPRING CONFERENCES	628.00	
				AERIESCON FALL/SPRING CONFERENCES	1,595.00	2,223.00
9011092343	10/01/2026	Amazon Capital Services	01-4310	J. JARAMILLO CLASSROOM FUNDS	90.77	
			01-4510	D.O. SUPPLIES/EXEC. ASSIST SPLY	268.19	
				DO- ROCIO PC SETUP	508.41	
				ES SUPPLIES	23.05	
				J. SANFORD BASIC MTLS	301.48	
				MCDONALD 26/27 BASIC MTLS	118.58	
				NIBERT 26/27 BASIC MTLS	90.28	
				PS - RM 2 SOUNDBAR	40.74	
				PS OFFICCE/STAFF/COPY ROOM	1,021.22	
				PS- VIDEO ADAPTERS- WIN11 PCS	116.70	
				ROCIO OFFICE SET UP	68.77	
				WB PRINCIPAL TEACHER SUPPLIES	16.08	2,664.27
9011092344	10/01/2026	BOBAN, JESSICA D	01-5211	SEPT. 26' H & H MILEAGE REIMB.		124.48
9011092345	10/01/2026	CA DEPT OF EDUCATION CASHIER'S OFFICE	01-5801	FINAL PLAN APPROVAL- NEW BUILDINGS	2,940.00	
			13-4710	STUDENT MEAL SUPPLIES	124.80	3,064.80
9011092346	10/01/2026	CARTER, LACEY L	01-5210	CASC 26' CONV.EXPO-L. CARTER ADV.		330.00
9011092347	10/01/2026	CDW GOVERNMENT	01-4510	ES RM#10 ACVTIVPANEL		675.68
9011092348	10/01/2026	CLEVER INC.	01-5801	GOOGLE WORKSPACE		2,606.25
9011092349	10/01/2026	DECKER EQUIPMENT	01-4510	ES/PS JANITORIAL SUPPLIES	153.53	
				MUSIC ROOM CHAIR DELIVERY FEE	75.00	
				MUSIC ROOM CHAIRS	2,872.84	3,101.37

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

Checks Dated 09/04/2026 through 10/09/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011092350	10/01/2026	DOMAIN LISTINGS	01-5801	ES 26/27 WWW.HVUSD.NET DOMAIN		219.00
9011092351	10/01/2026	GAYNOR TELESYSTEMS INC.	01-5910	CLOUD SUBSCRIPTION 9/14-10/15/26	707.58	
				NEW PHONE IMPLEMENTATION FEES (1)	211.86	919.44
9011092352	10/01/2026	GILES LOCK & SEC SYSTEMS INC	01-4510	ES/PS KEY COPIES		121.94
9011092353	10/01/2026	GOLD STAR FOODS	13-4710	STUDENT MEAL SUPPLIES		1,946.06
9011092354	10/01/2026	GOSTRENGTHS INC.	01-4310	26/27 GOZEN! MEMBERSHIP RENEWAL		297.00
9011092355	10/01/2026	GRAINGER	01-4510	ES/MAINTENANCE SUPPLIES		710.72
9011092356	10/01/2026	HAMPTON, DANNIELL C	01-5210	CBO PROGRAM TRAVEL REIMB.		401.27
9011092357	10/01/2026	HAPPY VALLEY ATHLETICS ACCOUNT	01-4510	HVE ATHLETICS STUDENT BODY		288.75
9011092358	10/01/2026	HAPPY VALLEY FRESH FTS	13-4710	STUDENT MEAL SUPPLIES	951.53	
				STUDENT MEAL SUPPLY	597.75	1,549.28
9011092359	10/01/2026	HAPPY VALLEY UNION SCHOOL DIST PETTY CASH FUND	01-5210	24/25-25/26 HVUESD REVOLVING PAYB.	495.80	
			01-5801	24/25-25/26 HVUESD REVOLVING PAYB.	735.00	1,230.80
9011092360	10/01/2026	HERITAGE LANDSCAPE SUPPLY	01-4510	ES IRRIGATION SUPPLIES		419.17
9011092361	10/01/2026	JACK SCHREDER & ASSOC., INC.	25-5801	JULY 26' SCHOOL FACILITY PROGRAM		153.75
9011092362	10/01/2026	JELLISON, HANNA E	01-5210	CASC 26' CONV. EXPO- H. JELLISON ADV.		613.60
9011092363	10/01/2026	LINDE GAS & EQUIPMENT INC.	01-5610	CYLINDER RENTAL		38.27
9011092364	10/01/2026	LOZANO SMITH	01-5810	GENERAL LITIGATION	1,609.50	
				TITLE IX COMPLAINT	4,519.50	6,129.00
9011092365	10/01/2026	MENDES SUPPLY COMPANY	01-4510	ES/PS JANITORIAL SUPPLIES		641.76
9011092366	10/01/2026	MICHAEL A ROBERTS CONSTRUCTION	01-6220	ES GENERATOR PROJECT		19,800.00
9011092367	10/01/2026	MID PACIFIC ENGINEERING	01-4510	HVE NEW GENERATOR		1,070.89
9011092368	10/01/2026	MOUNTAIN VALLEY SPED JPA	01-5101	K-8 ALL SDC	9,971.06	
				OT SERVICES	6,402.55	
				PRESCHOOL MOD SEVERE	1,926.13	
				PSYCH SVCS 50/50	13,544.83	
				SPEECH SERVICES	13,814.86	
			01-5805	ERMHS COUNSELOR	2,851.53	
				FACILITY FEE	329.95-	
				NURSING SVCS 50/50	3,289.62	
				SPECIAL ED ADMIN COSTS	9,970.23	
				STUDENT SUPPORT SVCS-BCBA	2,646.39	
			01-8677	ADA PASS THRU	570.07	64,657.32
9011092369	10/01/2026	PG&E	01-5515	PS STREET LIGHTING 8/25-9/23/26		21.38
9011092370	10/01/2026	PITNEY BOWES	01-5930	AUGUST 26' POSTAGE REFILL		401.00
9011092371	10/01/2026	PRODUCERS DAIRY FOODS, INC.	13-4710	STUDENT MEAL SUPPLIES	921.59	
				STUDENT MEAL SUPPLY	2,647.11	3,568.70

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Checks Dated 09/04/2026 through 10/09/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011092372	10/01/2026	PROPACIFIC FRESH	13-4710	STUDENT MEAL SUPPLIES	1,069.03	
				STUDENT MEAL SUPPLY	804.67	1,873.70
9011092373	10/01/2026	SEMINGSON ARCHITECTS INC.	01-5801	24214 HV SCOREBOARD	27.50	
				24242 HV PRIMARY GENERATOR	385.00	
				25206 HV ES GENERATOR	860.00	1,272.50
9011092374	10/01/2026	SHASTA CO OFFICE OF EDUCATION	01-5810	NOR CAL PERSONNEL & LABOR LAW CONSORT.		450.00
9011092375	10/01/2026	SHASTA TRINITY SCHLS INS GROUP	01-9551	OCT. 26' DENTAL	4,127.52	
			01-9559	OCT. 26' DENTAL	97.49	4,225.01
9011092376	10/01/2026	SHASTA TRINITY SCHLS INS GROUP	01-9550	OCT. 26' MEDICAL	48,704.00	
			01-9559	OCT. 26' MEDICAL	1,068.00	49,772.00
9011092377	10/01/2026	SHASTA TRINITY SCHLS INS GROUP	01-9552	OCT. 26' VISION	899.10	
			01-9559	OCT. 26' VISION	63.90	963.00
9011092378	10/01/2026	SUNBLOCKERS	01-5630	ELEMENT. OFFICE/GYM WINDOW TINT		499.00
9011092379	10/01/2026	SYSCO - SACRAMENTO	13-4710	STUDENT MEAL SUPPLIES	2,381.78	
				STUDENT MEAL SUPPLY	2,686.87	
				STUDENT MEAL SUPPLY CREDIT	50.93-	5,017.72
9011092380	10/01/2026	TPX COMMUNICATIONS	01-5910	SEPTEMBER 26' PHONE SERVICES		511.14
9011092381	10/01/2026	VALLEY SUPPLY ACE HARDWARE	01-4510	ES BALL FIELD STRIPING SUPPLIES		127.30
9011092382	10/01/2026	WCP SOLUTIONS	01-4510	ES/PS COPIER PAPER SUPPLIES	3,965.20	
				ES/PS JANITORIAL SUPPLIES	550.60	4,515.80
9011092383	10/01/2026	Amazon Capital Services	01-4510	ES SENSORY PROJECT SUPPLIES		3,450.05
9011093083	10/08/2026	GOVERN for IMPACT	01-5210	WEBINAR - JODI SHEARMAN		215.00
9011093084	10/08/2026	MUELA, SHAWNA M	01-5211	REIMB. SEPT. MILEAGE		238.34
9011093085	10/08/2026	SNYDER, LARRA	13-5210	FARM TO SCHOOL CONF. TRVL ADVANCE		368.11
9011093086	10/08/2026	SPORTSMEN'S DEN	01-4510	ATHLETIC EQUIPMENT		1,164.22
				Total Number of Checks	**87**	**267,484.00**

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General	74	244,447.62
13	CafeFoodSvc	15	22,882.63
25	CapitalFacilities	1	153.75

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

Checks Dated 09/04/2026 through 10/09/2026

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
		Total Number of Checks	**87**		267,484.00	
		Less Unpaid Sales Tax Liability			.00	
		Net (Check Amount)				**267,484.00**

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

Academic School Year 2026-2027

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

District: Happy Valley Union Elementary School District

Form Completed By: Rhonda Grijalva Title: Executive Assistant

Quarterly Report Submission Date: *(Please check one)*

- ☑ October 2026
- ☐ January 2027
- ☐ April 2027
- ☐ July 2027

Date for information to be reported publicly at governing board meeting: 10/14/2026

Please check the box that applies:

☑ No complaints were filed with any school in the district during the quarter indicated above.

☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Misassignments	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Print Name of District Superintendent

Signature of District Superintendent

10/14/2026

Date

Submit by the 15th of the month to: Barbara Erlei at berlei@shastacoe.org

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

PERSONNEL ACTION REPORT – CONSENT AGENDA 16.4

NAME OF EMPLOYEE	EMPLOYEE POSITION	EMPLOYMENT STATUS	EFFECTIVE DATE
Marika Fieldson	SPED Inst. Aide	New Hire	10/05/2026
Callie Lerner	1:1 Instructional Aide	New Hire	10/12/2026
Adam Mankowski	Instructional Aide	New Hire	10/12/2026

Sep 24, 2026

Happy Valley Union Elementary, CA - 0616570
16300 Cloverdale Rd.
Anderson, CA 96007

Dear Team,

Thank you for choosing ParentSquare. We appreciate the opportunity to provide you with your customized proposal.

Regards,
Jesse Garcia
jesse.garcia@parentsquare.com

Quote Date: Sep 24, 2026
Quote Valid Until: Nov 2, 2026

Quote No: Q-20510

Contract Start Date: Oct 1, 2026
Contract End Date: Jun 30, 2027

Happy Valley Union Elementary, CA - 0616570
16300 Cloverdale Rd.
Anderson, CA 96007

Term 1

ParentSquare Pricing Details

Product Name	Start Date	End Date	Term	List Price Per Unit	Quantity	Net Price
Engage Premium 2026 - Free Proration	Oct 1, 2026	Dec 31, 2026	3 Month(s)	$0	1	0
Onboarding	Oct 1, 2026	Dec 31, 2026	One Time Fee	$1,000	1	$1,000
Engage Premium 2026 - Proration	Jan 1, 2027	Jun 30, 2027	6 Month(s)	$3,900	1	$1,950
					Total Price	**$2,950**

Purchase Terms

The Services are subject to the terms contained in this Order Form and in the ParentSquare School Agreement, which is located at www.parentsquare.com/agreement and is incorporated by reference into this Order Form.

NOTE: Pricing above does not reflect ParentSquare's right to increase pricing annually as set forth in the School Agreement. Pricing above also does not include applicable tax, which will be applied upon invoicing.

Privacy Policy -- The ParentSquare Privacy Policy may be reviewed here - https://www.parentsquare.com/privacy/

Terms of Use -- The ParentSquare Terms of Use may be reviewed here - https://www.parentsquare.com/terms/

ParentSquare, Inc.	
Name	Kristin McCann
Title	Sales Leadership
Signature	Signed by: Kristin McCann Sales Leadership
Date	Sep 24, 2026 9:12:15 AM UTC-0500

Happy Valley Union Elementary, CA - 0616570	
Name	Gina Murphy
Title	Superintendent/Principal
Signature	
Date	Sep 18, 2026 11:21:03 AM UTC-0700

Quote Date: Sep 24, 2026
Quote Valid Until: Nov 2, 2026

Quote No: Q-20510

Contract Start Date: Oct 1, 2026
Contract End Date: Jun 30, 2027

Happy Valley Union Elementary, CA - 0616570
16300 Cloverdale Rd.
Anderson, CA 96007

ParentSquare

Engage Premium

Universal Reach

- One-way notifications and urgent alerts
- Automated notices and attendance notifications
- Social and website sharing
- Student communication app (StudentSquare)

True Two-Way

- Two-way SMS texting
- Two-way app and web messaging
- Two-way email replies
- Automatic language translation

Enhanced Engagement

- Newsletter designer (Studio Editor)
- Appointment invitations and RSVPs
- Volunteering and signups
- Searchable directory

Admin Intelligence

- Data analytics and reporting
- 100% contactability tools
- Direct SIS integrations
- Custom roles and permissions

Paperless Workflows

- Online forms and surveys
- Digital permission slips and signatures
- Secure document delivery
- Public community groups

Quote Date: Sep 24, 2026 Quote No: Q-20510 Contract Start Date: Oct 1, 2026
Quote Valid Until: Nov 2, 2026 Contract End Date: Jun 30, 2027

Happy Valley Union Elementary, CA - 0616570
16300 Cloverdale Rd.
Anderson, CA 96007

ParentSquare

Quote Date: Sep 24, 2026
Quote Valid Until: Nov 2, 2026

Quote No: Q-20510

Contract Start Date: Oct 1, 2026
Contract End Date: Jun 30, 2027

Happy Valley Union Elementary, CA - 0616570
16300 Cloverdale Rd.
Anderson, CA 96007

ParentSquare

District Onboarding

- Coordination between ParentSquare Implementation Team and Points of Contact
- Creation & configuration of the ParentSquare site
- Data migration and review of Staff, Student, Parent and Roster data
- Digital training opportunities including recurring webinars, digital training modules, and videos
- Access to “Resource Kit” and Best Practice materials to support Launch
- Ongoing help and support for Admins via email, chat, and voice

Best Behavior, LLC
2675 Bechelli Ln Ste 11
Redding, CA 96002
2026-2027

This agreement is entered into by and between **Happy Valley UESD**, herein called DISTRICT, and **Best Behavior, LLC**, herein called CONTRACTOR, for the provision of **Behavior Intervention Services** to the DISTRICT.

The parties agree as follows:

The term of this agreement is DATE through DATE

A. The DISTRICT agrees to:

1. Provide adequate facilities and support to allow the Behavior Analyst/Intervention Specialist to perform services.
2. Pay the CONTRACTOR for the costs of services at the invoiced rate specified in Item B-1, below.
3. Provide Training and Professional Development as it pertains to the services rendered.

B. The CONTRACTOR agrees to:

1. **$70** per hour for a MA/BA level Intervention Specialist (if indicated and approved), to include Functional Behavioral Assessments and Ongoing Behavioral Services.
2. Payment shall be due and payable **thirty (30) days** after receipt of the invoice by CONTRACTOR.
3. Provide Behavior Analyst, Intervention Specialist and/or Behavior Technician with materials, supplies, and technology necessary to perform duties.

Each party hereto agrees to hold harmless and to indemnify the other party, its officers and employees, against liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage, or expense arising from the negligence, willful misconduct or omission of the party which committed the act, and while acting under the terms and conditions of the Agreement.

Each party agrees this contract is conditioned upon the continuance of availability of categorical funds specified for these purposes. Any reduction or termination of such

funds during the period of this Agreement will entitle the DISTRICT to terminate or modify this Agreement.

I. Student Records:

a. The Behavior Analyst(s) and DISTRICT will collaborate on an ongoing basis to record and verify data for any and all students receiving educationally-related behavior intervention services in order to ensure compliance with IEPs.

b. All records shall be maintained by Best Behavior, LLC as required by state and federal laws and regulations. Notwithstanding the foregoing sentence, Best Behavior shall maintain all records for at least five (5) years after the termination of this MOU. For purposes of this MOU, "records" shall include, but not be limited to student records as defined by California Education code section 49061(b) including electronically stored information; cost data records as set forth in Title 5 of the California Code of Regulations section 3061;
registers and roll books of teachers and/or daily service providers; daily service logs and notes and other documents used to record the provision of related services including supervision; daily service logs and notes used to record the provision of service, absence verification records (parent/doctor notes, telephone logs, and related documents); staff lists specifying credentials held and documents evidencing other staff qualifications, social security numbers, dates of hire, and dates of termination; records of employee trainings and certification, staff time sheets; non-paid staff and volunteer sign in sheets; liability and workers' compensation insurance policies; statement of income and expenses; general journals; cash receipts and disbursement books; general ledgers and supporting documents; documents evidencing financial expenditures; federal/state payroll quarterly reports; and bank statements and cancelled checks or facsimile thereof. Positive attendance is required.

c. Best Behavior shall maintain student records in a secure location to ensure confidentiality and prevent unauthorized access. Best Behavior shall maintain a current list of the names and positions of Best Behavior's employees who have access to confidential records. Best Behavior shall maintain an access log for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record. Such log shall be maintained as required by California Education Code section 49064 and include the name, title, agency/organization affiliation, and date/time of access for each individual requesting or receiving information from the student/s record. Such log need not record access to the student's

records by: (a) the student's parent; (b) an individual to whom written consent has been executed by the student's parent; or (c) employees of LEA or Best Behavior having a legitimate educational interest in requesting or receiving information from the record. Best Behavior/LEA shall maintain copies of any written parental concerns granting access to student records. For purposes of this paragraph, "employees of LEA or Best Behavior" do not include subcontractors. LEA and/or DISTRICT shall have access to and receive copies of any and all records upon request within five (5) business days. If parents request a copy of a student's records, Best Behavior shall provide a copy of the request and relevant student records to the LEA and/or DISTRICT within three (3) business days of the request.

VIII. Services and Supervision:

If Best Behavior, LLC provides services on LEA public school campuses, Best Behavior, LLC shall comply with Penal Code Section 627.1 et. seq, and LEA procedures regarding visitors to school campuses specified by LEA policy and in the LEA procedures, and the procedures of the campus being visited. Best Behavior, LLC shall be responsible for purchase and provision of services on LEA public school campuses. It is understood, that all employees, subcontractors and volunteers of Best Behavior, LLC shall adhere to customary professional standards when providing services. For services provided in a location other than an LEA public school campus as specified in the IEP, Best Behavior must assure that the parent or LEA approved responsible adult is present during the provision of services, unless otherwise agreed in writing by the LEA and the parent. All problems and/or concerns reported to parents, both verbal and written shall also be provided to the DISTRICT and LEA.

III. Best Behavior, LLC Staff Qualifications

Best Behavior, LLC shall ensure that all individuals employed, contracted, and/or otherwise hired by Best Behavior, LLC to provide services pursuant to this MOU hold a license, certificate, permit, or other document equivalent to that which staff in a public school are required to hold in the service rendered consistent with Education Code section 56366.1 (n)(1) and are qualified pursuant to Title 34 of the Code of the Federal Regulations sections 200.56 and 200.58, and Title 5 of the California Code of Regulations sections 3001(z), 3064 and 3065. Such qualified staff may only provide related services within the scope of their professional license, certification or credential and ethical standards set by each profession and not assume responsibility or authority for another related services provider or special education teacher's scope of practice.

IV. Verification of Licenses, Credentials and Other Documents:

a. Best Behavior, LLC shall submit to DISTRICT a staff list, and copies of all current licenses, credentials, permits and/or other documents which entitle the holder to provide special education and/or related services by individuals employed, contracted, and/or otherwise hired or subcontracted by Best Behavior, LLC. Best Behavior, LLC shall ensure that all licenses, credentials, permits or other documents are on file at the office of the DISTRICT. Best Behavior, LLC shall notify DISTRICT in writing within thirty (30) days when personnel changes occur which may affect the provision of special education and/or related services to students receiving services from Best Behavior, LLC pursuant to this MOU.

b. Best Behavior, LLC shall monitor the status of licenses, credentials, permits and/or other documents for all individuals employed, contracted, and/or otherwise hired by Best Behavior, LLC. Best Behavior, LLC shall provide to DISTRICT updated information regarding the status of licenses, credentials, permits and/or other documents within thirty (30) days of known changes.

V. Health and Safety

Best Behavior, LLC shall comply with all applicable federal, state, local, SELPA laws, regulations, ordinances, policies and/or procedures regarding student and employee health and safety.

VI. Applicable Laws

All services to be performed pursuant to this MOU shall be performed in accordance with all applicable federal, state, county, district, and municipal laws, ordinances, regulations, and rules.

VII. Insurance

Best Behavior LLC, at its expense, shall procure and maintain for the duration of the contract insurance against claims for injury to persons or damages to property which may arise from or in connection with the performance of the work hereunder by CONTRACTOR, its agents, representatives, or employees.
The general liability policy is to contain, or be endorsed to contain, the following provisions:

1. Additional Insured: SCHOOL DISTRICT its elected or appointed officials,

employees, agents and volunteers are to be included as Additional Insured's.

2. **Primary Insurance:** For any claims related to this Contract, Best Behavior LLC's insurance coverage shall be primary insurance as respects DISTRICT, its elected or appointed officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the DISTRICT, its elected appointed officials, employees, agents and volunteers shall be excess of CONTRACTOR's insurance and shall not contribute with it.
3. Evidence Best Behavior LLC insurance includes coverage for physical abuse molestation claims. Best Behavior LLC shall maintain limits no less than:

1. General Liability:	$2,000,000	General Aggregate
	$2,000,000	Products/Completed Operations Aggregate
	$1,000,000	Personal & Advertising Injury
	$1,000,000	Each Occurrence
	$1,000,000	Each Incident. Physical Abuse/Molestation
2. Automobile Liability:	$1,000,000	Per Accident for Bodily Injury & Property Damage
3. Workers' Compensation:	As required by the State of California	
4. Employer's Liability:	$1,000,000	Per Accident for Bodily Injury or Disease
5. Professional Liability/E&O:	$1,000,000	Per Occurrence

VIII. Defense and Indemnification

Each party hereto agrees to hold harmless and to indemnify the other party, its officers and employees, against liability
for damages for death or bodily injury to persons, injury to property, or any other loss, damage, or expense arising from the negligence, willful misconduct or omission of the party which committed the act, and while acting under the terms and conditions of the Agreement.

Best Behavior LLC agrees to defend, indemnify and hold harmless HVUESD, its Board, trustees, officers, agents,
employees, and volunteers from all claims, including active and passive claims, losses, costs, attorney fees and expenses arising out of any liability or claim of liability for personal injury, bodily injury to persons or death, contractual liability and damage to property sustained or claimed to have been sustained arising out of activities of CONTRACTOR or its sub-contractors, and any other person, firm or corporation furnishing or supplying services, materials, or supplies in conjunction with the services of CONTRACTOR, whether authorized by this MOU or not. CONTRACTOR further agrees to waive all rights of subrogation against HVUESD. The provisions of this article do not apply to any damage or losses caused solely by the negligence or willful misconduct of HVUESD or any of its agents or employees.

IX. Termination:

Either party may terminate this MOU on 30 days' written notice. DISTRICT shall pay Best Behavior, LLC for all work satisfactorily completed as of the effective date of termination. Should any action be brought to enforce any of the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees.

BOARD OF TRUSTEES OF THE
HAPPY VALLEY UNION SCHOOL DISTRICT

Resolution #27-09
Designation of District Representative

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

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

WHEREAS, the SAB and DGS require a school district's Board of Education to authorize specific individuals to sign and submit information on behalf of a school district; and

WHEREAS, the Happy Valley Union School District understands that the signing and submittal of forms on behalf of the school district commits the school district to comply with program requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Happy Valley Union School District Board of Education authorizes the individuals identified below to physically sign all documents and papers or submit documents via OPSC Online that are associated with SAB-Administered Program(s). Any previous authorized District Representatives not listed below are to be removed from the list of District Representatives:

1. Gina Murphy, Superintendent
2. Danniell Hampton, Chief Business Official

PASSED AND ADOPTED by the Board of Trustees of the Happy Valley Union School District, Shasta County, State of California, this 14th day of October 2026, by the following vote:

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

Date: October 14, 2026

CERTIFICATION:

I, Cheryl Best, certify that the foregoing is a true and correct copy of the resolution duly adopted by the Happy Valley Union School District at a meeting thereof held on the 14th day of October, 2026, and that the same now appears on record in my office.

Date: October 14, 2026

_____
Cheryl Best
Secretary to the Board

	Unaudited Balance July 1	Audit Adjustments/ Restatements	Audited Balance July 1	Increases	Decreases	Ending Balance June 30
Governmental Activities:						
Capital assets not being depreciated:						
Land	5,180.00		5,180.00			5,180.00
Work in Progress	3,439,292.23	(1,714,180.23)	1,725,112.00	8,182.00	1,725,112.00	8,182.00
Total capital assets not being depreciated	3,444,472.23	(1,714,180.23)	1,730,292.00	8,182.00	1,725,112.00	13,362.00
Capital assets being depreciated:						
Land Improvements	923,806.27	.27	923,806.54	246,583.00		1,170,389.54
Buildings	12,218,003.95	1.05	12,218,005.00	5,275,605.00		17,493,610.00
Equipment	2,840,762.69	307,215.31	3,147,978.00	228,100.00		3,376,078.00
Total capital assets being depreciated	15,982,572.91	307,216.63	16,289,789.54	5,750,288.00	0.00	22,040,077.54
Accumulated Depreciation for:						
Land Improvements	(515,067.27)	.27	(515,067.00)	(40,597.00)		(555,664.00)
Buildings	(5,712,551.66)	(.34)	(5,712,552.00)	(275,681.00)		(5,988,233.00)
Equipment	(1,621,519.95)	93,126.95	(1,528,393.00)	(183,760.00)		(1,712,153.00)
Total accumulated depreciation	(7,849,138.88)	93,126.88	(7,756,012.00)	(500,038.00)	0.00	(8,256,050.00)
Total capital assets being depreciated, net excluding lease and subscription assets	8,133,434.03	400,343.51	8,533,777.54	5,250,250.00	0.00	13,784,027.54
Lease Assets	72,140.48	1,185.52	73,326.00	0.00	0.00	73,326.00
Accumulated amortization for lease assets	(37,197.43)	343.43	(36,854.00)	(13,526.00)		(50,380.00)
Total lease assets, net	34,943.05	1,528.95	36,472.00	(13,526.00)	0.00	22,946.00
Subscription Assets			0.00			0.00
Accumulated amortization for subscription assets			0.00			0.00
Total subscription assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Governmental activity capital assets, net	11,612,849.31	(1,312,307.77)	10,300,541.54	5,244,906.00	1,725,112.00	13,820,335.54
Business-Type Activities:						
Capital assets not being depreciated:						
Land			0.00			0.00
Work in Progress			0.00			0.00
Total capital assets not being depreciated	0.00	0.00	0.00	0.00	0.00	0.00
Capital assets being depreciated:						
Land Improvements			0.00			0.00
Buildings			0.00			0.00
Equipment			0.00			0.00
Total capital assets being depreciated	0.00	0.00	0.00	0.00	0.00	0.00
Accumulated Depreciation for:						
Land Improvements			0.00			0.00
Buildings			0.00			0.00
Equipment			0.00			0.00
Total accumulated depreciation	0.00	0.00	0.00	0.00	0.00	0.00
Total capital assets being depreciated, net excluding lease and subscription assets	0.00	0.00	0.00	0.00	0.00	0.00
Lease Assets			0.00			0.00
Accumulated amortization for lease assets			0.00			0.00
Total lease assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Subscription Assets			0.00			0.00
Accumulated amortization for subscription assets			0.00			0.00
Total subscription assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Business-type activity capital assets, net	0.00	0.00	0.00	0.00	0.00	0.00

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Group Leader

March 28–April 2, 2027
Requested trip dates

Departing from Sacramento, CA
Requested departure city

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Cindy, parent

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*Restrictions apply

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HAPPY VALLEY UNION SCHOOL DISTRICT

Classified ELO-P Extra Duty Salary Schedule

Effective 07/01/2026

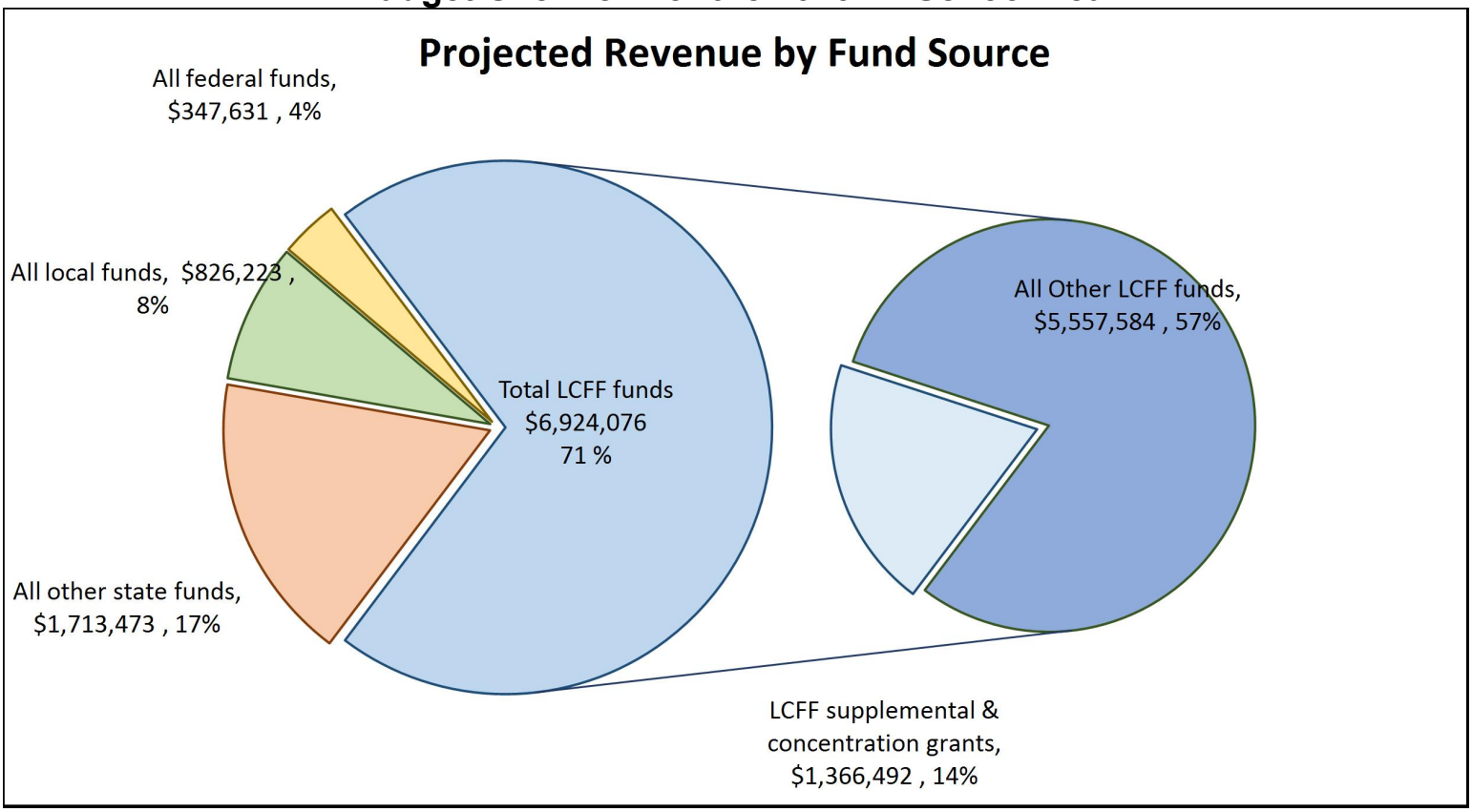
CLASSIFICATION	RANGE	STEP 1
Classified ELO-P	A	$45.00/hr
Board Approved:		

LCFF Budget Overview for Parents

Local Educational Agency (LEA) Name: Happy Valley Union Elementary School District
CDS Code: 45-70011
School Year: 2026-27
LEA contact information:
Gina Murphy
Superintendent/Principal
gmurphy@hvusd.net
(530)357-2134

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

Budget Overview for the 2026-27 School Year

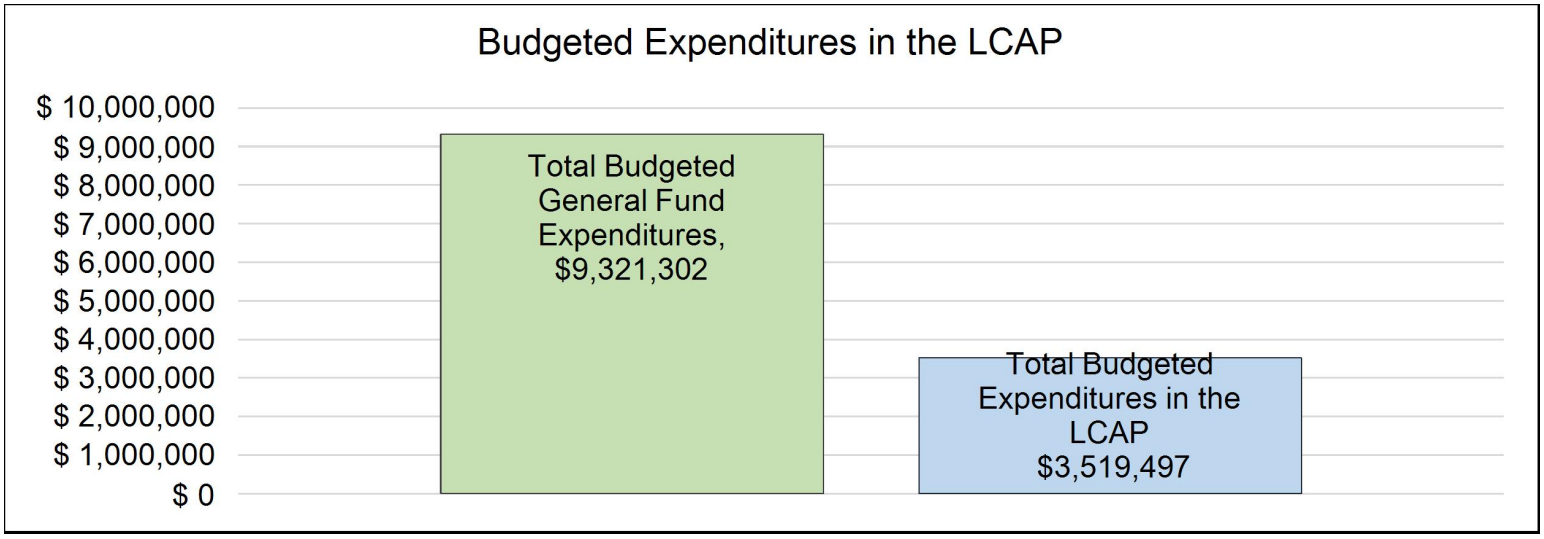


This chart shows the total general purpose revenue Happy Valley Union Elementary School District expects to receive in the coming year from all sources.

The text description for the above chart is as follows: The total revenue projected for Happy Valley Union Elementary School District is $9,811,403, of which $6924076 is Local Control Funding Formula (LCFF), $1713473 is other state funds, $826223 is local funds, and $347631 is federal funds. Of the $6924076 in LCFF Funds, $1366492 is generated based on the enrollment of high needs students (Foster Youth, English learner, and low-income students).

LCFF Budget Overview for Parents

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



This chart provides a quick summary of how much Happy Valley Union Elementary School District plans to spend for 2026-27. It shows how much of the total is tied to planned actions and services in the LCAP.

The text description of the above chart is as follows: Happy Valley Union Elementary School District plans to spend $9321302 for the 2026-27 school year. Of that amount, $3519497 is tied to actions/services in the LCAP and $5,801,805 is not included in the LCAP. The budgeted expenditures that are not included in the LCAP will be used for the following:

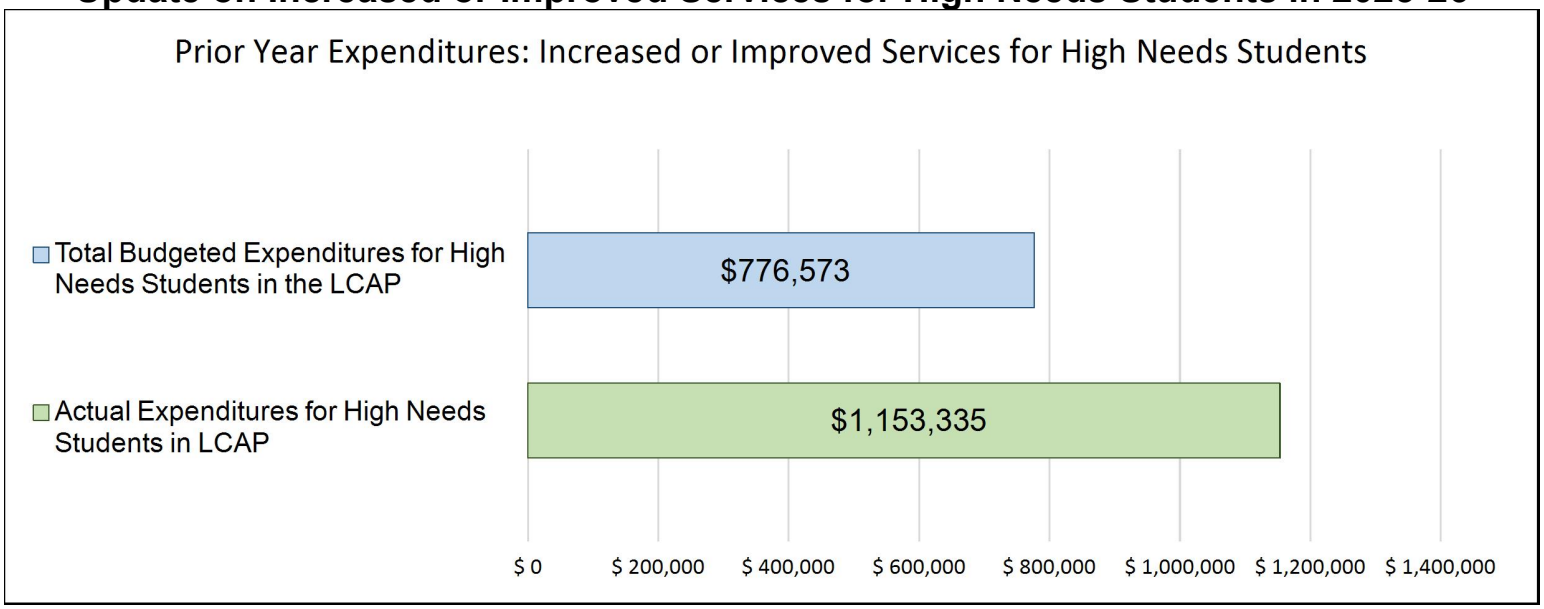
Remaining genreal fund expenditures include operational funds such as maintenance & operations, transportation, grants, lottery etc Additionally, we received $ 99,864 in Learning Recovering Block Grant Funding.

Increased or Improved Services for High Needs Students in the LCAP for the 2026-27 School Year

In 2026-27, Happy Valley Union Elementary School District is projecting it will receive $1366492 based on the enrollment of Foster Youth, English learner, and low-income students. Happy Valley Union Elementary School District must describe how it intends to increase or improve services for high needs students in the LCAP. Happy Valley Union Elementary School District plans to spend $1436208 towards meeting this requirement, as described in the LCAP.

LCFF Budget Overview for Parents

Update on Increased or Improved Services for High Needs Students in 2025-26



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

The text description of the above chart is as follows: In 2025-26, Happy Valley Union Elementary School District's LCAP budgeted $776573 for planned actions to increase or improve services for high needs students. Happy Valley Union Elementary School District actually spent $1153335 for actions to increase or improve services for high needs students in 2025-26.

Local Control and Accountability Plan

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

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

Plan Summary [2026-27]

General Information

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

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

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

Our district has approximately 471 students attending the elementary, primary, or community day sites. We provide quality academic experiences to students from zero-5 and TK- through eighth grade and offer individual personalized learning opportunities to achieve their academic goals with a home-school experience. Our demographics include 7.2% English Learners, 0.2% Foster Youth, and 74.3% Socio-Economically Disadvantaged students. Our teachers and classified staff build relationships and seek to understand the needs of our students to offer a welcoming environment to support students. We center our work on one goal and use data to inform our decisions. In addition, our school provides opportunities to future students and our families by providing school readiness programs, parenting classes, small group support systems, and a family liaison (on each school site) who assist in bridging resources and offering support to our students and their families. We provide social, emotional, and academic counseling services to students needing additional support to improve their literacy and citizenship. Individual counseling, group counseling, academic counseling, and whole class sessions focused on mindfulness are offered to our students. These practices address social skill-building, Adverse Childhood Experiences (ACE's), and other challenging life experiences. When students face learning challenges, they also have the opportunity to work with a behavior coach who guides them in self-regulation, redirection, and successful access to learning.

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

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

The District Program and Community Day School have received equity multiplier funding and funding for a reading specialist.

We continue to be identified for Differentiated Assistance. Our students with disabilities are in the red performance group for English language arts and mathematics.

NOTE: In November 2025, we completed a needs assessment for the Learning Recovery Emergency Block Grant and have placed an action in the LCAP based on the results of the identified needs of our student groups.

Reflections: Annual Performance

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

After reviewing the CA School Dashboard Data, our students are below standard (22.3 points) in English language arts and (46.2 points) mathematics. We saw a significant increase (35.1 points) in English language arts and mathematics (7.3 points). We will continue to concentrate our efforts in best first instruction and supplement instruction through targeted interventions as it is our goal to have all of our students at or above standard in math and English language arts. We will identify and provide added support to students using data to drive instruction and believe this will result in overall growth.

Chronic absenteeism continues to be a challenge. We have made a concerted effort to focus on specific students and families to identify areas of support to ensure students are coming to school. Our Community School Coordinator works weekly with students and their families to set attendance goals. While we have declined by 4.2% in this area, it is our goal to decrease the chronically absent students to less than 1% in the coming years.

Suspensions: We are in the yellow performance level with 3.8% of all students suspended at least one day in the 2024-2025 school year. This was a decline of 2%.

English Learner Progress: 21.2% of English learners are making progress. There was a decline of 31.9%. 21.9% of English learners progressed at least one level, 46.9% maintained their proficiency level, and 31.3% who decreased at least one level.

Red Performance Level Student Group(s): Students with disabilities in English language arts (99.2 points below standard) and mathematics (126 points below standard). Teachers will identify these students and work with each of them to set targeted goals in literacy. Our Literacy Coach will also work one-on-one with these students. English learners in English language acquisition.

Learning Recovery Block Grant Funds were provided through the Governor's 2025-2026 Budget. We completed a needs analysis and placed an action in Goal 1 to support the student groups identified in the needs analysis.

We received additional funding to support our schools that have at least a 25% instability rate and 70% low income demographics. Using the Equity Multiplier Funding, we have focused our efforts on academic supports in goal 2 for the students at Community Day School (CDS) and the District Program. Due to a lack of enrollment, we will be moving our CDS students to the Cascade School District and do a shared service model. We will no longer need Goal 2 in this plan as we won't be receiving the funding any longer.

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

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

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

English Language Arts
English learners 87.6 points below standard

Hispanic students 82.6 points below standard

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

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

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

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

Mathematics
English learner students 110.2 points below standard

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

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

Reflections: Technical Assistance

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

We continue to be identified for Differentiated Assistance (Year 2). We have new qualifiers. Our students with disabilities are in the red performance group for academics.

Shasta County Office of Education (SCOE) has reached out to our leadership team to share data that identified the need for technical assistance. SCOE met with the leadership team and they decided to focus on students with disabilities. We have written actions in our LCAP to support these areas of focus.

SCOE provided local data dashboards that helped track attendance data and suspension data but Happy Valley already had a system in place for tracking this data so we declined the use of the SCOE built dashboards as to not confuse staff and implement another system. Happy Valley administration and staff reviewed the data on the CA School Dashboard.

Happy Valley School District has decided not to use the County Office of Education supports and instead do their own professional development for these areas of concern.

Comprehensive Support and Improvement

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

Schools Identified

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

Not applicable

Support for Identified Schools

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

Not applicable

Monitoring and Evaluating Effectiveness

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

Not applicable

Engaging Educational Partners

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

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

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

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

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

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

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

Educational Partner(s)	Process for Engagement
	Year-round: Monthly presentation to the Board on LCAP actions/services that have been implemented for the past month and will be implemented in the coming months. Annual presentation of the CA School Dashboard results and the CAASPP results. Annual presentation to the Governing Board at the regular meeting on Dashboard Local Indicators and survey results. Sending periodic surveys and questionnaires has been a simple yet effective way to gather input and feedback from our community, staff and students. The surveys have focused on everything from curriculum, extra-curricular activities to staff and/or administrative decisions. Surveys on professional development effectiveness have also been administered. Acknowledged and celebrated the successes and achievement of students, teachers, and the community throughout the year. Recognizing these accomplishments has reinforced the idea that community members, staff and students are essential partners in the educational process. Annual presentation to the Governing Board, at a regularly scheduled meeting, and to the classified/certificated staff on the LCAP development process. A public hearing was held on June 9, 2026 to review the plan, the local indicator report and the Budget Overview for Parents. The Governing Board approved the final plan on June 12, 2026.
Special Education Local Area Plan	Met monthly with the Special Ed Director, the Mountain Valley JPA Special Education & the Shasta County Special Education Local Area Plan administrator to determine specific actions for students with disabilities that are included in the LCAP. This included: reviewing job descriptions, programs offered and programs needed, transportation logistics, staff openings, policy, procedures, staff concerns and student IEPs to identify areas of challenge, root causes, and specific needs.

Educational Partner(s)	Process for Engagement
	We submitted our plan to the Special Education Local Area Plan for review and feedback.
Equity Multiplier Funding Community Day School staff and Happy Valley District Program employees	Administration worked with the Happy Valley joint School Site Council to develop actions to support students that generated the additional Equity Multiplier funds. School Site Council represents the community/parents, students, classified/certificated staff (bargaining unit members) and administration. Using the CA School Dashboard data, we reviewed the data for the students that were in red at the Community School and the district level. The team completed a needs analysis to identify actions within goal 2. Administration met with the staff from the District Program and Community Day School to identify actions and metrics for our Equity Multiplier Goal.
Shasta County Office of Education	The Superintendent met with the Assistant Superintendent of Shasta County Office of Education in the Fall of 2025. SCOE requested the meeting in order to: Learn about the great work happening in the district Hear how they could support our team and the work; and Gather feedback on how they may provide/improve upon our services & opportunities to districts

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

The adopted LCAP was influenced by the following feedback:

District bargaining units requested the following: A change in the middle school programming to better address student needs and survey feedback.

Other school personnel- actions were refined based on feedback. We refined the following actions:
Action 1.1-Removed professional development in math strategies.
Action 1.2-Added a Wellness Coach through 5 Peaks Youth Solution.
Action 1.3- Added School Attendance Review Team (SART) meetings. Replace Community School Coordinator with Family Liaison.
Replaced Saturday School with Expanded Learning Opportunity Attendance Recovery.

Action 1.5- Added create opportunities for student mentoring/leadership. continue to develop MTSS, focusing next year on Tier 1 foundations & alternatives to suspension, Implement anti-bullying and racism instruction, control behavior so as not to disrupt those who are there to learn .
More consistent teacher-to-teacher class level communication
Action 1.6- Removed assign a mentor (youth or adult) to provide guidance, encouragement, and assistance.
Action 1.7-Removed ERIC's Class in September due to lack of enrollment.
Action 1.8- Added Nuerosequential Model Certified at the primary site.
Action 1.11- Removed Saturday School as we no longer staff this program.
Action 1.14- We added more electives to this action based on staff and student interest. Added incorporate STEM Night/Fair, expand recess activities (chess club or other board games, SEL, intramural games/sports), offer drama--Missoula Theater as extracurricular, and offer Girls Inc,
Action 1.15- Using our Learning Recovery Emergency Block Grant funds, we will purchase more intervention materials for math and English language arts. We will purchase novel sets and leveled readers. We will also join the RAISE network to learn new strategies to decrease chronic absenteeism and engage students in learning.
We completed a needs analysis for the Learning Recovery Emergency Block Grant funds and have placed a new action within Goal 1 to address the needs of our identified student groups that need added support.

Parents/Community- School Site Council asked to create opportunities for student mentoring/leadership, continue to develop MTSS, focusing next year on Tier 1 Foundations & alternatives to suspension, incorporate STEM Night/Fair, more consistent teacher-to-teacher class level communication, expand recess activities (chess club or other board games, SEL, intramural games/sports), offer drama--Missoula Theater as extracurricular, offer Girls Inc, implement anti-bullying and racism instruction, control behavior so as not to disrupt those who are there to learn .

Administration- refining the current goals

Students-actions were refined based on feedback.

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

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

Community Day School staff and Happy Valley District Program employees for Equity Multiplier Funding-The team decided to add the following actions within Goal 2 based on the review of the needs analysis: Educationally Related Mental Health Services, counselor will be 1 day/week and Board Certified Behavior Analyst will be 2 days/month. In addition, a waiver was submitted to the state to include a minimum day schedule to match the rest of the district so staff can participate in professional development and teacher collaboration.

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

Goals and Actions

Goal

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

State Priorities addressed by this goal.

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

An explanation of why the LEA has developed this goal.

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

2023-2024 California Dashboard

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

2023-2024 Low income, students with disabilities, and homeless students are at the red performance level with chronic absenteeism. Our Community School Coordinator will identify these students and work directly with them and their families to identify barriers that are keeping them from attending school. Goal setting and incentives will also be used to decrease the chronic absenteeism rates with these student groups.

2023-2024 Chronic absenteeism continues to be a byproduct of the pandemic. However, we have been able to bounce back quickly as compared to other schools in the state. Our families value education and understand that there is a link between good attendance and student achievement. We have made a concerted effort to target students and families to identify areas of support to ensure students are coming to school. Our Chronic Absenteeism Coordinator works weekly with students and their families to set attendance goals. While we have seen a decline of 1.9% from 17.3%, it is our goal to decrease the chronically absent students to less than 1% next year.

2023-2024 Suspension data indicates that 7.6% of all students have been suspended at least once. The following student groups are in the red performance level for suspension: Two or more races (10.2% suspended at least one day), Low Income (10.2% suspended at least one day) White (10.2% suspended at least one day)

Measuring and Reporting Results

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
1.1	Student performance CAASPP English Language Arts	2022-2023 CAASPP Results 29.60% all students met or exceeded standard for ELA 30% of 3rd graders at or above standard 41.81% of 4th graders at or above standard 44.68% of 5th graders at or above standard 20% of 6th graders at or above standard 5.88% of 7th graders at or above standard 36.96% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 51.4 points below standard Declined 9.9 Points District Data Student groups in red performance level:	2023-2024 CAASPP Results 29.50% all students met or exceeded standard for ELA 47.27% of 3rd graders at or above standard 21.74% of 4th graders at or above standard 33.34% of 5th graders at or above standard 31.71% of 6th graders at or above standard 27.58% of 7th graders at or above standard 15.79% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator	2024-2025 CAASPP Results 40.20% all students met or exceeded standard for ELA 44.23% of 3rd graders at or above standard 35.71% of 4th graders at or above standard 24% of 5th graders at or above standard 46.15% of 6th graders at or above standard 51.22% of 7th graders at or above standard 41.66% of 8th graders at or above standard English Language Arts Performance Indicator- Yellow	50% students met or exceeded standard for English language arts 50% of 3rd graders at or above standard 50% of 4th graders at or above standard 50% of 5th graders at or above standard 50% of 6th graders at or above standard 50% of 7th graders at or above standard 50% of 8th graders at or above standard The CA School Dashboard: Blue progress indicator	Increase of 10.60% for overall performance. 3rd grade increased by 14.23 4th grade decreased by 6.10% 5th grade decreased by 20.68% 6th grade increased by 26.15% 7th grade increased by 45.34% 8th grade increased by 4.70% Moved from the orange to the yellow for the progress indicator. Increased 29.1 points

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
		English Learners 87.6 points below standard Declined 40.8 Points Number of Students: 41 Hispanic 82.6 points below standard Declined 38.4 Points Number of Students: 64 Happy Valley Elementary Data Student groups in red performance level in English Language Arts English learner students 116.1 points below standard Hispanic students 95.7 points below standard	57.4 points below standard Declined 6.1 Points District Data Student groups in red performance level: Students with Disabilities 98.9 points below standard Declined 29.7 points Number of Students: 46 Happy Valley Elementary Data Student groups in red performance level in English Language Arts Socioeconomically disadvantaged students 77.2 points below standard. Declined 12.5 points White students 73.2 points below standard. Declined by 23.5 points	22.3 points below standard Increased 35.1 points Student groups in red performance indicator: Students with Disabilities	Blue progress indicator English Learners students at or above standard Hispanic students at or above standard	

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
1.2	Student performance CAASPP Mathematics	2022-2023 CAASPP Results 27.30% students met or exceeded standard for math 26.53% of 3rd graders at or above standard 41.07% of 4th graders at or above standard 34.04% of 5th graders at or above standard 23.63% of 6th graders at or above standard 9.80% of 7th graders at or above standard 28.26% of 8th graders at or above standard The CA School Dashboard: Yellow progress indicator 53.6 points below standard Increased 8.5 Points	2023-2024 CAASPP Results 28.20% students met or exceeded standard for math 38.18% of 3rd graders at or above standard 26.09% of 4th graders at or above standard 29.17% of 5th graders at or above standard 29.27% of 6th graders at or above standard 31.03% of 7th graders at or above standard 15.79% of 8th graders at or above standard The CA School Dashboard: Orange progress indicator 53.6 points below standard Maintained 0.1 Points Red Performance Student Groups Students with disabilities 112	2024-2025 CAASPP Results 31.61% all students met or exceeded standard for math 42.31% of 3rd graders at or above standard 26.79% of 4th graders at or above standard 22% of 5th graders at or above standard 25% of 6th graders at or above standard 51.22% of 7th graders at or above standard 27.11% of 8th graders at or above standard Mathematics Performance Indicator- Yellow 46.2 points below standard Increased 7.3 points Student groups in red performance indicator: Students with Disabilities	50% students met or exceeded standard for math 50% of 3rd graders at or above standard 50% of 4th graders at or above standard 50% of 5th graders at or above standard 50% of 6th graders at or above standard 50% of 7th graders at or above standard 50% of 8th graders at or above standard The CA School Dashboard: Blue progress indicator	All students increased 4.31% 3rd graders increased 15.78% 4th graders decreased 14.28% 5th graders decreased 12.04% 6th graders increased 1.37% 7th graders increased 41.42% 8th graders decreased 1.15% The CA School Dashboard: Increased 7.4 points Maintained yellow for the progress indicator.

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
			points below standard			
1.3	Student performance CAASPP Science	2022-2023 24.47% all students met or exceeded standard for science	2023-2024 15.24% students met or exceeded standard for science	2024-2025 20.72% all students met or exceeded standard for science Science Performance Indicator- Yellow 45.7 science points Maintained 0.6 points No student groups in the red performance indicator.	75% students met or exceeded standard for science	3.75% all students decreased in science
1.4	Student performance English Learner Progress Indicator- ELPAC Proficiency	2022-2023 CA School Dashboard indicates: Red performance indicator 34.1% making progress Declined 20.2% Number of EL Students: 41 31.7% ELs progressed at least one ELPI level 2.4% ELs who maintained ELPI Level 4 26.8% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H	2023-2024 CA School Dashboard indicates: Green performance indicator 53.1% making progress Increased 19% 53.1% ELs progressed at least one ELPI level 0% ELs who maintained ELPI Level 4	2024-2025 CA School Dashboard indicates: English Learner Progress Indicator-Red performance indicator 21.2% making progress Declined 31.9% 21.9% ELs progressed at least one ELPI level	The CA School Dashboard indicates: Blue performance indicator 75% making progress 50% ELs progressed at least one ELPI level 25% ELs who maintained ELPI Level 4 25% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H	Declined 31.9% Maintained progress indicator of red ELs progressed at least one ELPI level- Decreased by 9.8% ELs who maintained ELPI Level 4-Decreased by 2.4% ELs who maintained ELPI Levels 1, 2L, 2H,

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
		39% ELs who decreased at least one ELPI level	28.1% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 18.8% ELs who decreased at least one ELPI level	0% ELs who maintained ELPI Level 4 46.9% ELs who maintained ELPI Levels 1, 2L, 2H, 3L, 3H 31.3% ELs who decreased at least one ELPI level	0% ELs who decreased at least one ELPI level	3L, 3H- Increased by 20.1% ELs who decreased at least one ELPI level- Increased by 7.7%
1.5	Student performance English Learner Progress Indicator Reclassification Rate	2022-2023 Districtwide 0.8% Happy Valley Elementary 0.8% Happy Valley Primary 0%	2023-2024 Districtwide 3.4% Happy Valley Elementary 6.6% Happy Valley Primary 0.4%	2024-2025 Districtwide 30.6% Happy Valley Elementary 48.38% Happy Valley Primary 0%	Districtwide 20% Happy Valley Elementary 20% Happy Valley Primary 20%	Districtwide Increased 29.8% Happy Valley Elementary increased 47.58% Happy Valley Primary decreased 0.4%
1.6	Student Attendance Rates	2023-2024 92.59% attendance rate as of March 22, 2024	2024-2025 93.62% attendance rate as of May 8,2025	2025-2026 96.31% attendance rate as of April 17, 2026	98% attendance rate	3.72% attendance rate increase
1.7	Student Chronic Absenteeism Rate	2022-2023 CA School Dashboard: Orange performance indicator 15.4% students are chronically absent Red performance student groups: Low income 19.2% Students with Disabilities 20.8% Homeless Students 44.4%	2023-2024 CA School Dashboard: Orange performance indicator 15.4% students are chronically absent Red performance student groups: American Indian 25%	2024-2025 CA School Dashboard: Yellow performance indicator 11.2% students are chronically absent Declined 4.2% No student groups in the red performance	The CA School Dashboard: Blue performance indicator Low income less than 3% Students with Disabilities less than 3% Homeless Students less than 3%	Performance indicator moved from orange to yellow Declined 4.2%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
			Foster Youth 22.5% Students with Disabilities 23.9% Homeless Students 46.4% School with Red Performance Indicators Happy Valley Elementary 16.2% All students 21.4% Low Income 22.5% Students with Disabilities	indicator for the district data. School with Red Performance Indicators Happy Valley Primary Low Income- 21.4% of the students are chronically absent. Increased by 3.9% Students with Disabilities-30.4% of the students are chronically absent. Increased by 7.9% Two or more races-20.5% of the students are chronically absent. Increased by 8.3%		
1.8	Middle School Drop Out Rate	2022-2023 0% middle school drop out rate	2023-2024 0% middle school drop out rate	2024-2025 0% middle school drop out rate	0% middle school drop out rate	Maintained 0%
1.9	Student Suspension Rates	2022-2023 CA School Dashboard: 7.6% of all students were suspended at least one day Red Performance Indicator	2023-2024 CA School Dashboard: 5.8% of All students suspended at least one day Yellow Performance Indicator	2024-2025 CA School Dashboard: Suspension Rate Indicator-Yellow 3.8% of students were suspended at least once Declined 2%	Blue performance student groups: Two or more races- Less than 3% suspended at least one day Low Income- Less than 3% suspended at least one day	Moved from red to yellow for the progress indicator Suspension rate decreased by 3.8%

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
		Red performance student groups (District): Two or more races 10.2% suspended at least one day Low Income 10.2% suspended at least one day White 10.2% suspended at least one day	Red performance student groups (District): Students with Disabilities 8.6% suspended at least one day English Learners 6.3% suspended at least one day School with Red Performance Indicators Happy Valley Elementary 16.7% Students with Disabilities suspended at least one day	No student groups in the red performance indicator.	White- Less than 3% suspended at least one day	
1.10	Student Expulsion Rates	2022-2023 0% expulsion rates	2023-2024 0% expulsion rates	2024-2025 0% expulsion rates	0% expulsion rates	Maintained 0%
1.11	Teacher Credential	2023-2024 19.7 Clear Teacher Credentials 4 Interns 1.2 Ineffective	2024-2025 22 Clear Teacher Credentials 3 Interns 1 Ineffective	2025-2026 23 Clear Credentials 1 Out of field 2 Interns 2 Ineffective 0 Incomplete 0 Unknown 0 N/A	100% Teachers with Clear Credentials	Increased 3.3 Clear Credentials Increased by 1 Out of field Decreased by 2 Interns Increased by .8 Ineffective
1.12	State Priorities 1, 2, 3, 7, and 8 are reported in the Local Indicator Report that accompanies the LCAP. (These include					

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
	the results of the student, parent and staff surveys as well as staff credentialing, facilities, standards aligned instructional materials, parent engagement, etc.)					

Goal Analysis [2025-26]

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

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

All actions were implemented in this goal. The California School Dashboard indicates that our actions are effective at meeting our goal. We reduced chronic absenteeism and suspension. We increased both English language arts and mathematics. The only area that declined was English learner progress. We will focus our energies on our 33 English learners through our Multitiered System of Support.

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

Removed ERIC's Class in September due to lack of enrollment.

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

With the exception of the English learner action, our actions were very effective as evidence by our growth on the California School Dashboard. We increased our English language arts indicator by 35.1 points and were one of the districts in Shasta County that showed the most growth. Additionally, we increased our math indicator by 7.3 points. We had a 31.9% decrease with our English Learner Progress indicator which means we will identify extra support for our students who are learning English. We declined 4.2% with chronic absenteeism and 2% with our suspension rate. We are proud of the work our students and staff have done to increase achievement and engage students in learning.

Actions 1.1 and 1.4-English learner services have not been effective at meeting the needs of our students as evidence by the ELPAC and English Learner Progress Indicator. We will provided targeted support for our English learners.
Action 1.2-This action was effective as we saw a decrease in our suspension rate for all students. We have made a concerted effort, this year, to provide alternatives to suspension. Our Behaviorist and Counselor have used proactive strategies to reduce concerning behaviors.
Action 1.3-Our efforts were effective at decreasing the chronically absent students. We have made steady progress at reducing the number of students who are chronically absent.

Action 1.5-The counselor is effective at meeting the needs of our at-risk students. Students, staff and parents indicate that these services are critical for our students.
Action 1.6-These actions are effective at meeting the needs of our at-risk students as evidence from the individual family meetings and surveys.
Action 1.7-Special Education services are meeting the needs of our students on IEPs. They are meeting the goals that are set with staff, parents and each student.
Action 1.8-Professional development has been effective as it has provided knowledge of programs and district initiatives to improve school climate and academic outcomes. Using data, we identified areas of need. Staff have facilitated trainings to use the expertise in the room. This has been well received. Staff have also attended professional development based on our identified needs.
Action 1.9-Facilities are kept in great condition. These actions are effective and providing a safe and engaging learning environment for our students. Our maintenance crew works diligently to maintain the campus throughout the school year. Our FIT report indicates that our facilities are in good condition. We are currently expanding our preschool program with funds from the state of California.
Action 1.10-These actions have been effective at meeting the individual needs of our students as evidence by staff, student and parent surveys.
Action 1.11-Saturday School and After School interventions are effective as they provide time for students to make up work that they missed while absent.
Action 1.12-Staff indicate this action is effective at providing them with the resources needed to teach.
Action 1.13-This action has been effective at engaging parents with school decisions and events. We have seen an increase in positive responses in our parent surveys regarding the events that are offered at school. Parents are also pleased with the communication from the school.
Action 1.14-This action has been effective as these activities engage students in learning. Our students overwhelmingly like electives, PE, athletics, band, sewing, STEM and field trips.
Action 1.15-This action is effective at getting our students to school. Parents appreciate this service.

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

We refined the following actions:
Action 1.1-Removed professional development in math strategies.
Action 1.2-Added a Wellness Coach through 5 Peaks Youth Solution.
Action 1.3- Added School Attendance Review Team (SART) meetings. Replace Community School Coordinator with Family Liaison. Replaced Saturday School with Expanded Learning Opportunity Attendance Recovery.
Action 1.5- Added create opportunities for student mentoring/leadership. continue to develop MTSS, focusing next year on Tier 1 foundations & alternatives to suspension, Implement anti-bullying and racism instruction, control behavior so as not to disrupt those who are there to learn .
More consistent teacher-to-teacher class level communication
Action 1.6- Removed assign a mentor (youth or adult) to provide guidance, encouragement, and assistance.
Action 1.7-Removed ERIC's Class in September due to lack of enrollment.
Action 1.8- Added Nuerosequential Model Certified at the primary site.
Action 1.11- Removed Saturday School as we no longer staff this program.

Action 1.14- We added more electives to this action based on staff and student interest. Added incorporate STEM Night/Fair, expand recess activities (chess club or other board games, SEL, intramural games/sports), offer drama--Missoula Theater as extracurricular, and offer Girls Inc,
Action 1.15- Using our Learning Recovery Emergency Block Grant funds, we will purchase more intervention materials for math and English language arts. We will purchase novel sets and leveled readers. We will also join the RAISE network to learn new strategies to decrease chronic absenteeism and engage students in learning.
We completed a needs analysis for the Learning Recovery Emergency Block Grant funds and have placed a new action within Goal 1 to address the needs of our identified student groups that need added support.

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

Actions

Action #	Title	Description	Total Funds	Contributing
1.1	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Bilingual paraprofessionals will support English learners ELPAC Coordinator Translate for students and families Provide English Learners with small group instruction with purposeful English development and mathematics. Provide students with Structured English immersion and language acquisition for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. Encourage English learners and Long Term English Learners to use language to interact meaningfully in school and beyond. Provide tiered intervention for students not progressing in the English Language Development standards and modify instruction based on student needs. Language development will occur in and through subject matter learning and is integrated across the curriculum, including integrated English Language Development and designated English Language Development using the English Language Arts/English Learner Standards. Students are provided a rigorous, intellectually rich, standards-based curriculum with instructional scaffolding that increases comprehension and participation and develops student autonomy and mastery. Monitor English Learner students and Long Term English Learners frequently to adjust instruction based on identified need. Supplemental instructional materials to support English development.	$206,955.36	Yes

Action #	Title	Description	Total Funds	Contributing
		We see parents as critical partners in their child's education and provide parents with strategies to support their child. English learners will be reclassified based on our district protocol. Professional development in language acquisition strategies for staff.		
1.2	Red performance student groups Suspension	Behaviorist Provide alternatives to suspension especially for our low income, white and two or more student groups. Structured days Refocus room Reflection sheet and goal setting with students SWIS data to identify hot spot areas in the school Behavior team consisting of Principals, Counselor, Behaviorist, and classroom teacher when available meet weekly to discuss options for students After school support for students struggling with completing work Restorative circles/chats Positive Behavior Intervention and Supports Behavior Intervention Reports Teach students strategies for managing emotions and problem solving solutions Counseling, as needed. Character Strong Social Emotional Learning Curriculum will be taught by all teachers Counselor and Behaviors will teach Tier 2 Character Strong. All staff will be encouraged to attend Fred Jones Classroom Management. Wellness Coach through 5 Peaks Youth Solution	$288,165.00	Yes
1.3	Red performance student groups Chronic Absenteeism	Increase attendance with the following student groups: Homeless, Low Income and Students with Disabilities. Asian, Hispanic and White students are also struggling to attend school. Goal set with students who are at risk of missing more than one day of school a month. Parent engagement campaign to reduce absences	$118,759.00	No

Action #	Title	Description	Total Funds	Contributing
		The Family Liaison works with families to reduce barriers to learning through identifying students and families needs. School wide classroom attendance campaign to encourage attendance by classroom instead of individuals. Target kindergarteners and explain to parents the importance of attendance. Use of Independent Study and Expanded Learning Opportunity Attendance Recovery to have students make up missed days and missed instruction. Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills. School Attendance Review Team (SART) meetings		
1.4	Red performance student groups English Learners & Hispanic students	Small group instruction for English language arts support for Hispanic and English learners. English Learner Strategies We provide Structured English immersion for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. Funds are addressed in Action 1.10	$0.00	Yes
1.5	School Counselor and School Psychologist	Student supports for emotional, social, behavioral engagement School Counselor (one at each site) will be maintained to support at-risk students. Certificated Counselor salary and benefits School Psychologist salary and benefits Behavior team will meet to discuss individual student needs. Teach students problem solving skills, soft skills, and character development. Bullying prevention Character Strong Provide students with strategies to regulate emotions and mend relationships. Create opportunities for student mentoring/leadership. Continue to develop MTSS, focusing next year on Tier 1 foundations & alternatives to suspension	$420,860.00	Yes

Action #	Title	Description	Total Funds	Contributing
		Implement anti-bullying and racism instruction Control behavior so as not to disrupt those who are there to learn More consistent teacher-to-teacher class level communication		
1.6	Foster Youth Services/Homeless Youth Services	We provide the following support for Foster and Homeless Youth: Coordinate with the case worker and attendance staff. Ensure that transportation is not a barrier. Help youth to find a quiet and supportive place to work and study. Intervene early when they are missing a lot of school. Provide youth and families with community resources such as: Clothing closet Food banks Health clinics Laundry services Hygiene kits Annually train our classified and certificated staff to have an understanding of homelessness and Foster Youth rights and specific needs. Refer students to before/after-school intervention activities, etc. Coordinate with the Homeless and Foster Youth liaison in the district. Reach out to homeless families on a continuous basis. Make sure that the student is enrolled in a free and reduced meal program. Assign students a “buddy” to help them learn their way around school. Give the student necessary school supplies, to take home. Keep some nutritional snacks for those students who might need additional nutrition. We see parents as critical partners in their child’s education and provide parent outreach with our families on an ongoing basis. Alternatives to suspension	$173,050.00	Yes
1.7	Special Education	Special Education Teachers and support staff General and special educators work together to implement programs and services that enable students with disabilities to access the state academic content standards. Special Education students are provided with Tier 1, 2 , and 3 supports both academically and socially.	$1,070,048.00	No

Action #	Title	Description	Total Funds	Contributing
		Staff meet regularly to adjust goals and discuss each individual student's needs. Special Education staff will ensure Individualized Education Plans (IEP) are implemented and that each student understands the goals that they are working towards. Progress monitoring		
1.8	Professional Development	Professional development to support social emotional learning, academics, and safety. Fred Jones Classroom Management Multi-Tiered System of Support (Kevin Kurtz) 3 year implementation Reading Screeners Teacher Collaboration Math adoption Nuerosequential Model Certified at the primary site and train the trainer at the Elementary site.	$37,516.00	No
1.9	Facilities	Routine facilities maintenance Summer facilities projects Beautification projects	$458,742.00	No
1.10	Multi-tiered System of Support	Certificated instructor and paraprofessionals to assess, identify and provide targeted instruction to students in small group to help close the achievement gap in reading and to assist with our goal that 95% of students will be reading on grade level by the end of third grade. Each site will provide quality intervention programs Tier 1, 2, and 3. Teachers will progress monitor students and differentiate instruction based on need. Library Support Monitor California Assessment for Student Progress and Performance (CAASPP) results annually for continual improvement by grade level. Review results with Governing Board, staff, and School Site Council.	$500,587.00	Yes

Action #	Title	Description	Total Funds	Contributing
		Progress Monitoring software-to assist with documenting progress of students receiving intervention based on national normed tests. (NWEA benchmark assessments) Certificated staff will communicate weekly in Professional Learning Communities. What are we going to do if they don't? Supplemental materials Books and supplies Progress monitor students to identify current needs. Adjust instruction based on identified needs. Positive Behavior Intervention and Supports-Identify areas of focus based on data and team input. IT Support for instruction (SUHSD contract) Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills. More consistent teacher-to-teacher class level communication		
1.11	Saturday School or After School for Make-Up Intervention	After School make-up intervention-providing more time and opportunity for students to increase work completion Independent Study Contracts to students who are missing school for more than a day at a time Small group instruction through high dose tutoring Districtwide expectation that students will complete ALL work when they have missed school Teaching Time Management: Continued support for students completing Independent Study (I.S.) assignments and the use of digital tools like timers help improve accountability and study skills.	$21,250.00	Yes
1.12	Curriculum & Instruction	Adoption of curriculum based on state framework adoptions and curriculum recommendations Pilot programs based on adoption cycle (Math for next year) Books and supplies Supplemental curriculum and instructional resources	$6,550.00	No

Action #	Title	Description	Total Funds	Contributing
1.13	Family Engagement	Parent Square Timely communication between staff and families. Parents will be encouraged to participate in decision making committees like Parent Club and School Site Council. Parents will be invited to family engagement nights. Family Liaison will engage parents in their student's schooling. Collaboration with PTO as the family outreach/engagement entity	$3,600.00	Yes
1.14	Broad Course of Study	Physical Education Visual and Performing Arts Electives-books & supplies Electives-Band, PE, Science Technology Engineering and Mathematics (STEM), College Career, Art, Agriculture Studies, Photography, Sewing, Introduction to Artificial Intelligens, Life Skills, Music History, Graphic Arts, Garden Club and Intervention Class based on identified area of need. Field trip entrance fees/transportation Athletics incorporate STEM Night/Fair Expand recess activities (chess club or other board games, SEL, intramural games/sports) Offer drama--Missoula Theater as extracurricular Offer Girls Inc,	$5,971.00	No
1.15	Transportation	Maintain buses Train new bus drivers Van maintenance for transporting students who are placed out of district.	$12,560.00	Yes
1.16	Learning Recovery Block Grant	Learning Recovery Block Grant Action Support students with attendance and academics. Purchase supplemental material- we will purchase intervention materials for math and English language arts. We will also purchase novel sets and leveled readers.	$45,000.00	No

Action #	Title	Description	Total Funds	Contributing
		RAISE network to learn new strategies to reduce chronic absenteeism and increase student engagement. $2 per ADA Research for Academic Support: A growing body of evidence indicates that the effectiveness of teachers' instructional practice has an enormous impact on whether and how students learn and thrive. (1) Studies have shown that differences in student performance across classrooms are attributable to teachers and to instruction that is aligned to current content. (2) Explicit instruction strategies engage students in the learning process, stretching their knowledge and skills in the curriculum. (3) Instructional strategies such as effective use of targeted direct instruction, scaffolding and modeling, monitoring student learning, and two-way feedback among students and teachers are associated with improved student achievement. (4) And recent research on teaching students' metacognition—that is, to "think about their thinking"—has revealed improvement in student study skills and self-questioning. (5) The quality of the instruction teachers deliver has a striking impact on student achievement. When instruction is differentiated to accommodate students' learning styles, backgrounds, perspectives, and cultural identities, teachers often see dramatic improvements, particularly for students who are working below grade level academically. (6) Research for Attendance: When students believe they have positive relationships with teachers who set high expectations, students report improved achievement, more school connectedness, better attendance, and an increased sense of safety. (1) Research in California and across the nation has shown that particular aspects of school climate and culture are strongly associated with students' academic, social, and emotional well-being. Schools with positive school climate have been shown to have: Higher rates of healthy behavior in general, and lower rates of such learning barriers as school violence, substance abuse, depression and other social-emotional issues, and delinquency. (2)		

Action #	Title	Description	Total Funds	Contributing
		Stronger student motivation to learn, which is associated with later improvements in grade point average and attendance as well as fewer out-of-school suspensions. (3) Higher rates of student self-esteem. (4) Higher standardized test scores, grade point average, school attendance, graduation rates, and academic success. (5) Research also shows that teachers experience greater job satisfaction and stay longer in positive working environments that promote both student and teacher success. (6) Metric being used to monitor the action: Metric #1.1, 1.2, 1.6, 1.8 LREBG Funds supporting this action: $32,088 through 2027–28		

Goals and Actions

Goal

Goal #	Description	Type of Goal
2	All students in the Community Day School and District Program will be provided differentiated instruction to show growth in mathematics and English language arts annually as measured by the metrics listed below.	Equity Multiplier Focus Goal

State Priorities addressed by this goal.

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

An explanation of why the LEA has developed this goal.

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

Due to the nature of this program, students come and go from these programs throughout the year. We will differentiate their instruction based on local assessment data and identified need.

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

Measuring and Reporting Results

Metric #	Metric	Baseline	Year 1 Outcome	Year 2 Outcome	Target for Year 3 Outcome	Current Difference from Baseline
2.1	Suspension Rate Indicator	2022-2023 CA School Dashboard Happy Valley Community Day School No performance level due to limited number of students 6.7% suspended at least one day Declined 13.3% Number of Students: 15	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	CA School Dashboard Blue performance level Less than 1% suspended at least one day	No Performance Color Less than 11 students - data not displayed for privacy
2.2	CAASPP English Language Arts	2022-2023 CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy
2.3	CAASPP Mathematics	2022-2023 CA School Dashboard CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy	CA School Dashboard No Performance Color Less than 11 students - data not displayed for privacy	No Performance Color Less than 11 students - data not displayed for privacy
2.4	Credentialing	District Program-100% appropriately credentialed Community Day School-100% appropriately credentialed	No Performance Color Less than 11 students - data not displayed for privacy	District Program-0% appropriately credentialed Community Day School-0% appropriately credentialed	100% of staff are appropriately credentialed	District Program-0% appropriately credentialed Community Day School-0% appropriately credentialed

Goal Analysis [2025-26]

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

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

All actions in the goal have been implemented.

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

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

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

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

The actions were effective at meeting the goal. Students have been exited from the program and placed back into the general population after meeting the specified requirements. There has been a focus on literacy using the Literacy Coach.

Actions 2.1 and 2.2-This school has a high instability rate with students coming in and out of the program. We provide them with one on one support using the Literacy Coach, the classroom teacher and instructional aide support. We have revised the actions to make them more effective at increasing student achievement.
Action 2.3-This action was effective at meeting our goal.
Action 2.4-This action was effective as we had a fully credentialed teacher in this position all year.
Action 2.5- This action is effective at meeting the needs of our students in the Community Day School as it provides the added social and emotional support they need to overcome some of their obstacles to learning.
Action 2.6-Professional development has been effective as it has provided knowledge of programs and district initiatives to improve school climate and academic outcomes. Using data, we identified areas of need. Staff have also been able to provide professional development to their peers.

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

We will collaborate with Cascade to share services. Happy Valley UESD will provide the staffing and Cascade USD will provide the facilities and oversight.

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

Actions

Action #	Title	Description	Total Funds	Contributing
2.1	English language arts	Community Day School Teacher Instructional aide to support small groups English language arts interventions-SIPPS instruction daily-pre and post tests with SIPPS and California Reading Literature Project (CRLP) assessments. Staff will review each week to determine individual student needs. Reading curriculum to support students that struggle with literacy Supplemental instructional materials Heggerty Phonemic Awareness reading strategies daily Daily writing instruction Small group instruction to increase phonics, fluency, comprehension, spelling, writing Target students who are below grade level in English language arts	$138,091.00	No
2.2	Mathematics	Mathematics interventions- Small group instruction with differentiated instruction. Assessments-Staff will review each week to determine individual student needs. Math curriculum Supplemental instructional materials Mathematics strategies daily Daily fact fluency games Math engagement strategies Small group instruction to increase fact fluency, problem solving, and concepts to bring students to up to grade level	$0.00	No
2.3	Alternatives to suspension	Behaviorist 5.75 hours Bus Aides 1 hr each Supplies Contract Services-Mountain Valley JPA or SCOE for Behavior Coach, Psych, other.	$11,793.00	No

Action #	Title	Description	Total Funds	Contributing
		Indirect Refocus room and reflection forms Restorative justice projects Restorative chats Structured day After school refocus time/make up Positive Behavior intervention and Supports Matrix Incentive activities for positive behavior Check in/check out system Mentor from another student or adult Counselor Character Strong Social Emotional Learning Behavior Support Plans		
2.4	Teacher Credentialing	Administration will work with the union to ensure there is consistent staff in these programs. Funds are addressed in Action 1.8	$0.00	No
2.5	Counseling	ERMHS counselor will be 1 day/week BCBA will be 2 days/month Funds are addressed in Action 2.3 Partnership with 5 Peaks for clinician and wellness coach weekly	$0.00	No
2.6	Professional Development and Curriculum	Professional development for staff Curriculum	$0.00	No
2.7	Move Community Day School to Cascade ESD	Move Community Day School to the Cascade School District due to low enrollment. We will collaborate with Cascade to share services.		No

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students [2026-27]

Total Projected LCFF Supplemental and/or Concentration Grants	Projected Additional 15 percent LCFF Concentration Grant
$1366492	$141126

Required Percentage to Increase or Improve Services for the LCAP Year

Projected Percentage to Increase or Improve Services for the Coming School Year	LCFF Carryover — Percentage	LCFF Carryover — Dollar	Total Percentage to Increase or Improve Services for the Coming School Year
26.059%	4.879%	$252,781.70	30.938%

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

Required Descriptions

LEA-wide and Schoolwide Actions

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

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

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

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

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

Limited Actions

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

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

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

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

N/A

Additional Concentration Grant Funding

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

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

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

2026-27 Total Planned Expenditures Table

LCAP Year	1. Projected LCFF Base Grant (Input Dollar Amount)	2. Projected LCFF Supplemental and/or Concentration Grants (Input Dollar Amount)	3. Projected Percentage to Increase or Improve Services for the Coming School Year (2 divided by 1)	LCFF Carryover — Percentage (Input Percentage from Prior Year)	Total Percentage to Increase or Improve Services for the Coming School Year (3 + Carryover %)
Totals	5243756	1366492	26.059%	4.879%	30.938%

Totals	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Total Personnel	Total Non-personnel
Totals	$1,765,735.00	$616,092.00	$446,242.00	$118,774.36	$3,519,497.36	$2,348,965.36	$1,170,532.00

Goal #	Action #	Action Title	Student Group(s)	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Time Span	Total Personnel	Total Non-personnel	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Planned Percentage of Improved Services
1	1.1	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	English Learners	Yes	Limited to Unduplicated Student Group(s)	English Learners	All Schools	On-going	$200,105.36	$6,850.00	$173,079.00	$0.00	$0.00	$33,876.36	$206,955.36	
1	1.2	Red performance student groups Suspension	Low Income	Yes	LEA-wide	Low Income	All Schools	On-going	$129,535.00	$158,630.00	$233,517.00	$0.00	$0.00	$54,648.00	$288,165.00	
1	1.3	Red performance student groups Chronic Absenteeism	All Students with Disabilities Homeless, Low Income, Hispanic, and White	No			All Schools	On-going	$83,759.00	$35,000.00	$118,759.00	$0.00	$0.00	$0.00	$118,759.00	
1	1.4	Red performance student groups English Learners & Hispanic students	English Learners	Yes	Schoolwide	English Learners	All Schools	On-going	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
1	1.5	School Counselor and School Psychologist	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$373,979.00	$46,881.00	$367,791.00	$53,069.00	$0.00	$0.00	$420,860.00	
1	1.6	Foster Youth Services/Homeless Youth Services	Foster Youth	Yes	LEA-wide	Foster Youth	All Schools	On-going	$160,000.00	$13,050.00	$173,050.00	$0.00	$0.00	$0.00	$173,050.00	
1	1.7	Special Education	Students with Disabilities	No			All Schools	On-going	$492,233.00	$577,815.00	$577,815.00	$492,233.00		$0.00	$1,070,048.00	
1	1.8	Professional Development	All	No			All Schools	On-going	$0.00	$37,516.00	$7,516.00	$0.00	$0.00	$30,000.00	$37,516.00	
1	1.9	Facilities	All	No			All Schools	On-going	$365,009.00	$93,733.00	$0.00	$12,500.00	$446,242.00	$0.00	$458,742.00	
1	1.10	Multi-tiered System of Support	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$403,833.00	$96,754.00	$451,361.00	$49,226.00	$0.00	$0.00	$500,587.00	

Goal #	Action #	Action Title	Student Group(s)	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Time Span	Total Personnel	Total Non-personnel	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Planned Percentage of Improved Services
1	1.11	Saturday School or After School for Make-Up Intervention	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$20,000.00	$1,250.00	$21,250.00	$0.00	$0.00	$0.00	$21,250.00	
1	1.12	Curriculum & Instruction	All	No			All Schools	On-going	$0.00	$6,550.00	$6,300.00	$0.00	$0.00	$250.00	$6,550.00	
1	1.13	Family Engagement	English Learners Foster Youth Low Income	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	On-going	$0.00	$3,600.00	$3,600.00	$0.00	$0.00	$0.00	$3,600.00	
1	1.14	Broad Course of Study	All	No			All Schools	On-going	$0.00	$5,971.00	$4,000.00	$1,971.00	$0.00	$0.00	$5,971.00	
1	1.15	Transportation	Foster Youth Low Income	Yes	LEA-wide	Foster Youth Low Income	All Schools	On-going	$0.00	$12,560.00	$12,560.00	$0.00	$0.00	$0.00	$12,560.00	
1	1.16	Learning Recovery Block Grant	All	No			All Schools	When funds are expended or June 2029 whichever comes first	$0.00	$45,000.00	$45,000.00	$0.00			$45,000.00	
2	2.1	English language arts	All Students who are below grade level in English language arts	No			Specific Schools: Community Day School & District Program	2026-2027	$115,512.00	$22,579.00	$137,791.00	$300.00	$0.00	$0.00	$138,091.00	
2	2.2	Mathematics	All Students are below grade level in mathematics	No			Specific Schools: Community Day School and District Program	2026-2027	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
2	2.3	Alternatives to suspension	All	No			Specific Schools: Community Day School and District Programs	2026-2027	$5,000.00	$6,793.00	$5,000.00	$6,793.00	$0.00	$0.00	$11,793.00	
2	2.4	Teacher Credentialing	All	No			Specific Schools: Community Day School and District Programs	2026-2027	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
2	2.5	Counseling	All	No			All Schools	2026-2027	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	

Goal #	Action #	Action Title	Student Group(s)	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Time Span	Total Personnel	Total Non-personnel	LCFF Funds	Other State Funds	Local Funds	Federal Funds	Total Funds	Planned Percentage of Improved Services
							Specific Schools: Community Day School and District Programs									
2	**2.6**	Professional Development and Curriculum	All	No			All Schools Specific Schools: Community Day School & District Program	2026-2027	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
2	**2.7**	Move Community Day School to Cascade ESD	All	No			Specific Schools: Community Day School	On-going								

2026-27 Contributing Actions Table

1. Projected LCFF Base Grant	2. Projected LCFF Supplemental and/or Concentration Grants	3. Projected Percentage to Increase or Improve Services for the Coming School Year (2 divided by 1)	LCFF Carryover — Percentage (Percentage from Prior Year)	Total Percentage to Increase or Improve Services for the Coming School Year (3 + Carryover %)	4. Total Planned Contributing Expenditures (LCFF Funds)	5. Total Planned Percentage of Improved Services (%)	Planned Percentage to Increase or Improve Services for the Coming School Year (4 divided by 1, plus 5)	Totals by Type	Total LCFF Funds
5243756	1366492	26.059%	4.879%	30.938%	$1,436,208.00	0.000%	27.389 %	**Total:**	$1,436,208.00
								LEA-wide Total:	$1,263,129.00
								Limited Total:	$173,079.00
								Schoolwide Total:	$0.00

Goal	Action #	Action Title	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Planned Expenditures for Contributing Actions (LCFF Funds)	Planned Percentage of Improved Services (%)
1	**1.1**	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Yes	Limited to Unduplicated Student Group(s)	English Learners	All Schools	$173,079.00	
1	**1.2**	Red performance student groups Suspension	Yes	LEA-wide	Low Income	All Schools	$233,517.00	
1	**1.4**	Red performance student groups English Learners & Hispanic students	Yes	Schoolwide	English Learners	All Schools	$0.00	
1	**1.5**	School Counselor and School Psychologist	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$367,791.00	
1	**1.6**	Foster Youth Services/Homeless Youth Services	Yes	LEA-wide	Foster Youth	All Schools	$173,050.00	
1	**1.10**	Multi-tiered System of Support	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$451,361.00	

Goal	Action #	Action Title	Contributing to Increased or Improved Services?	Scope	Unduplicated Student Group(s)	Location	Planned Expenditures for Contributing Actions (LCFF Funds)	Planned Percentage of Improved Services (%)
1	1.11	Saturday School or After School for Make-Up Intervention	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$21,250.00	
1	1.13	Family Engagement	Yes	LEA-wide	English Learners Foster Youth Low Income	All Schools	$3,600.00	
1	1.15	Transportation	Yes	LEA-wide	Foster Youth Low Income	All Schools	$12,560.00	

2025-26 Annual Update Table

Totals	Last Year's Total Planned Expenditures (Total Funds)	Total Estimated Expenditures (Total Funds)
Totals	$2,041,351.00	$2,861,573.00

Last Year's Goal #	Last Year's Action #	Prior Action/Service Title	Contributed to Increased or Improved Services?	Last Year's Planned Expenditures (Total Funds)	Estimated Actual Expenditures (Input Total Funds)
1	**1.1**	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Yes	$39,020.00	37147
1	**1.2**	Red performance student groups Suspension	Yes	$40,945.00	53813
1	**1.3**	Red performance student groups Chronic Absenteeism	No	$88,866.00	84799
1	**1.4**	Red performance student groups English Learners & Hispanic students	Yes	$0.00	0
1	**1.5**	School Counselor and School Psychologist	Yes	$223,685.00	261226
1	**1.6**	Foster Youth Services/Homeless Youth Services	Yes	$29,984.00	17502
1	**1.7**	Special Education	No	$549,077.00	1313995
1	**1.8**	Professional Development	No	$36,671.00	34000
1	**1.9**	Facilities	No	$40,000.00	52462
1	**1.10**	Multi-tiered System of Support	Yes	$649,944.00	716766

Last Year's Goal #	Last Year's Action #	Prior Action/Service Title	Contributed to Increased or Improved Services?	Last Year's Planned Expenditures (Total Funds)	Estimated Actual Expenditures (Input Total Funds)
1	1.11	Saturday School or After School for Make-Up Intervention	Yes	$89,000.00	29430
1	1.12	Curriculum & Instruction	No	$13,530.00	800
1	1.13	Family Engagement	Yes	$3,600.00	3600
1	1.14	Broad Course of Study	No	$50,539.00	3847
1	1.15	Transportation	Yes	$0.00	42789
2	2.1	English language arts	No	$62,882.00	97514
2	2.2	Mathematics	No	$57,382.00	66567
2	2.3	Alternatives to suspension	No	$16,196.00	45316
2	2.4	Teacher Credentialing	No	$2,000.00	0
2	2.5	Counseling	No	$13,000.00	0
2	2.6	Professional Development and Curriculum	No	$35,030.00	0

2025-26 Contributing Actions Annual Update Table

6. Estimated LCFF Supplemental and/or Concentration Grants (Input Dollar Amount)	4. Total Planned Contributing Expenditures (LCFF Funds)	7. Total Estimated Expenditures for Contributing Actions (LCFF Funds)	Difference Between Planned and Estimated Expenditures for Contributing Actions (Subtract 7 from 4)	5. Total Planned Percentage of Improved Services (%)	8. Total Estimated Percentage of Improved Services (%)	Difference Between Planned and Estimated Percentage of Improved Services (Subtract 5 from 8)
1269281	$776,573.00	$1,153,335.00	($376,762.00)	0.000%	0.000%	0.000%

Last Year's Goal #	Last Year's Action #	Prior Action/Service Title	Contributing to Increased or Improved Services?	Last Year's Planned Expenditures for Contributing Actions (LCFF Funds)	Estimated Actual Expenditures for Contributing Actions (Input LCFF Funds)	Planned Percentage of Improved Services	Estimated Actual Percentage of Improved Services (Input Percentage)
1	1.1	Red Performance Student Groups English Learners & Long Term English Learners Hispanic Students	Yes	$28,129.00	28207		
1	1.2	Red performance student groups Suspension	Yes	$24,192.00	53813		
1	1.4	Red performance student groups English Learners & Hispanic students	Yes	$0.00			
1	1.5	School Counselor and School Psychologist	Yes	$133,685.00	261226		
1	1.6	Foster Youth Services/Homeless Youth Services	Yes	$28,184.00	17502		
1	1.10	Multi-tiered System of Support	Yes	$469,783.00	716766		
1	1.11	Saturday School or After School for Make-Up Intervention	Yes	$89,000.00	29432		
1	1.13	Family Engagement	Yes	$3,600.00	3600		
1	1.15	Transportation	Yes	$0.00	42789		

2025-26 LCFF Carryover Table

9. Estimated Actual LCFF Base Grant (Input Dollar Amount)	6. Estimated Actual LCFF Supplemental and/or Concentration Grants	LCFF Carryover — Percentage (Percentage from Prior Year)	10. Total Percentage to Increase or Improve Services for the Current School Year (6 divided by 9 + Carryover %)	7. Total Estimated Actual Expenditures for Contributing Actions (LCFF Funds)	8. Total Estimated Actual Percentage of Improved Services (%)	11. Estimated Actual Percentage of Increased or Improved Services (7 divided by 9, plus 8)	12. LCFF Carryover — Dollar Amount (Subtract 11 from 10 and multiply by 9)	13. LCFF Carryover — Percentage (12 divided by 9)
5181208	1269281	2.641%	27.139%	$1,153,335.00	0.000%	22.260%	$252,781.70	4.879%

Local Control and Accountability Plan Instructions

Plan Summary

Engaging Educational Partners

Goals and Actions

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

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

Introduction and Instructions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Plan Summary

Purpose

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

Requirements and Instructions

General Information

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

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

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

Reflections: Annual Performance

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

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

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

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

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

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

- For the 2025–26, 2026–27, and 2027–28 LCAP years, identify whether or not the LEA has unexpended LREBG funds for the applicable LCAP year.
    - If the LEA has unexpended LREBG funds the LEA must provide the following:
        - The goal and action number for each action that will be funded, either in whole or in part, with LREBG funds; and
        - An explanation of the rationale for selecting each action funded with LREBG funds. This explanation must include:
            - An explanation of how the action is aligned with the allowable uses of funds identified in *EC* Section 32526(c)(2); and
            - An explanation of how the action is expected to address the area(s) of need of students and schools identified in the needs assessment required by *EC* Section 32526(d).
                - For information related to the allowable uses of funds and the required needs assessment, please see the Program Information tab on the LREBG Program Information web page.
            - Actions may be grouped together for purposes of these explanations.
            - The LEA may provide these explanations as part of the action description rather than as part of the Reflections: Annual Performance.
    - If the LEA does not have unexpended LREBG funds, the LEA is not required to conduct the needs assessment required by *EC* Section 32627(d), to provide the information identified above or to include actions funded with LREBG funds within the 2026-27, 2026-27 and 2027-28 LCAPs.

Reflections: Technical Assistance

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

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

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

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

Schools Identified

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

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

Support for Identified Schools

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

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

Monitoring and Evaluating Effectiveness

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

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

Engaging Educational Partners

Purpose

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

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

Requirements

Requirements

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

- Teachers,

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

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

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

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

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

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

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

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

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

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

Instructions

Respond to the prompts as follows:

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

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

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

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

Complete the table as follows:

Educational Partners

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

Process for Engagement

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

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

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

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

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

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

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

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

Goals and Actions

Purpose

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

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

Requirements and Instructions

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

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

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

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

Requirement to Address the LCFF State Priorities

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

Respond to the following prompts, as applicable:

Focus Goal(s)

Description

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

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

Type of Goal

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

State Priorities addressed by this goal.

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

An explanation of why the LEA has developed this goal.

Explain why the LEA has chosen to prioritize this goal.

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

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

Description

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

Focus goals for Equity Multiplier schoolsites must address the following:

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

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

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

Type of Goal

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

State Priorities addressed by this goal.

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

An explanation of why the LEA has developed this goal.

Explain why the LEA has chosen to prioritize this goal.

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

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

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

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

Broad Goal

Description

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

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

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

Type of Goal

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

State Priorities addressed by this goal.

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

An explanation of why the LEA has developed this goal.

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

Maintenance of Progress Goal

Description

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

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

Type of Goal

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

State Priorities addressed by this goal.

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

An explanation of why the LEA has developed this goal.

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

Measuring and Reporting Results:

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

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

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

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

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

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

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

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

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

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

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

Complete the table as follows:

Metric #

- Enter the metric number.

Metric

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

Baseline

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

Year 1 Outcome

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

Year 2 Outcome

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

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

Target for Year 3 Outcome

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

Current Difference from Baseline

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

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

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

Goal Analysis:

Enter the LCAP Year.

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

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

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

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

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

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

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

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

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

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

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

Actions:

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

Action #

- Enter the action number.

Title

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

Description

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

Total Funds

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

Contributing

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

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

Required Actions

For English Learners and Long-Term English Learners

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

For Technical Assistance

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

For Lowest Performing Dashboard Indicators

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

For LEAs With Unexpended LREBG Funds

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

Program Information web page. Additional information about the needs assessment and evidence-based resources for the LREBG may be found on the California Statewide System of Support LREBG Resources web page. The required LREBG needs assessment may be part of the LEAs regular needs assessment for the LCAP if it meets the requirements of *EC* Section 32627(d).

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

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

Purpose

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

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

Statutory Requirements

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

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

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

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

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

LEA-wide and Schoolwide Actions

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

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

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

For School Districts Only

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

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

Requirements and Instructions

Complete the tables as follows:

Total Projected LCFF Supplemental and/or Concentration Grants

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

Projected Additional 15 percent LCFF Concentration Grant

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

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

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

LCFF Carryover — Percentage

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

LCFF Carryover — Dollar

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

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

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

Required Descriptions:

LEA-wide and Schoolwide Actions

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

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

Complete the table as follows:

Identified Need(s)

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

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

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

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

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

Metric(s) to Monitor Effectiveness

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

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

Limited Actions

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

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

Complete the table as follows:

Identified Need(s)

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

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

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

Metric(s) to Monitor Effectiveness

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

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

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

Additional Concentration Grant Funding

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

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

Provide the following descriptions, as applicable to the LEA:

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

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

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

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

Complete the table as follows:

- Provide the staff-to-student ratio of classified staff providing direct services to students with a concentration of unduplicated students that is 55 percent or less and the staff-to-student ratio of classified staff providing direct services to students at schools with a concentration of unduplicated students that is greater than 55 percent, as applicable to the LEA.
    - The LEA may group its schools by grade span (Elementary, Middle/Junior High, and High Schools), as applicable to the LEA.
    - The staff-to-student ratio must be based on the number of full-time equivalent (FTE) staff and the number of enrolled students as counted on the first Wednesday in October of each year.
- Provide the staff-to-student ratio of certificated staff providing direct services to students at schools with a concentration of unduplicated students that is 55 percent or less and the staff-to-student ratio of certificated staff providing direct services to students at schools with a concentration of unduplicated students that is greater than 55 percent, as applicable to the LEA.
    - The LEA may group its schools by grade span (Elementary, Middle/Junior High, and High Schools), as applicable to the LEA.
    - The staff-to-student ratio must be based on the number of FTE staff and the number of enrolled students as counted on the first Wednesday in October of each year.

Action Tables

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

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

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

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

Total Planned Expenditures Table

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

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

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

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

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

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

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

Contributing Actions Table

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

Annual Update Table

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

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

Contributing Actions Annual Update Table

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

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

LCFF Carryover Table

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

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

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

Calculations in the Action Tables

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

Contributing Actions Table

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

Contributing Actions Annual Update Table

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

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

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

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

LCFF Carryover Table

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

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

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

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

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

California Department of Education
November 2024

Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

Original Adopted Date: 02/01/2014 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: Pursuant to Education Code 234.1 ~~mandates,~~ districts are **mandated** to adopt policy, as well as a process for receiving and investigating complaints, to ensure that district programs and activities are free from unlawful discrimination.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information specific to the protection of students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sexual Harassment.

Government Code 12940 provides additional protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived age; religious creed; reproductive health decision-making; sex, which includes some of the characteristics listed in the prior paragraph, as well as breastfeeding; and veteran or military status. For more information specific to the protection against discrimination as related to volunteers, see BP 1240 - Volunteer Assistance, and, as related to employees, including unpaid interns, volunteers, contractors, and job applicants, see BP/AR 4030 - Nondiscrimination in Employment and BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

~~Additionally,~~ Education Code ~~200~~33801 and ~~210.2, and Government Code 12920 and 12926~~33802, as ~~amended~~added by ~~SB 1137~~AB 715 (Ch. ~~779~~428, Statutes of ~~2024), provide that prohibited~~2025), established the California Office of Civil Rights, the purpose of which is to work directly with districts, county offices of education, and charter schools to prevent and address discrimination ~~includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases~~and bias pursuant to Education Code 220. Additionally, pursuant to Education Code 280, as added by AB 715, the Superintendent of Public Instruction (SPI), in consultation with the executive director of the State Board of Education and the Antisemitism Prevention Coordinator, is required to develop and maintain a distinct webpage on the California Department of Education's (CDE) website containing resources and information specific to antisemitism.

Education Code 260 and 5 CCR 4900-4965 ~~also~~ require the Governing Board to monitor district compliance with ~~these~~ state and federal nondiscrimination laws. The federal laws are enforced by the U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR), and ~~the California Department of Education~~ (CDE~~)~~ may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, ~~OCR's~~USOCR's February 4, 2025 Dear Colleague Letter clarified that ~~OCR~~USOCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities.

This policy shall apply to all acts related to a school activity or school attendance occurring within a school under the district's jurisdiction and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. (Education Code 234.1)

District programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; a perception of one or more, or any combination, of such characteristics; or association with a person or group with one or more, or any combination, of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 210.3, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), prohibits the collection and disclosure of information or documents regarding the citizenship or immigration status of students, student family members, and staff. For more information regarding the prohibition against collecting and disclosing citizenship or immigration status of students, student family members, and staff, including limited exceptions, see BP/AR 1340 - Access to District Records and BP/AR 1445 - Response to Immigration Enforcement.

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on any of the categories identified above. The immigration or citizenship status of a student, a student's family member, or district staff may only be collected and disclosed in accordance with Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement.

CSBA NOTE: Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Pursuant to Education Code 280, as added by AB 715, CDE is required to issue, by October 1 of each year, a management bulletin describing the protections, requirements, and responsibilities prescribed in specified state laws regarding unlawful discrimination related to instruction, and instructional and staff development materials.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers. Also see CSBA's ~~publication~~, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," ~~and corresponding Fact Sheet and Reference,~~"Instructional Materials Adoptions: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

CSBA NOTE: Education Code 244 lists materials a Board is prohibited from adopting or approving, and, as amended by AB 715, includes staff development materials if the use would subject a student to unlawful discrimination pursuant to Education Code 220. For more information regarding staff

development, see BP 4131 – Staff Development, BP 4231 – Staff Development, and BP 4331 – Staff Development.

Additionally, the use of any textbook, instructional material, supplemental instructional material, staff development material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be adopted by the Board or district if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 51500, teachers may not give instruction and districts may not sponsor any activity that promotes a discriminatory bias, as described below. Additionally, Education Code 51501, as amended by AB 715, requires that instructional materials adopted by the Board be factually accurate, reflect specified curriculum and standards, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship.

The district shall not sponsor any activity, and a teacher shall not provide instruction, that promotes a discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or any other characteristic listed in Education Code 220. Instructional materials and teacher instruction shall be factually accurate, align with adopted curriculum and standards, as specified in Board Policy and Administrative Regulation 6161.1 – Selection and Evaluation of Instructional Materials, and be consistent with accepted standards of professional responsibility, as specified in Board Policy 4119.21/4219.21/4319.21 and accompanying exhibits, rather than advocacy, personal opinion, bias, or partisanship. (Education Code 51500, 51501)

CSBA NOTE: Education Code 244, as amended by AB 715, prohibits the Board from adopting or approving the use of any staff development materials or services if such materials or services promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220.

Additionally, the Board shall not adopt the use of any staff development materials or services that promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220. (Education Code 244)

CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education. ~~Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074,~~Education Code 221.3 prohibits public schools, other than those operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames without the written consent of a local federally recognized Indian tribe. Education Code 33315~~, as amended by AB 3074,~~ requires that the uniform

complaint procedures (UCP) be used to investigate and resolve complaints alleging a violation of Education Code 221.3. ~~See~~For more information regarding UCPs, see BP/AR 1312.3 - Uniform Complaint Procedures.

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Derogatory Native American terms, including but not limited to, Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

CSBA NOTE: Pursuant to Government Code 53080, as amended by AB 932 (Ch. 628, Statutes of 2025), districts are prohibited from discriminating against any person on the basis of sex or gender in the programs specified in the following paragraph. Government Code 53080 lists factors to consider when making a determination of whether discrimination exists.

The district shall not discriminate against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs, or in the allocation of parks and recreation facilities and resources, or school and recreation facilities and resources, that support or enable such programs. (Government Code 53080)

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Complaints

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243~~,~~ or 244~~, as added by SB 153 (Ch. 38, Statutes of 2024),~~ related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, may be brought under the district's UCP or may be filed directly with the ~~Superintendent of Public Instruction (SPI).~~SPI. Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. ~~See~~

Additionally, pursuant to Education Code 262.3, as amended by AB 715, a party to a written complaint of prohibited discrimination may appeal, directly with the SPI, if the district fails to issue an investigation report within the timeline required by the UCP. In such a case, the complaint is required to present evidence that supports the basis for the direct filing and why immediate action is necessary. Prior to intervention by the SPI, CDE is required to attempt to work with the district to

issue a district investigation report within the timeline required by the UCP. For more information regarding UCPs, see BP/AR 1312.3 - Uniform Complaint Procedures.

All complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees.

Notices

CSBA NOTE: Pursuant to 34 CFR 104.8 and 106.8, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability or sex in its education programs or activities. Additionally, Education Code 221.61 requires districts to post specified information relating to Title IX on their websites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 106.8, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual ~~parental~~parent/guardian notification distributed in accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. ~~The~~ Additionally, the notification shall ~~also~~ be posted on the district's website, in both English and Spanish and at a reading level that may be comprehended by students in high school, and on social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

CSBA NOTE: Pursuant to Education Code 48980, as amended by AB 715, the district is required to include in the annual parent/guardian notification the protections, requirements, and responsibilities regarding discrimination, as described below.

In addition, the Superintendent or designee shall, in accordance with Board Policy 5145.6 – Parent/Guardian notifications, include in the annual parent/guardian notification the protections, requirements, and responsibilities regarding unlawful discrimination related to instruction and instructional and staff development materials, as specified in Education Code 244, 262.3, 280, 33800, 33801, 33802, 33803, 33803.1, 33804, 51500, 51501, 60151, 60152. (Education Code 48980)

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495, a district is required to notify parents/guardians ~~of~~with specified information regarding their children's right to a free public education regardless of immigration status~~. The Attorney General's, "Promoting a Safe and Secure Learning Environment: Guidance and Model Policies to Assist California's K-12 Schools in~~

~~Responding to Immigration Issues," updated in December 2024, provides additional detail on this topic, which includes one appendix titled, "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any,~~ and other ~~cost-effective means. See~~related information. For more information regarding parent/guardian notifications related to immigration status and response to immigration enforcement, see BP/AR 1445 - Response to Immigration Enforcement and BP/E(1) 5145.6 - Parent/Guardian Notifications.

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement~~.~~ ~~(Education Code 234.7)~~ in accordance with Board Policy/Administrative Regulation 1445 – Response to Immigration Enforcement.

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices ~~and~~, reports, statements, or records sent to the parents/guardians of these students ~~must~~are required to also be written in the primary language and may be answered by the parent/guardian in English or the primary language. Additionally, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. Additionally, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

Access for Individuals with Disabilities

CSBA NOTE: Pursuant to the Americans with Disabilities Act (ADA) and its implementing regulations, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective, the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity, or the district can demonstrate an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice (DOJ).

Additionally, pursuant to 28 CFR 35.136, a district is required to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For ~~language addressing this mandate~~more information regarding use of service animals by individuals with disabilities, see BP/AR 6163.2 - Animals at School. It is recommended

that districts with questions about compliance with the ADA consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to ~~provide services and aids~~make reasonable modifications in policies, practices, or procedures, including furnishing appropriate auxiliary aids and services where necessary, to ensure that an individual with a disability is not excluded from participation or denied a benefit, service, or program on the basis of that disability. However, pursuant to 28 CFR 35.164, if the district can ~~show~~demonstrate that ~~providing~~making such ~~aids and services~~modifications in policies, practices, or procedures would fundamentally alter the nature of the ~~function~~service, program, or ~~meeting, or would be an undue burden~~activity, then the district need not ~~provide them~~make such modifications.

Additionally, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The district is required to ensure that such meetings are accessible to persons with disabilities and that disability-related accommodations, such as auxiliary aids and services, are made available upon the request of any individual with a disability. In addition, Government Code 54953.8, as added by SB 707 (Ch. 327, Statutes of 2025), requires Boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. ~~See~~For more information regarding disability-related rights, accommodations, or modifications, see BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.

~~OCR~~USOCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district websites be accessible to individuals with disabilities. In April 2024, the DOJ updated its regulations to include specific technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see ~~OCR's~~USOCR's June 2010 and May 2011 Dear Colleague Letters, and BP 1113 - District and School Websites.

The Superintendent or designee shall ensure that the district's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of district services, programs, or activities. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

CSBA NOTE: Pursuant to 28 CFR 35.107, a district that has 50 or more employees is required to designate at least one employee to coordinate the district's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the district's compliance with state and federal laws and regulations governing educational programs as identified in the district's UCP procedures. The following paragraph, which identifies the person or position identified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee, may be modified if the district chooses to designate another person or position.

The individual identified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. The compliance officer shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-~~262.4~~280	Educational equity; ~~Prohibition~~prohibition of discrimination
Ed. Code 33315	Uniform complaint procedures
Ed. Code 33800-33804	California Office of Civil Rights
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 51007	Legislative intent: state policy

Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500-51501	Prejudices; ~~Nondiscriminatory~~nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60150-60152	Corrective actions and fiscal penalty for violation of Education Code 244
Gov. Code 11000	State agency; d~~Definitions~~efinition
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54953.2	Brown Act compliance with Americans with Disabilities Act
Gov. Code 54953.8	Meetings; Americans with Disabilities Act accessibility
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 35.200-35.205	Web and mobile accessibility (eCFR :: 28 CFR Part 35 Subpart H -- Web and Mobile Accessibility)
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations, auxiliary aids, and services

29 USC 621	Age discrimination in employment
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX (eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January ~~2024~~2025 (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Workplace-Discrimination-Poster_ENG.pdf)
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 21-017R, December 2021
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 23-004, February 2023
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's ~~K~~TK-12 Schools in Responding to Requests for Access and Information for Immigration ~~Issues, April 2018~~Enforcement Purposes, December 2025 (Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes)
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181

Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Kennedy v. Bremerton (2022) 597 U.S. 507 (https://www.supremecourt.gov/opinions/opinions.aspx)
CSBA Publication	~~Reference:~~ State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	~~Fact Sheet:~~ Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, ~~May 2023~~February 2026 (2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025~~
~~U.S. DOE, Office for Civil Rights Publication~~	~~Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024

U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Nondiscrimination in Employment Practices in Education, August 1991
U.S. DOJ, Civil Rights Division Publication	Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024
U.S. DOJ, Civil Rights Division Publication	Guidance on Web Accessibility and the ADA, March 2022
U.S. DOJ, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, February 2020
U.S. DOJ, Civil Rights Division Publication	2010 ADA Standards for Accessible Design, September 2010
Website	CSBA District and County Office of Education Legal Services
Website	Pacific ADA Center
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Content Accessibility ~~Initiative~~Guidelines (Web Content Accessibility Guidelines (WCAG) 2.1)
Website	~~California Office of the Attorney General~~California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	California Civil Rights Department
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Health Care Services
Website	U.S. Equal Employment Opportunity Commission

~~World Wide Web Consortium Publication~~ Web Content Accessibility Guidelines, September 2023

Cross References

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Policy 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 09/01/1988 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

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

~~The California Department of Education's (CDE), "Guidance for Local Instructional Materials Adoptions," provides guidance for districts when identifying, reviewing, piloting, and adopting instructional materials in all content areas, including links to current legislation, sample timelines, support for student groups, and implementation considerations.~~

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

Pursuant to Education Code 51501, as amended by AB 715 (Ch. 428, Statutes of 2025), instructional materials adopted by the Governing Board are required to be factually accurate, reflect specified curriculum and standards, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship.

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

The State Board of Education's (SBE), "Guidance for Local Instructional Materials Adoptions," provides guidance for districts when identifying, reviewing, piloting, and adopting instructional materials in all content areas, including links to current legislation, sample timelines, support for student groups, and implementation considerations.

In adopting textbooks and other instructional materials for use in district schools, the Governing Board uses a comprehensive process ~~to adopt district instructional materials~~ that ~~is based on selection criteria established by law and Board policy and~~ includes opportunities for the involvement of district staff, parents/guardians, and community members, and, as appropriate,

students. In accordance with law, textbooks and instructional materials adopted for district use shall be factually accurate, aligned with adopted curriculum and standards described in law, and consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship.

Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be ~~properly and fairly considered using established complaint procedures.~~ investigated and addressed in accordance with this Board policy and accompanying administrative regulation. Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their student's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the accompanying administrative regulation and exhibit.

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

CSBA NOTE: Education Code 243 clarifies when it is unlawful discrimination for the ~~Governing~~ Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives. In addition, pursuant to Education Code 244~~, as added by SB 153 (Ch. 38, Statutes of 2024),~~ the Board is prohibited from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use of the textbook, instructional material, supplemental instructional material, or curriculum would subject a student to unlawful discrimination pursuant to Education Code 220.

Complaints alleging discrimination based on a violation of Education Code 243 or 244~~, as added by SB 153,~~ may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

Pursuant to Education Code 60151, a district that that is determined by the SPI to have violated Education Code 244 is required to be assessed a financial penalty, the calculation of which is specified in Education Code 60151, as amended by AB 121 (Ch. 8, Statutes of 2025), and may be subject to other corrective action as specified in Education Code 60151.

However, a complaint alleging discriminatory bias in instructional materials or related to the use or prohibited use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library that

alleges unlawful discrimination based on a violation of Education Code 243 or 244 shall be filed, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

CSBA NOTE: ~~CDE's~~SBE's, "Guidance for Local Instructional Materials Adoptions," provides guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

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

When deliberating upon challenged materials, the Superintendent, or any designee or committee established by the Superintendent to review the materials, shall consider the degree to which the materials align with the criteria for instructional materials as specified in law, Board policy, and administrative regulation. ~~In addition~~Additionally, such deliberations may consider the educational philosophy and vision of the district; the educational suitability of the materials including the manner in which the materials support the curriculum and appropriateness for the student's age; the professional opinions of teachers of the subject and of other competent authorities and/or experts; reviews of the materials by reputable bodies; the stated objectives in using the materials; community standards; the allegations in the complaint, including the extent to which the objections are based on the dislike of ideas contained in the materials; and the impact that keeping or removing the materials would have on student well-being.

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

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

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

Additionally, the Superintendent, or any designee or committee established by the Superintendent to the review materials, shall not authorize the continued use of an adopted textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use

would subject a student to unlawful discrimination pursuant to Education Code 220.

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

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

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

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

Pursuant to Education Code 60119, boards are required to hold a public hearing annually regarding the sufficiency of instructional materials. If, at the public hearing, the Board makes a determination of "insufficient materials," Education Code 1240 ~~requires~~and 60119 require the Board to take certain actions and specifies potential consequences for not remedying the deficiency as required by law; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

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

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 1240	County ~~superintendent~~Superintendent of ~~schools~~Schools; duties
Ed. Code 18111	Exclusion of books by Governing ~~board~~Board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code 240-~~244~~280	Prohibition of discrimination; instructional materials
	(https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=7.)

Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35160	Powers and duties of school boards
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 44805	Teacher enforcement of course of ~~studies~~study; use of textbooks, rules, and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500-51501	Nondiscriminatory subject matter (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=51501.)
Ed. Code 51511	Religious matters properly included in ~~courses~~course of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Public hearing on sufficiency of textbooks and instructional materials
Ed. Code 60151	Financial penalties (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60151&lawCode=EDC)
Ed. Code 60152	Complaint procedures (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60152&lawCode=EDC)
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks and instructional materials
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials

Management Resources	**Description**
~~California Department~~State Board of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024
California Department of Education Publication	Instructional Materials, FAQ

California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024
California School Boards Association Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024
California School Boards Association Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024
California School Boards Association Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024
Website	CSBA District and County Office of Education Legal Services
Website	Department of Justice
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures

1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access to District Records
1340	Access to District Records
4119.21	Professional Standards
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4319.21	Professional Standards
4319.21	Professional Standards
5020	Parent Rights and Responsibilities
5020	Parent Rights and Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers

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

Regulation 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

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

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

Step 1: Informal Complaint

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

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, the complainant shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection and location of such material shall be given. In order for the district to reply appropriately, complainants shall sign all complaints and provide identifying information. Anonymous complaints will not be accepted.

Upon receiving a complaint, the principal shall provide the complainant with a written acknowledgement of its receipt and respond to any procedural questions the complainant may

have. The principal shall then notify the Superintendent or designee, the teacher(s), and other staff as appropriate.

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

Step 3: Review Committee

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

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

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

Within 30 calendar days of being convened, the review committee shall summarize its findings in a written report~~.~~, unless the review committee shows good cause for requiring additional time to file its report. The Superintendent or designee shall notify the complainant in writing of the committee's decision within 15 calendar days of receiving the committee's report.

Step 4: Superintendent Determination

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

Step 5: Appeal to the Governing Board

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

CSBA NOTE: Federal and State law require districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

Nothing in the steps above preclude parents/guardians from opting a student out of specified instructional content in accordance with any applicable Board policy or administrative regulation.

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Policy Reference Disclaimer:
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State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 1240	County ~~superintendent~~Superintendent of ~~schools~~Schools; duties
Ed. Code 18111	Exclusion of books by Governing ~~board~~Board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code 240-~~244~~280	Prohibition of discrimination; instructional materials
	(https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=7.)
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35160	Powers and duties of school boards
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 44805	Teacher enforcement of course of ~~studies~~study; use of textbooks, rules, and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500-51501	Nondiscriminatory subject matter
	(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=51501.)
Ed. Code 51511	Religious matters properly included in ~~courses~~course of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Public hearing on sufficiency of textbooks and instructional materials
Ed. Code 60151	Financial penalties

	(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60151&lawCode=EDC)
Ed. Code 60152	Complaint procedures (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60152&lawCode=EDC)
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks and instructional materials
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials

Management Resources	**Description**
~~California Department~~State Board of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024
California Department of Education Publication	Instructional Materials, FAQ
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024
California School Boards Association Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024
California School Boards Association Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024
California School Boards Association Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024
Website	CSBA District and County Office of Education Legal Services
Website	Department of Justice
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public

1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access to District Records
1340	Access to District Records
4119.21	Professional Standards
4119.21	Professional Standards
4219.21	Professional Standards
4219.21	Professional Standards
4319.21	Professional Standards
4319.21	Professional Standards
5020	Parent Rights and Responsibilities
5020	Parent Rights and Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study

6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

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

Status: ADOPTED

Original Adopted Date: 12/01/1990 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

~~REQUEST FOR RECONSIDERATION OF EXISTING~~COMPLAINT CONCERNING INSTRUCTIONAL MATERIALS

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

~~Date:~~_____ _____ Complaints concerning discrimination, including discrimination related to instructional materials, shall be made in accordance with Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures.

Association with district:

____ Employee

____ District resident

____ Parent/Guardian

Date: _____

Name of person filing complaint (Required):
_____

~~Group represented (if any):~~_____Member of group (if any):
_____

Phone:_____

E-mail address: _____

Address: _____

Instructional Material Being Challenged:

Title: _____

Author: _____

Publisher: _____

Date of Edition: _____

Name of school/classroom instructional material was used:_____

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

   _____
   _____
   _____
   _____

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

   _____
   _____
   _____
   _____

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

   _____
   _____
   _____
   _____
   _____
   _____

4. What ~~would you~~ steps you would like the school to ~~do about~~ take regarding the instructional material?

   _____
   _____
   _____
   _____
   _____

_____

5. _____
Signature of complainant

For District Use:

Request received by:_____

Date:_____

Title:_____

Action taken:_____

Date:_____

Policy Reference UPDATE Service
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Ed. Code 240-~~244~~280	Prohibition of discrimination; instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=7.)
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Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 44805	Teacher enforcement of course of ~~studies~~study; use of textbooks, rules, and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations

Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
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California School Boards Association Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024
California School Boards Association Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024
Website	CSBA District and County Office of Education Legal Services
Website	Department of Justice
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

6. Cross References

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6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
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Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law~~; see the section~~, which is specified in "Complaints Subject to UCP," below.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process.

The U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, ~~OCR's~~USOCR's February 4, 2025 Dear Colleague Letter clarified that ~~OCR~~USOCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/AR 1312.3 - Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct

meets the more stringent federal definition or the state definition of sexual harassment. ~~See the section~~For more information regarding complaint procedures to address complaints of sexual harassment, see "Non-UCP Complaints" below, the accompanying administrative regulation, BP/AR 5145.7 - Sexual Harassment, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670.

Complaints Subject to UCP

CSBA NOTE: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the district's policy ~~must~~is required to list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following:

1. Accommodations for pregnant and parenting students (Education Code 46015)

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500, 52616.18)

3. After School Education and Safety programs (Education Code 8482-8484.65)

4. Agricultural career technical education (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)

6. Child care and development programs (Education Code 8200-8488)

7. Compensatory education (Education Code 54400)

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.~~10~~13-299.~~12~~15)

9. Course periods without educational content (Education Code 51228.1-51228.3)

CSBA NOTE: Pursuant to Education Code ~~200~~51500, districts may not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or any other characteristic listed in Education Code 220. The following paragraph extends this protection to all of the actual or perceived characteristics for which discrimination in education programs and ~~210.2~~activities is unlawful.

Additionally, Government Code 53080, as amended by ~~SB 1137~~AB 932 (Ch. ~~779~~628, Statutes of ~~2024),~~ ~~provide that prohibited discrimination includes~~2025), prohibits districts from discriminating against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs, or in the allocation of parks and recreation facilities and resources, or school and recreation facilities and resources, that support or enable such programs. Government Code 53080 lists factors to consider when making a determination of whether discrimination ~~not just because of one protected class under state law, but also because of the combination of two or more protected bases~~exists.

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more, or any combination, of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 210.3, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

    Unlawful discrimination includes district sponsorship of any activity or program that promotes discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or any other characteristic listed in Education Code 220. (Education Code 51500)

    Additionally, the district is prohibited from discriminating against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs, or in the allocation of parks and recreation facilities and resources, or school and recreation facilities and resources, that support or enable such programs. (Government Code 53080)

    However, the UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

~~CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, exemptions from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school. Additionally, pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education Code 51225.1 and 51225.2, as described above. The district may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.~~

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2, 51225.25)

12. Every Student Succeeds Act (Education Code 12030, 52059.5, 64000; 20 USC 6301 et seq.)

CSBA NOTE: Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, staff development materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as ~~added~~amended by ~~SB 153~~AB 715 (Ch. ~~38~~428, Statutes of ~~2024~~2025), may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Additionally, pursuant to Education Code 244, as amended by AB 715, complaints alleging discrimination in the adoption, approval, or use of staff development materials or services that promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220 may be brought under the district' UCP or may be filed directly with the SPI. Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures. For complaints concerning staff development materials, see BP 4131 – Staff Development, BP 4231 – Staff Development, and BP 4331 – Staff Development.

Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Education Code 51500 and 51501, as amended by AB 715, require that instructional materials adopted by the Governing Board be factually accurate, reflect specified curriculum and standards, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship, and that teachers not give instruction that promotes a discriminatory bias.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 - Nondiscrimination in District Programs and Activities, BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional Materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers. Also see CSBA's ~~publication~~, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," ~~and corresponding Fact Sheet and Reference,~~"Instructional Materials Adoptions: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

13. Instruction, Instructional Materials, Staff Development Materials, and Curriculum: Diversity (Education Code 243, 244, 51500)

A complaint alleging ~~such~~ unlawful discrimination pursuant to Education Code 243 or 244 may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

14. Local control and accountability plan (Education Code 52075)

15. Migrant child education (Education Code 54440-54445)

16. Physical education instructional minutes (Education Code 51210, 51222, 51223)

17. Student fees (Education Code 49010-49013)

18. Reasonable accommodations to a lactating student (Education Code 222)

19. Regional occupational centers and programs (Education Code 52300-52334.7)

20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

21. School or athletic team names, mascots, or nicknames (Education Code 221.3, 33315)

~~21.~~ 22. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

~~22.~~ 23. State preschool programs (Education Code 8200-8488, 33315)

CSBA NOTE: Pursuant to Education Code 8212 and CDE's FPM instrument, the district is required to use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694. See "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying administrative regulations.

~~23.~~ 24. State preschool health and safety issues in license-exempt programs (Education Code 8212)

~~CSBA NOTE: Pursuant to Education Code 33315, as amended by AB 3074 (Ch. 665, Statutes of 2024), the district is required to use the UCP to resolve complaints related to school or athletic team names, mascots, or nicknames.pursuant to Education Code 221.3~~

~~24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3~~

CSBA NOTE: 5 CCR 4621 requires district policy to ensure that complainants are protected from retaliation as specified in Item #25 below.

25. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

26. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student~~;~~. For more information regarding this prohibition and when an informal resolution process may be utilized to address complaints alleging sexual harassment, see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process, such as mediation, may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

CSBA NOTE: The following paragraph is required pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination, the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by ~~OCR~~USOCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

Additionally, Education Code 33315.5, as added by AB 935 (Ch. 717, Statutes of 2025), requires the SPI, upon receipt by CDE of a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, to collect specified information, including (1) the self-identified protected group of the complainant, if voluntarily provided, (2) a description of the complaint received, (3) any action taken by CDE in response to the complaint and the timeline for that action, and (4) the disposition of the complaint. Education Code 33315.5, as added by AB 935, requires CDE, beginning July 1, 2027, and annually thereafter, to create and post on CDE's website a summary report of the information collected, as specified.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services (5 CCR 4611)

   CSBA NOTE: The complaint procedures specified in the Title IX regulations (34 CFR 106.44-106.45, ~~as added by 85 Fed.Reg. 30026)~~which were adopted on May 19, 2020 and became effective on August 14, 2020, are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30

   Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

   CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district is required to establish an impartial and prompt process for addressing such complaints. Additionally, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department

CSBA NOTE: 5 CCR 4610 limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

7. Any complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. ~~See~~For more information regarding Williams Complaints, see AR 1312.4 - Williams Uniform Complaint Procedures ~~for the separate procedure~~.

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures (Education Code 35186)

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

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~262.4~~280	Prohibition of discrimination
Ed. Code 32280-32289.~~5~~6	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 33315.5	Uniform complaint procedures; discrimination data collected/posted by CDE
Ed. Code 33800-33804	California Office of Civil Rights
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code ~~48853-48853.5~~48850-48859	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49010-~~49013~~49014	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education

Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51500-51501	Prejudices; ~~Nondiscriminatory~~nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Education of migratory children
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60150-60152	Corrective actions and fiscal penalty for violation of Education Code 244
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-~~8488~~8490	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities (eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
~~34 CFR 106.30~~	~~Discrimination on the basis of sex in education programs and activities; definitions~~
~~34 CFR 106.44~~	~~Recipient's response to sexual harassment~~
~~34 CFR 106.45~~	~~Grievance process for formal complaints of sexual harassment~~
~~34 CFR 106.8~~	~~Designation of coordinator; dissemination of policy, and adoption of grievance procedures~~
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 299.13-299.17	Complaint procedures (eCFR :: 34 CFR Part 299 Subpart F -- Complaint Procedures)
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources	**Description**
California Department of Education Publication	Uniform Complaint Procedure Program Instrument

California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
CSBA Publication	~~Reference:~~ State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	~~Fact Sheet:~~ Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office (Student Privacy Policy Office | U.S. Department of Education)
Website	U.S. Department of Agriculture (Child and Adult Care Food Program | Food and Nutrition Service)
Website	California Department of Social Services (Home | California Dept. of Social Services)
Website	U.S. Department of Justice
Website	California Civil Rights Department
Website	California Department of Education

Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures

1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action

4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.2	Bullying
5131.2	Bullying
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate

5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition

6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6200	Adult Education
6200	Adult Education
9000	Role Of The Board
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, all districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age.

Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, staff development materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as ~~added~~amended by ~~SB 153~~AB 715 (Ch. ~~38~~428, Statutes of ~~2024~~2025), may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, the California Department of Education (CDE) has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families,

students who are migratory, newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school, and pursuant to Education Code 51225.25, ~~as added by AB 2473 (Ch. 831, Statutes of 2024),~~ a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024 as well as any other students participating in a newcomer program for whom the district has extended such rights; assignment of students to courses without educational content; and physical education instructional minutes. See "Complaints Subject to UCP" in the accompanying Board policy.

For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, such as the non-UCP complaints identified in the accompanying Board policy, districts may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

CSBA NOTE: 5 CCR 4621 requires the district to identify in its policies and procedures the person(s), employee(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying, and retaliation. During its Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of unlawful discrimination, harassment, intimidation, or bullying pursuant to AR 5145.3 - Nondiscrimination/Harassment, and complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), employee(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, who is responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, and in Administrative Regulation 5145.7 - Sexual Harassment, who is responsible for handling complaints regarding sexual harassment.

_____
(title or position)
_____
(unit or office)
_____
(address)
_____
(telephone number)
_____
(email)

CSBA NOTE: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

CSBA NOTE: 5 CCR 4621 requires the district's policy to include that employees responsible for compliance and/or for investigating and resolving complaints be knowledgeable about the laws and programs at issue in the complaints they are assigned. ~~Compliance~~Additionally, compliance officers ~~must also~~are required to have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final

written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be ~~posted in all schools~~prominently and ~~offices~~conspicuously displayed at each school site and district office in areas that are accessible to, and commonly frequented by, school site employees, students and members of the public, including but not limited to, school office lobbies, staff lounges, and student government meeting rooms. Additionally, such policy and administrative regulation shall be posted on the district's website. (Education Code 234.1)

CSBA NOTE: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

CSBA NOTE: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include, but need not be limited to, all of the following:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such person(s) will be knowledgeable about the laws and programs that they are assigned to investigate

3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred

4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged

conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, ~~and~~ 51225.2, and 51225.25, and the complaint process

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision

10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

11. A statement that copies of the district's UCP are available free of charge

CSBA NOTE: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, a district and its schools are required to post information related to Title IX on their websites, including specified information about complaint procedures under Title IX~~;~~. For more information regarding these required postings, see AR 5145.3 - Nondiscrimination/Harassment. A school or district that does not maintain a website may comply by posting the information on the website of its district or county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on district and school websites, published in handbooks or catalogs, and may be provided through district-supported social media, if available.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator. ~~See~~For more information regarding the process for initiating and responding to complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, see AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator ~~must~~is required to notify a compliance officer. ~~A~~Additionally, a district may ~~also~~ establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

~~Complaints~~Additionally, complaints shall ~~also~~ be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

   CSBA NOTE: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance (Education Code 49013, 52075)

   A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. (Education Code 49013)

   CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the County Superintendent of Schools, the reviewing authority for districts, approves the district's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

   For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination (5 CCR 4630)

   The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

CSBA NOTE: It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the district's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action

   When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

CSBA NOTE: Pursuant to Education Code 51500, as amended by AB 715, discriminatory bias in instruction and district-sponsored activities does not require a showing of direct harm to members of a protected group. Members of a protected group do not need to be present while the discriminatory bias is occurring for the act to be considered discriminatory bias.

8. A complaint alleging discriminatory bias in instruction or district-sponsored activities does not require a showing of direct harm to members of a protected group and members of a protected group need not be present while the discriminatory bias is occurring for the act to be considered discriminatory bias. (Education Code 51500)

Mediation

CSBA NOTE: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation~~;~~. For more information about the provision of a neutral arbitrator, see the accompanying Board policy. The following section may be modified to specify the ADR method and timelines used within the district.

Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student~~;~~. For more information regarding restrictions on when an informal resolution process may be utilized for addressing complaints alleging sexual harassment, see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination,

harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. ~~The~~Additionally, the compliance officer shall ~~also~~ notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the complaint within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's ~~timelines~~timeline for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

CSBA NOTE: The timeline specified below may be modified to reflect district practice. 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline.

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation,

or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

CSBA NOTE: Because Education Code 51500, as amended by AB 715, does not require a showing of direct harm to members of a protected group for an act to be discriminatory bias, and members of a protected group do not need to be present while the discriminatory bias is occurring for the act to be considered discriminatory bias, the following paragraph extends such lack of need to show direct harm to the interview process for complaints alleging discriminatory bias, and may be modified to reflect district practice.

To investigate a complaint alleging discriminatory bias in instruction or district-sponsored activities, the compliance officer is not required to interview members of the protected class.

CSBA NOTE: 5 CCR 4631 ~~allows~~authorizes the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. Additionally, 5 CCR 4631 ~~also~~ provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report is required to be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. Districts may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommend that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel, accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

Education Code 262.3, as amended by AB 715, authorizes a party to a written complaint of prohibited discrimination to appeal, directly with the SPI, if the district fails to issue an investigation report within the timeline required by the UCP. In such a case, the complaint is required to present the SPI with evidence that supports the basis for the direct filing and why immediate action is necessary. For more information regarding such appeals, see "Appeals to the California Department of Education," below.

OPTION 1: (Districts that do not allow complainants to appeal to the Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in ~~the section~~ "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

END OF OPTION 1

OPTION 2: (Districts that allow complainants to appeal to the Board)

CSBA NOTE: The remainder of this section is for use by districts that select Option 2.

Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint.

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in ~~the section~~ "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

If the Board decides not to hear the complaint, the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to the U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR), or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered

For a complaint of discriminatory bias in instruction and district-sponsored activities, a showing of direct harm to members of a protected group is not required as part of such findings of fact. (Education Code 51500)

2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law

3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint.

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed~~;~~. For more information regarding this requirement, see "Health and Safety Complaints in License-Exempt Preschool Programs~~"~~," below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. ~~In addition~~Additionally, based on Title VI of the Civil Rights Act of 1964, ~~OCR~~USOCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)

2. The 60-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education's Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

CSBA NOTE: The following section may be revised to reflect district practice.

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school practices or procedures; or school climate surveys.

CSBA NOTE: Pursuant to Education Code 48900.5, the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity, and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues~~;~~. For more information regarding discipline and corrective actions for a student who has committed an act of bullying, see AR 5131.2 - Bullying.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference

3. Education regarding the impact of the conduct on others

4. Positive behavior support

5. Referral to a student success team

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the Board is required to take remedial action as described below, if the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred, which violated Education Code 220. The following paragraph requires the Superintendent or designee to conduct the investigation on behalf of the Board.

If the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred which subjected an individual to unlawful discrimination pursuant to Education Code 220, the Superintendent or designee shall remediate the action, which may include, but is not limited to, implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 60151, as amended by AB 715, if the SPI determines, pursuant to a complaint filed directly with the SPI or on an appeal of a district decision regarding a complaint, that a district violated Education Code 244, CDE is required to notify the district that it take corrective action, and if corrective action is not taken within 60 days CDE may use any legal means to effect compliance.

Additionally, if the Board is notified by the Superintendent of Public Instruction (SPI) that the district has violated Education Code 244 related to the adoption, approval, or use of any textbook, instructional material, supplemental instructional material, staff development material, or curriculum for classroom instruction, the district shall implement any required corrective actions as soon as possible and no later than the beginning of the next school year. (Education Code 60151)

CSBA NOTE: Pursuant to Education Code 60152, as added by AB 715, if it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district is required to notify the organization that corrective action is required unless the SPI has already done so. If corrective action is not taken within 60 days, CDE may use any means authorized by law to effect compliance.

If it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district shall notify the organization that corrective action is required unless the SPI has already done so. If corrective action is not taken within 60 days, CDE may use any means authorized by law to effect compliance. (Education Code 60152)

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint.

For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. ~~Districts that do not serve students in grades transitional kindergarten-6 should delete the reference to physical education below.~~

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

CSBA NOTE: The following section includes information regarding the district's responsibilities related to appeals to CDE.

Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding an appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the district or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision.

The request for reconsideration is required to specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the appeal decision.

Additionally, pursuant to 5 CCR 4650, there are times when CDE is able to directly intervene in a complaint without waiting for action by the district when certain conditions exist such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, (3) the complainant alleges that the district failed or refused to implement the final investigation report resulting from its local investigation or local mediation agreement, or a CDE appeal decision, (4) the complainant alleges

that, through no fault of the complainant, no action has been taken by the district within 60 calendar days of the date the complaint was filed; however, prior to direct intervention, CDE is required to attempt to work with the district to allow it to complete the investigation and issue an investigation report, or (5) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint with the district would be futile.

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law

3. The material findings of fact in the district's investigation report are not supported by substantial evidence

4. The legal conclusion in the district's investigation report is inconsistent with the law

5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

CSBA NOTE: Pursuant to Education Code 262.3, as amended by AB 715, a party to a written complaint of prohibited discrimination may appeal, directly with the SPI, if the district fails to issue an investigation report within the timeline required by the UCP. In such a case, the complaint is required to present evidence that supports the basis for the direct filing and why immediate action is necessary. Prior to intervention by the SPI, CDE is required to attempt to work with the district to issue a district investigation report within the timeline required by the UCP.

Additionally, for complaints alleging unlawful discrimination, the complainant may file an appeal directly with the SPI if the district fails to issue an investigation report within the timeline specified above. (Education Code 262.3)

When the complainant is appealing a complaint alleging unlawful discrimination directly to the SPI on the grounds that the district failed to issue an investigation report within the timeline specified above, the complainant shall present evidence that supports the basis for the direct filing and why immediate action is necessary. (Education Code 262.3)

CSBA NOTE: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint

2. A copy of the district's investigation report

3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator

4. A report of any action taken to resolve the complaint

5. A copy of the district's UCP

6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

~~CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances.~~

~~Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.~~

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8212 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the district is required to use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694.
See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from CDE's website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, ~~OCR~~USOCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the ~~Superintendent of Public Instruction~~SPI in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

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2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries

Ed. Code 200-~~262.4~~280	Prohibition of discrimination
Ed. Code 32280-32289.~~5~~6	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 33315.5	Uniform complaint procedures; discrimination data collected/posted by CDE
Ed. Code 33800-33804	California Office of Civil Rights
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code ~~48853-48853.5~~48850-48859	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49010-~~49013~~49014	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
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Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51500-51501	Prejudices; ~~Nondiscriminatory~~nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan

Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
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Ed. Code 54440-54445	Education of migratory children
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Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

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20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
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20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities (eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
~~34 CFR 106.30~~	~~Discrimination on the basis of sex in education programs and activities; definitions~~
~~34 CFR 106.44~~	~~Recipient's response to sexual harassment~~
~~34 CFR 106.45~~	~~Grievance process for formal complaints of sexual harassment~~
~~34 CFR 106.8~~	~~Designation of coordinator; dissemination of policy, and adoption of grievance procedures~~
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 299.13-299.17	Complaint procedures (eCFR :: 34 CFR Part 299 Subpart F -- Complaint Procedures)
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources	**Description**
California Department of Education Publication	Uniform Complaint Procedure Program Instrument

California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
CSBA Publication	~~Reference:~~ State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	~~Fact Sheet:~~ Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office (Student Privacy Policy Office | U.S. Department of Education)
Website	U.S. Department of Agriculture (Child and Adult Care Food Program | Food and Nutrition Service)
Website	California Department of Social Services (Home | California Dept. of Social Services)
Website	U.S. Department of Justice

Website	California Civil Rights Department
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
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1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees

1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures

4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance

5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.2	Bullying
5131.2	Bullying
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs

5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials

6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
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6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6200	Adult Education
6200	Adult Education
9000	Role Of The Board
9011	Disclosure Of Confidential/Privileged Information

9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2020 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: The following exhibit is for districts that offer a California State Preschool Program (CSPP). Education Code 8212 requires that the following notice be posted in each classroom with a ~~license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225).~~CSPP. The notice is required to include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

CSBA NOTE: Education Code 8212 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's website will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may

be available and should be modified to reflect district practice, including adding the school and district website addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school or district office, or downloaded from the school or district website. ~~You~~Additionally, you may ~~also~~ download a copy of the California Department of Education (CDE) complaint form when available from the following website: http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using either the district's complaint form or the complaint form from CDE.

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CSBA Publication	~~Fact Sheet:~~ Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)

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Website	California Department of Social Services (Home | California Dept. of Social Services)
Website	U.S. Department of Justice
Website	California Civil Rights Department
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

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0450	Comprehensive Safety Plan
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0460	Local Control And Accountability Plan
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3260	Fees And Charges
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3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications

4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
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Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2020 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

~~CSBA NOTE:~~CSBA NOTE: The following exhibit is for districts that offer a California State Preschool Program (CSPP). Pursuant to Education Code 8212, uniform complaint procedures are required to be used for complaints alleging that a license-exempt ~~California State Preschool Program~~CSPP does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents, as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? □ Yes □ No

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

Date problem was observed: _____

Location of the problem that is the subject of this complaint:
School name/address: _____
Room number/name of room/location of facility: _____

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

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

□ The preschool does not have outdoor shade that is safe and in good repair

□ Drinking water is not accessible and/or readily available throughout the day

□ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children

□ Restroom facilities are not available only for preschoolers and kindergartners

□ The preschool program does not provide visual supervision of children at all times

□ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time

□ Playground equipment is not safe, in good repair, or age appropriate

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

_____
_____
_____
_____
_____
_____

CSBA NOTE: Education Code 8212 requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

_____
(preschool administrator or designee)

_____
(address)

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

_____ _____
(Signature) (Date)

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

State	Description

2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-~~262.4~~280	Prohibition of discrimination
Ed. Code 32280-32289.~~5~~6	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 33315.5	Uniform complaint procedures; discrimination data collected/posted by CDE
Ed. Code 33800-33804	California Office of Civil Rights
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code ~~48853-48853.5~~48850-48859	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49010-~~49013~~49014	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools

Ed. Code 51225.1-51225.25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51500-51501	Prejudices; ~~Nondiscriminatory~~nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Education of migratory children
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60150-60152	Corrective actions and fiscal penalty for violation of Education Code 244
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-~~8488~~8490	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime

Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities (eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
~~34 CFR 106.30~~	~~Discrimination on the basis of sex in education programs and activities; definitions~~
~~34 CFR 106.44~~	~~Recipient's response to sexual harassment~~
~~34 CFR 106.45~~	~~Grievance process for formal complaints of sexual harassment~~
~~34 CFR 106.8~~	~~Designation of coordinator; dissemination of policy, and adoption of grievance procedures~~
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 299.13-299.17	Complaint procedures (eCFR :: 34 CFR Part 299 Subpart F -- Complaint Procedures)
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964

42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources	**Description**
California Department of Education Publication	Uniform Complaint Procedure Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
CSBA Publication	~~Reference:~~ State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	~~Fact Sheet:~~ Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office (Student Privacy Policy Office | U.S. Department of Education)
Website	U.S. Department of Agriculture (Child and Adult Care Food Program | Food and Nutrition Service)
Website	California Department of Social Services (Home | California Dept. of Social Services)

Website	U.S. Department of Justice
Website	California Civil Rights Department
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials

1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
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Policy 3471: Parcel Taxes

Status: ADOPTED

Original Adopted Date: 03/01/2020 **| Last Revised Date:** 08/01/2026 **| Last Reviewed Date:** ~~03~~08/01/~~2020~~2026

CSBA NOTE: ~~The following policy is optional.~~ Pursuant to Article 13A of the California Constitution and Government Code 50079, districts may levy, with voter approval, a qualified special tax known as a parcel tax on real property in accordance with Government Code 50075-50077.5. Unlike a traditional *ad valorem* property tax which is based on estimated property values and which cannot be levied by school districts, taxpayers generally pay a flat rate for a parcel tax regardless of property value. The funds can be used on any activities or items for which general fund moneys can be spent, including general operating expenses, as long as the funds are used strictly for the purposes specified in the ballot statement.

A parcel tax is separate from general obligation bonds that may be approved for the construction, reconstruction, rehabilitation, or replacement of school facilities. For information regarding the funding of specified facilities needs through the issuance of debt, see BP/AR 7214 - General Obligation Bonds.

~~Districts~~It is recommended that districts considering ~~placing~~the placement of a parcel tax on the ballot ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Governing Board recognizes its obligation to provide a high-quality educational program within safe facilities and secure campuses, and that additional funds are at times necessary to fulfill this responsibility. The Board may consider appropriate methods of financing and, when it is in the best interest of the district, may order the placement of a parcel tax on the ballot for approval by the voters.

The Board shall hold a noticed public hearing prior to approving a resolution for the adoption of a parcel tax. The resolution shall be approved by a two-thirds vote of the Board in order to be placed on the ballot. The resolution shall include the type and rate of the tax to be levied, the method of collection, and the date upon which an election shall be held to approve the levy of the tax. (Government Code 50077, 53724)

CSBA NOTE: Elections Code 9170 requires the ballot label or similar description of a school district parcel tax measure on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as Governing Board members, who have signed the ballot argument or are listed in the text of the argument for or against the measure, unless the county board of supervisors elects not to list such supporters and opponents. For more information about ballot measures, see BP 1160 – Political Processes.

Ballot materials shall be submitted in accordance with law, including Elections Code 9160-9170, and Board Policy 1160 – Political Processes.

CSBA NOTE: Pursuant to Government Code 50079, the parcel tax ~~must~~is required to be applied uniformly to all taxpayers or all real property within the district, unless the Board grants an exemption as authorized by law. ~~See section on~~ For more information regarding exemptions from a parcel tax, see "Exemptions" below.

~~In addition~~Additionally, Government Code 50079 provides that unimproved property may be taxed at a lower rate than improved property. However, different tax rates may not be imposed for different classifications of property.

In *Borikas v. Alameda Unified School District*, the appellate court concluded that the language in Government Code 50079 which states that the special tax "apply uniformly to all taxpayers or all real property" does not authorize different tax rates for residential and commercial/industrial properties, nor for different sized commercial/industrial properties. However, in *Traiman v. Alameda Unified School District*, the appellate court held that a district may use a uniform rate per square foot with a maximum cap on tax liability without creating illegal classifications or a differential taxation in violation of Government Code 50079.

The parcel tax shall apply uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property. (Government Code 50079)

The Board shall consult with legal counsel to ensure compliance with all requirements of law, including its determination of the appropriate ~~amount~~uniform rate of the proposed parcel tax, any maximum cap on tax liability per parcel, and whether exemptions from the tax will be ~~granted~~included.

Any parcel tax to be proposed for voter approval shall provide for accountability measures, including, but not limited to, a statement indicating the specific purposes of the special tax and that the proceeds of the tax shall be used only for the specific purposes identified, creation of a separate account into which the proceeds shall be deposited, and annual reporting pursuant to Government Code 50075.3. (Government Code 50075.1)

CSBA NOTE: Education Code 7054 prohibits a district from using funds, services, supplies or equipment to support or defeat a parcel tax ballot measure.

Additionally, in *City and County of San Francisco v. All Persons Interested in The Matter of Proposition G*, the appellate court held that a parcel tax placed on the ballot as a citizen initiative required only a simple majority vote to pass, and not a two-thirds majority as required if the parcel tax had been placed on the ballot by a municipality. As this case dealt with the ability to place a city or county tax on the ballot via a citizen initiative, its applicability to districts is unclear. Nonetheless, if there is an effort to put a district parcel tax on the ballot via a citizen initiative, districts should monitor the involvement of district staff and officials to ensure that such involvement does not transform the effort into a parcel tax placed on the ballot by the district.

For more information on the appropriate use of public funds as related to ballot measures, see BP 1160 – Political Processes.

No district funds, services, supplies, or equipment shall be used to support or defeat a parcel tax ballot measure. The Superintendent or designee may use district resources to provide students,

parents/guardians, and community members with fair and impartial information related to a parcel tax ballot measure, including information about the impact of the parcel tax on the district. (Education Code 7054)

CSBA NOTE: Pursuant to Elections Code 15307, as added by AB 5 (Ch. 250, Statutes of 2025), county elections officials are required to finish counting all ballots, with certain exceptions, and release a vote count for those ballots by the 13th day following an election. Pursuant to Elections Code 15400, after each election and the counting of the ballots has been completed, the Board is required to declare the results of the vote on the parcel tax.

For each election, upon receipt of the certified statement of the results of the election from the applicable county elections officials, the Board shall declare the results of the vote on the parcel tax. (Elections Code 15372, 15400)

Upon approval of the tax by two-thirds of the votes, the district may levy the tax or contract with the county to collect the tax on the district's behalf. (Government Code 50077)

Exemptions

The Board may grant an exemption from the parcel tax for any or all of the following: (Government Code 50079)

1. Persons who are 65 years of age or older

2. Persons receiving Supplemental Security Income for a disability, regardless of age

3. Persons receiving Social Security Disability Insurance benefits, regardless of age, whose yearly income does not exceed 250 percent of the 2012 federal poverty guideline issued by the U.S. Department of Health and Human Services

Any exemption granted by the Board shall remain in effect until the taxpayer becomes ineligible. If the taxpayer becomes ineligible for the exemption for any reason, a new exemption may be granted in the same manner. (Government Code 50079)

If the district provides for an exemption from the parcel tax and contracts or enters into an agreement with the county to collect such tax, the district shall annually provide to the tax collector a phone number where requests for exemption information may be directed and the link, if available, to the location on the district's ~~web site~~website that contains exemption information and the application for exemption. (Government Code 50079)

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Policy Reference Disclaimer:
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State	Description
CA Constitution Article 13A, Section 1	Tax limitation

Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 15307	Timeline to count ballots and release ballot count (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=15307&lawCode=ELEC)
Elec. Code 15372	Elections official certificate statement of election results
Elec. Code 15400	Announcement of election results (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=15400.&lawCode=ELEC)
Elec. Code 324	General election
Elec. Code 328	Local election
Elec. Code 341	Primary election
Elec. Code 348	Regular election
Elec. Code 356	Special election
Elec. Code 357	Statewide election
Elec. Code 9160-9170	Ballot label; support and opposition listings (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=9.&chapter=2.&lawCode=ELEC&article=3.)
Gov. Code 1302	Continuance in office until qualification of successor
Gov. Code 50075-50077.5	Voter-approved special taxes
Gov. Code 50079	School districts; qualified special taxes
Gov. Code 53724	Parcel tax resolution requirements
Gov. Code 54952	Legislative body; definition
Rev. & Tax Code 2611.6	County tax bill special tax information

Management Resources	**Description**
Court Decision	Borikas v. Alameda Unified School District (2013) 214 Cal.App.4th 135
Court Decision	City and County of San Francisco v. All Persons Interested in The Matter of Proposition G (2021) 282 Cal.Rptr. 3d 17 (California Official Reports Public Access | Main Page)
Court Decision	Traiman v. Alameda Unified School District (2023) 94 Cal.App.5th 89 (California Official Reports Public Access | Main Page)
CSBA Publication	California Education Funding: Students Deserve Better, Fact Sheet, August 2017
CSBA Publication	California's Challenge: Adequately Funding Education in the 21st Century, December 2015

CSBA Publication	Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
CSBA Publication	The Impact of Pension Cost Increases on California Schools, January 2018
CSBA Publication	Behind the Numbers: The Cold, Hard Facts of California Public School Funding, January 2018
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Health and Human Services
Website	CSBA

Cross References

Code	Description
1160	Political Processes
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
7210	Facilities Financing
7214	General Obligation Bonds
7214	General Obligation Bonds
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

Policy 4119.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 **| Last Revised Date:** ~~09~~08/01/~~2022~~2026 **| Last Reviewed Date:** ~~09~~08/01/~~2022~~2026

CSBA NOTE: The following policy ~~is optional and~~ may be revised to reflect district practice. Though employees generally have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. ~~In Johnson v. Poway Unified School District, the federal court of appeals found that a district's action controlling the speech of its employee when the employee posted two large banners that contained text which when taken out of context promoted a religious viewpoint did not violate the employee's First Amendment right when the speech occurred at work in the employee's role as a teacher.~~

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

CSBA NOTE: When disciplining an employee, the district ~~must ensure that all~~is required to consider and analyze all of the surrounding facts and circumstances ~~are considered and analyzed~~ within the parameters of any applicable constitutional or legal framework. ~~In~~

In *Johnson v. Poway Unified School District*, the Ninth Circuit Court of Appeals found that a district could direct a teacher not to post large banners with quotations that appeared to promote a religious viewpoint, even though the quotations were taken from instructional materials. Because the speech occurred in the teacher's classroom, the court held that it was part of the employee's role as a teacher and, thus, could be regulated by the district. In contrast, in *Dodge v. Evergreen School District*, the Ninth Circuit Court of Appeals held that a principal inappropriately reprimanded a teacher who brought (but did not wear) a hat with a presidential campaign slogan on it to an on-site professional development session because (1) the expression was as a private citizen on a national political campaign, which was a matter of public concern and (2) the fact that some employees in attendance took offense did not create the type of substantial disruption necessary to justify limiting the teacher's right to free speech. Additionally, in *Kennedy v. Bremerton School District*, the U.S. Supreme Court ~~held~~found that ~~the~~a district ~~violated the employee's protected free exercise and free speech rights~~football coach did not coerce students to pray when the ~~district did not rehire the~~ employee~~, a coach, for refusing to follow~~ knelt at midfield after games to offer a quiet personal prayer and rejected the district's ~~direction to refrain from kneeling and praying at the 50-yard line immediately after each football game.~~argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students. The ~~district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that~~Court concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district because the prayer ~~occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were~~ was offered ~~as a private citizen rather than as a district employee. The Court held that since the prayer occurred~~ during a ~~break, a period when employees would ordinarily be free to engage in personal activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's~~

~~free exercise and free speech rights to offer a private,~~time when school employees were free to attend to personal ~~prayer. Employee~~matters.

Because employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations ~~and~~, it is recommended that districts ~~are advised to~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or the district's legal counsel, accordingly.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time ~~including~~such as when employees are not on duty or engaged in the supervision or instruction of students.

CSBA NOTE: The following ~~optional~~ paragraph provides for the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. ~~In addition~~Additionally, Education Code 49091.24 ~~allows~~authorizes teachers ~~the right~~ to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. ~~In addition~~Additionally, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

CSBA NOTE: Education Code 48907 gives students the right to exercise freedom of speech and of the press and ~~mandates~~requires that districts ~~to~~ adopt reasonable rules and regulations concerning the time, place, and manner for students to engage in those activities~~;~~. For more information on student free speech, see BP/AR 5145.2 - Freedom of Speech/Expression. ~~In addition~~Additionally, Education Code 48950 prohibits a district from disciplining any high school student solely for the student's speech or other communication which would be protected by either the U.S. or California Constitution if engaged in outside of school campus. Both of these ~~provisions~~statutes prohibit ~~the~~ disciplining ~~of any~~an employee who acts to protect a student engaged in ~~any~~ conduct authorized under these provisions.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

CSBA NOTE: When investigating an allegation of employee misconduct, the district may need to consider whether a search of the employee's desk, files, or other district-provided equipment, such as a computer or cell phone, is warranted. Additionally, the district may direct employees to search their personal accounts, devices, and records for district-related documents or information.

The determination of whether ~~a search is~~such searches are legally justified is complex and depends on whether the employee has a reasonable expectation of privacy in the items to be searched and whether the search is reasonable at its inception. Given the legal complexities, it is recommended that CSBA District and County Office of Education Legal Services or district legal counsel be consulted prior to a search and that employees conducting searches receive appropriate instruction as to how the search is to be conducted.

~~When necessary to protect~~As permitted by law, the ~~health, welfare, or safety of students and staff, school officials~~ district may conduct a search of district property under an employee's control and may direct the employee to search the employee's personal accounts, devices, and records for district-related documents or information.

Whistleblower Protection

CSBA NOTE: Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with a state or federal law or regulation. ~~This~~

Whistleblower protection does not cover employees when they speak out within their employment setting on matters related to their official duties. In *Garcetti v. Ceballos*, the U.S. Supreme Court held that when public employees speak out in the workplace about work-related issues, they may be subject to employee discipline since they are not speaking as citizens for First Amendment purposes. However, employees have the right to speak out as concerned citizens outside of the work environment. ~~In addition, to~~To the extent that the employee's speech is on an issue subject to whistleblower protection, ~~then~~ the protections provided to employees by the whistleblower statutes would be applicable.

It is recommended that districts with questions regarding whistleblower protections and related requirements consult CSBA's District and County Office of Education Legal Services or district legal counsel.

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

CSBA NOTE: In *Brown v. City of Inglewood*, the California Supreme Court held that elected officials are not considered "employees" eligible for whistleblower protections under Labor Code 1102.5.

For purposes of whistleblower protection, a Board member is not considered to be an employee.

CSBA NOTE: Pursuant to Labor Code 1102.8, a district is required to prominently display a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline, in lettering at least 15 point type. Labor Code 98.11 requires the Labor Commissioner's Office to create a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of Labor Code 1102.8, and provides that a district will be deemed in compliance with the posting requirement of Labor Code 1102.8 if it posts the model list created by the Labor Commissioner's Office. The accompanying exhibit is a copy, without the original formatting, of the model list created by the Labor Commissioner's Office, which can be viewed and downloaded directly from the website of the Labor Commissioner's Office.

The Superintendent or designee shall prominently display in lettering ~~larger than size 14~~of at least 15 point type a list of employees' rights and responsibilities under the whistleblower laws, including

the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

CSBA NOTE: An employee may be liable for an action in civil damages for interfering with the right of another employee to disclose an improper governmental action. In *Hartnett v. Crosier*, a California appellate court ruled that "management employees" could also be held liable for their acts of retaliation committed when acting in a supervisory role.

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

CSBA NOTE: 20 USC 7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members~~;~~. For more information on legal protections for Board members, see BB 9260 - Legal Protection. The following section is made applicable to all employees~~; however, any district that wishes to apply the section only to teachers should modify the section accordingly~~.

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed~~.~~

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance~~.~~

3. The employee was not properly licensed, if required, by state law for such activities~~.~~

4. The employee was found by a court to have violated a federal or state civil rights law~~.~~

5. The employee was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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State	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 98.11	Model list of whistleblower protections

Lab. Code 1102.5-1106	Whistleblower protections

Federal	**Description**
18 USC 16	Crime of violence; definition
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 7941-7948	Teacher liability protection
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution, First Amendment	Free exercise, free speech, and establishment clauses

Management Resources	**Description**
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Garcetti v. Ceballos (2006) 547 U.S. 410
Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	~~Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111~~Ohton v. CSU San Diego (2007) 148 Cal.App.4th 749
Court Decision	Dodge v. Evergreen School District (2022) 56 F.4th 767
Court Decision	Brown v. City of Inglewood (2025) 18 Cal.5th 33
Website	CSBA District and County Office of Education Legal Services
Website	Labor Commissioner's Office
Website	California Office of the Attorney General

Cross References

Code	**Description**
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

3320	Claims And Actions Against The District
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3515	Campus Security
3515	Campus Security
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials
4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4232	Publication Or Creation Of Materials
4236	Nonschool Employment

4240	Bargaining Units
4244	Complaints
4244	Complaints
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4332	Publication Or Creation Of Materials
4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints
4344	Complaints
5131.4	Student Disturbances
5131.4	Student Disturbances
9260	Legal Protection

Exhibit 4119.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 08/01/2026 | **Last Reviewed Date:** 08/01/2026

CSBA NOTE: Pursuant to Labor Code 1102.8, a district is required to prominently display a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline, in lettering at least 15 point type. Labor Code 98.11 requires the Labor Commissioner's Office to create a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of Labor Code 1102.8, and provides that a district will be deemed in compliance with the posting requirement of Labor Code 1102.8 if it posts the model list created by the Labor Commissioner's Office. The following exhibit is a copy, without the original formatting, of the model list created by the Labor Commissioner's Office, which can be viewed and downloaded directly at the website of the Labor Commissioner's Office.

It is recommended that districts with questions regarding whistleblowers protections and related requirements consult CSBA's District and County Office of Education Legal Services or the district's legal counsel.

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

Who is protected?

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. (California Labor Code Section 1106)

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute

2. A violation or noncompliance with a local, state, or federal rule or regulation, or

3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

Even if an employee does not engage in such protected activity, but their employer believes they did or will engage in protected activity in the future, they are perceived to be a whistleblower and are protected.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower

2. An employer may not retaliate against an employee who is a whistleblower or is perceived to be a whistleblower

3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation

4. An employer may not retaliate against an employee for having exercised their rights as a whistleblower in any former employment

Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages and civil monetary penalties, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.**

The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

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Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 98.11	Model list of whistleblower protections
Lab. Code 1102.5-1106	Whistleblower protections

Federal	**Description**
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4119.21-E(1)	Professional Standards
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4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials

4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
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4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints
4344	Complaints
5131.4	Student Disturbances
5131.4	Student Disturbances
9260	Legal Protection

Policy 4131: Staff Development

Status: ADOPTED

Original Adopted Date: 11/01/2008 **| Last Revised Date:** ~~09~~08/01/~~2021~~2026 **| Last Reviewed Date:** ~~09~~08/01/~~2021~~2026

CSBA NOTE: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. However, in *United Faculty of Contra Costa Community College District v. Contra Costa Community College District,* the Public Employment Relations Board (PERB) ~~has~~ found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment~~; see United Faculty of Contra Costa Community College District v. Contra Costa Community College District.~~ . Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of an agreement, may be determined by PERB on a case-by-case basis.

~~The following paragraph has been expanded to emphasize the importance of student well-being and related professional development in the area of social-emotional development and learning. Social-emotional learning is a strategy utilized to improve school climate, which benefits all students including students at higher risk of harassment. See Items #4 and 7 below regarding diverse student populations and school climate, respectively.~~ It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding questions about staff development and/or staff training as it relates to collective bargaining.

The Governing Board believes that~~, in order to maximize~~ certificated staff members' continual learning and improvement of relevant skills maximizes student learning, achievement, and well-being~~, certificated staff members must be continuously learning and improving relevant skills.~~ . The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills, become informed about changes in pedagogy and subject matter, and strengthen practices related to social-emotional development and learning.

Staff shall attend staff development as directed by the Superintendent or designee and in accordance with any applicable collective bargaining agreement and Board Policy 4119.1/4219.1/4319.1 – Civil and Legal Rights.

CSBA NOTE: Education Code 52060-52077 ~~require~~requires districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions~~;~~. For more information regarding LCAP requirements, see BP/AR 0460 - Local Control and Accountability Plan.

~~The district's~~Alignment of the district's staff development program ~~should be aligned~~ with its priorities and goals, as outlined in the LCAP and other applicable district and school plans, will help the district meet such goals and priorities.

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, when creating, reviewing, and amending the district's staff development program. The Superintendent or designee shall ensure that the district's staff development program is aligned

with district priorities for student learning, achievement and well-being, school improvement objectives, the local control and accountability plan, and other district and school plans.

CSBA NOTE: Items #1-~~11 below are optional and may be revised to reflect district practice.~~4 in the following list are required.

Due to ongoing litigation related to the religious rights of teachers, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel if a teacher objects to certain content of a staff training on religious grounds.

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

CSBA NOTE: Pursuant to Education Code 218, the California Department of Education (CDE) has developed and/or updated resources, available on its website, for use in schools serving students in grades 7-12 for in-service training for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, and strategies to increase support for LGBTQ+ students which improve overall school climate. PRISM is a six-course online training tool with content for certificated educators to provide resources to bolster support for LGBTQ+ youth in California. Additionally, Education Code 218.3 requires a district serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support LGBTQ+ cultural competency. The district is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training.

1. Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ+) Cultural Competency

   All teachers and other certificated staff serving students in any of grades 7-12 shall, through the 2029-30 school year, receive at least one hour of training annually which incorporates the California Department of Education's (CDE) online training curriculum to support LGBTQ+ cultural competency. (Education Code 218.3)

   CSBA NOTE: Pursuant to Education Code 49428.2, on or before July 1, 2029, districts are required to certify to CDE that 100 percent of its certificated employees who have direct contact with students in any of grades 7-12 have received youth behavioral health training, at least one time, in accordance with the requirements specified in Education Code 49428.2.

2. Youth behavioral health

   On or before July 1, 2029, all certificated staff who have direct contact with students in any of grades 7-12 shall, at least one time, receive youth behavioral health training which provides instruction around the unique risk factors and warning signs of behavioral health problems in adolescents, builds understanding of the importance of early intervention, and teaches certificated staff how to help an adolescent in crisis or experiencing a behavioral health challenge. The training may also include instruction on: (Education Code 49428.2)

a. Recognizing the signs and symptoms of youth behavioral health disorders, including, but not limited to, psychiatric conditions and substance use disorders such as opioid and alcohol abuse

b. How to maintain student privacy and confidentiality in a manner consistent with federal and state privacy laws

c. Safe de-escalation of crisis situations involving students with a youth behavioral health disorder

CSBA NOTE: Pursuant to Education Code 44691, districts are required to provide annual training, using the online training module provided by the California Department of Social Services, to their employees, volunteers, and persons working on their behalf who are mandated reporters on the mandated reporting requirements. This training is required to include information that failure to report an incident of known or reasonably suspected child abuse or neglect, is a misdemeanor. Additionally, the training is required to include information on the prevention of abuse, including sexual abuse and assault, of children on school grounds, by school personnel and volunteers, or in district-sponsored programs. CDE is required to develop and disseminate information to districts, and their school personnel and volunteers, regarding the detection and reporting of child abuse, and the prevention of abuse, including sexual abuse and assault.

3. Mandated reporter requirements

Certificated staff shall receive training annually, or if hired during the course of the school year upon being hired, on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in district-sponsored programs. The training shall include that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of one thousand dollars ($1,000), or by both imprisonment and fine. (Education Code 44691)

CSBA NOTE: Pursuant to Education Code 53008, districts are required to annually assess each student in grades kindergarten-2 for risk of reading difficulties, unless the student's parent/guardian opts out of the screening as specified below. Employees administering such assessments are required to be appropriately trained.

Education Code 33319.6, as added by AB 121 (Ch.8, Statutes of 2025), appropriates funding for districts to expend before the end of the 2029-30 fiscal year to train certificated staff in grades transitional kindergarten (TK)-5, who provide literacy instruction or who support any teacher who provides literacy instruction using specified professional development criteria.

4. Administration of screening instruments for risk of reading difficulties

Certificated staff who administer screening instruments or other instruments used to assess students in grades kindergarten-2 for risk of reading difficulties shall be appropriately trained to administer such instruments. (Education Code 53008)

CSBA NOTE: The remaining items are suggested, but not required, and may be revised to reflect district practice.

Pursuant to Education Code 33319.6, as amended by SB 147 (Ch. 744, Statutes of 2025), the State Board of Education (SBE), is required to approve and CDE is required to post on its website, criteria and guidance for the selection or development of inservice professional development programs for effective means of teaching literacy in grades TK-5, with a list of inservice professional development programs that have been deemed to meet those criteria.

~~1.~~ 5. Mastery of subject-matter knowledge, including current state and district academic standards

CSBA NOTE: Education Code 51221.1, as added by SB 472 (Ch. 761, Statutes of 2025), created the California Teachers Collaborative for Holocaust and Genocide Education, which established a statewide teacher professional development program on genocide, including the Holocaust, to ensure that genocide education is taught consistent with the current content standards, curriculum frameworks, and instructional materials adopted by SBE, and in ways that are interdisciplinary and age-appropriate to students of different grade levels. Education Code 51221.2, as added by SB 472, establishes the Holocaust and Genocide Education Grant Program to provide direct allocations to districts for the purpose of providing Holocaust and genocide education and professional development on Holocaust and genocide education.

~~4.~~ 6. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students with characteristics specified in Education Code 200 and/or 220, Government Code 11135, and/or Penal Code 422.55

~~2.~~ 7. Use of effective, subject-specific teaching methods, strategies, and skills

CSBA NOTE: ~~The State Board of Education's~~ SBE's, "California Digital Learning Integration and Standards Guidance~~, adopted pursuant to SB 98 (Ch. 24, Statutes of 2020),~~," provides recommendations for staff development regarding technology-based learning. It encompasses curriculum and instructional guidance for mathematics, English language arts, and English language development, including a framework for addressing critical standards, formative and diagnostic assessment, recommended aggregate time for instruction and independent work by grade, and guidance on embedding social-emotional supports for students into technology-based learning curriculum. ~~Although this guidance was written in response to COVID-19, it is intended to be used as a resource for the re-envisioning of education and digital teaching and learning.~~

~~Education Code 51745-51749.6, as amended by AB 130 (Ch. 44, Statutes of 2021), contain~~ Education Code 51745-51749.6 contains specified requirements for districts offering technology-based instruction pursuant to an independent study program. ~~See~~For more information regarding independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting, see BP/AR 6158 - Independent Study.

~~3.~~ 8. Use of technologies to enhance instruction and learning, including face-to-face, remote, or hybrid instruction

~~CSBA NOTE: Pursuant to Education Code 218, the California Department of Education (CDE) has developed and/or updated resources, available on its web site, for use in schools~~

~~serving students in grades 7-12 for in-service training for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, and strategies to increase support for LGBTQ students which improve overall school climate. Pursuant to Education Code 218, districts that serve students in grades 7-12 are encouraged to use such resources to provide training at least once every two years to teachers and other certificated staff.~~

~~4.~~ 9. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

~~5.~~ 10. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

CSBA NOTE: CSBA's guide, "Practical Steps Toward Advancing Equitable and Supportive Discipline," a summary of research from the University of California, Los Angeles', and University of California, Berkeley's Race, Education, and Community Healing (REACH), offers actionable, research-informed steps for Governing Boards to support more equitable discipline practices, including the support of professional development opportunities that equip educators with effective restorative-focused classroom management tools.

~~6.~~ 11. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, acceptance, and civility, including conflict resolution, hatred prevention, and positive behavioral interventions and supports

~~7.~~ 12. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

~~8.~~ 13. Ability to interpret and use data and assessment results to guide instruction

~~CSBA NOTE: The following paragraph has been expanded to include social-emotional learning and trauma-informed practices.~~

~~The Collaborative for Academic, Social, and Emotional Learning describes social-emotional learning as, "the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.~~

~~"Trauma-informed practices include recognizing and responding appropriately to students who have experienced trauma in order to minimize disruption to learning, academic achievement, and physical and emotional well-being.~~

~~9.~~ 14. Knowledge of topics related to student mental and physical health, safety, and welfare, which may include social-emotional learning and trauma-informed practices

~~10.~~ 15. Knowledge of topics related to employee health, safety, and security

~~CSBA NOTE: The following optional paragraph may be revised to reflect district practice.~~

Staff Development Materials and Services

The Board shall adopt staff development materials and services that align with the district's mission, vision, and goals, are relevant to student academic achievement and well-being, and are instrumental in assisting certificated staff in developing the knowledge and skills specified in Items #1-15, above.

CSBA NOTE: Education Code 244, as amended by AB 715 (Ch. 428, Statutes of 2025), prohibits the Board from adopting or approving the use of any staff development materials or services if such materials or services promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220. For more information regarding nondiscrimination in staff development see BP 0410 – Nondiscrimination in District Programs and Activities.

The Board shall not adopt the use of any staff development materials or services that promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220 and Board Policy 0410 – Nondiscrimination in District Programs and Activities. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the Board is required to take remedial action as described below, if the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred, which violated Education Code 220. The following paragraph requires the Superintendent or designee to conduct the investigation on behalf of the Board.

If the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred which subjected an individual to unlawful discrimination pursuant to Education Code 220, the Superintendent or designee shall remediate the action, which may include, but is not limited to, implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 60152, as added by AB 715, if it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district is required to notify the organization that corrective action is required unless the Superintendent of Public Instruction has already done so. If corrective action is not taken within 60 days, CDE may use any means authorized by law to effect compliance. For more information regarding such notification see AR 1312.3 – Uniform Complain Procedures.

If it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district shall notify the organization that corrective action is required unless the Superintendent of Public Instruction has already done so. If corrective action is not taken within 60 days, CDE may use any means authorized by law to effect compliance. (Education Code 60152)

CSBA NOTE: Education Code 44277 encourages districts to establish individualized professional growth programs for teachers and other educators based on a needs assessment and to evaluate such programs based on specified criteria. Districts may assist teachers with preliminary credentials to meet the qualifications required for a professional clear credential, and are required to provide support and guidance to teachers participating in internship programs ~~(Education Code 44325-44328, 44450-44468, and 44830.3)~~ ~~and~~ and teachers who possess a short-term staff permit ~~(5 CCR 80021),~~ a provisional internship permit ~~(5 CCR 80021.1),~~ or an emergency permit ~~(Education Code 44300; 5 CCR 80023-80026.6);~~. For more information regarding certification qualifications, see AR 4112.2 ~~-~~– Certification ~~and~~, and for the employment of interns, see AR 4112.21 - Interns.

The Superintendent or designee shall, in conjunction with teachers, interns, and administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

Professional learning opportunities offered by the district shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

CSBA NOTE: Pursuant to Government Code 12940.2, as added by SB 303 (Ch. 216, Statutes of 2025), an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. For more information regarding nondiscrimination in employment, see BP 4030 – Nondiscrimination in Employment.

An employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. (Government Code 12940.2)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement and well-being.

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

State	Description
5 CCR 13025-13044	Professional development and program improvement
5 CCR 80021.1	Provisional internship permit
5 CCR 80023-80026.6	Emergency permits
5 CCR 80334	Unauthorized private gain or advantage
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 218	Lesbian, gay, bisexual, transgender, queer, and questioning student resources
Ed. Code 218.3	Lesbian, gay, bisexual, transgender, queer, and questioning staff training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=218.3&lawCode=EDC)
Ed. Code 220	Prohibition of discrimination
Ed. Code 244	Nondiscrimination in staff development (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244&lawCode=EDC)
Ed. Code 33319.6	Literacy instruction training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33319.6&lawCode=EDC)
Ed. Code 44032	Travel expense payment
Ed. Code 44259.5	Standards for teacher preparation
Ed. Code 44277	Professional growth programs for individual teachers
Ed. Code 44300	Emergency permits
Ed. Code 44325-44328	District interns
Ed. Code 44450-44468	University internship program
Ed. Code 44691	Mandated reporter training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=44691.&nodeTreePath=2.2.7.6&lawCode=EDC)
Ed. Code 44830.3	Employing district interns
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 48980	Parent/Guardian notifications

Ed. Code 49428.2	Youth behavioral health training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49428.2&lawCode=EDC)
Ed. Code 51221.1	California Teachers Collaborative for Holocaust and Genocide Education (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51221.1&lawCode=EDC)
Ed. Code 51221.2	Holocaust education grant program (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51221.2&lawCode=EDC)
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 53008	Reading difficulties screening (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=53008&lawCode=EDC)
Ed. Code 56240-56245	Staff development; service to persons with disabilities
Ed. Code 60152	Complaint procedures (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60152&lawCode=EDC)
Ed. Code 99200-99204	Subject matter projects
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12940.2	Bias mitigation training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12940.2&lawCode=GOV)
Gov. Code 3543.2	Scope of representation
Pen. Code 422.55	Definition of hate crime
Pen. Code 11165.7	Mandated reporter; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11165.7&lawCode=PEN)

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6601-6692	Preparing, training, and recruiting high quality teachers and principals
29 USC 794	Rehabilitation Act of 1973; Section 504

42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
Management Resources	**Description**
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, October 2018
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, ~~June~~ ~~2021~~rev. 2024 (https://www.cadlsg.com/)
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), April 2024
CSBA Publication	Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013
CSBA Publication	Practical Steps Toward Advancing Equitable and Supportive Discipline, 2025 (https://transformschools.ucla.edu/wp-content/uploads/2025/07/REACH_Advancing_Equitable-Executive-Summary-2025.pdf)
Court Decision	Dodge v. Evergreen School District (2022) 56 F.4th 767 (United States Courts Opinions | Govinfo;
Public Employment Relations Board Decision	United Faculty of Contra Costa Community College District v. Contra Costa Community College District (1990) PERB Dec. No. 804, 14 PERC P21-085
Website	CSBA District and County Office of Education Legal Services
Website	Collaborative for Academic, Social, and Emotional Learning
Website	California Department of Education, Supporting LGBTQ+ Students
Website	California Subject Matter Project
Website	California Public Employment Relations Board
Website	California Department of Education, Professional Learning
Website	Commission on Teacher Credentialing
Website	CSBA
Website	PRISM, LGBTQ+ cultural competency training (https://prismcalifornia.org/home)
Website	University of California, Los Angeles' and University of California, Berkeley's Race, Education, and Community Healing (REACH) Network

(https://transformschools.ucla.edu/research/race-education-and-community-healing-reach-network/)

Cross References

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0420	School Plans/Site Councils
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6178	Career Technical Education
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6184	Continuation Education
6184	Continuation Education
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6200	Adult Education

Policy 4219.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 **| Last Revised Date:** ~~09~~08/01/~~2022~~2026 **| Last Reviewed Date:** ~~09~~08/01/~~2022~~2026

CSBA NOTE: The following policy ~~is optional and~~ may be revised to reflect district practice. Though employees generally have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. ~~In Johnson v. Poway Unified School District, the federal court of appeals found that a district's action controlling the speech of its employee when the employee posted two large banners that contained text which when taken out of context promoted a religious viewpoint did not violate the employee's First Amendment right when the speech occurred at work in the employee's role as a teacher.~~

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

CSBA NOTE: When disciplining an employee, the district ~~must ensure that all~~is required to consider and analyze all of the surrounding facts and circumstances ~~are considered and analyzed~~ within the parameters of any applicable constitutional or legal framework. ~~In~~

In *Johnson v. Poway Unified School District*, the Ninth Circuit Court of Appeals found that a district could direct a teacher not to post large banners with quotations that appeared to promote a religious viewpoint, even though the quotations were taken from instructional materials. Because the speech occurred in the teacher's classroom, the court held that it was part of the employee's role as a teacher and, thus, could be regulated by the district. In contrast, in *Dodge v. Evergreen School District*, the Ninth Circuit Court of Appeals held that a principal inappropriately reprimanded a teacher who brought (but did not wear) a hat with a presidential campaign slogan on it to an on-site professional development session because (1) the expression was as a private citizen on a national political campaign, which was a matter of public concern and (2) the fact that some employees in attendance took offense did not create the type of substantial disruption necessary to justify limiting the teacher's right to free speech. Additionally, in *Kennedy v. Bremerton School District*, the U.S. Supreme Court ~~held~~found that ~~the~~a district ~~violated the employee's protected free exercise and free speech rights~~football coach did not coerce students to pray when the ~~district did not rehire the~~ employee~~, a coach, for refusing to follow~~ knelt at midfield after games to offer a quiet personal prayer and rejected the district's ~~direction to refrain from kneeling and praying at the 50-yard line immediately after each football game.~~argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students. The ~~district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that~~Court concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district because the prayer ~~occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were~~ was offered ~~as a private citizen rather than as a district employee. The Court held that since the prayer occurred~~ during a ~~break, a period when employees would ordinarily be free to engage in personal activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's~~

~~concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to offer a private,~~time when school employees were free to attend to personal ~~prayer. Employee~~matters.

Because employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations ~~and~~, it is recommended that districts ~~are advised to~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or the district's legal counsel, accordingly.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time ~~including~~such as when employees are not on duty or engaged in the supervision or instruction of students.

CSBA NOTE: The following ~~optional~~ paragraph provides for the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. ~~In addition~~Additionally, Education Code 49091.24 ~~allows~~authorizes teachers ~~the right~~ to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. ~~In addition~~Additionally, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

CSBA NOTE: Education Code 48907 gives students the right to exercise freedom of speech and of the press and ~~mandates~~requires that districts ~~to~~ adopt reasonable rules and regulations concerning the time, place, and manner for students to engage in those activities~~;~~. For more information on student free speech, see BP/AR 5145.2 - Freedom of Speech/Expression. ~~In addition~~Additionally, Education Code 48950 prohibits a district from disciplining any high school student solely for the student's speech or other communication which would be protected by either the U.S. or California Constitution if engaged in outside of school campus. Both of these ~~provisions~~statutes prohibit ~~the~~ disciplining ~~of any~~an employee who acts to protect a student engaged in ~~any~~ conduct authorized under these provisions.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

CSBA NOTE: When investigating an allegation of employee misconduct, the district may need to consider whether a search of the employee's desk, files, or other district-provided equipment, such as a computer or cell phone, is warranted. Additionally, the district may direct employees to search their personal accounts, devices, and records for district-related documents or information.

The determination of whether ~~a search is~~such searches are legally justified is complex and depends on whether the employee has a reasonable expectation of privacy in the items to be searched and whether the search is reasonable at its inception. Given the legal complexities, it is recommended that CSBA District and County Office of Education Legal Services or district legal counsel be consulted prior to a search and that employees conducting searches receive appropriate instruction as to how the search is to be conducted.

~~When necessary to protect~~As permitted by law, the ~~health, welfare, or safety of students and staff, school officials~~ district may conduct a search of district property under an employee's control and

may direct the employee to search the employee's personal accounts, devices, and records for district-related documents or information.

Whistleblower Protection

CSBA NOTE: Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with a state or federal law or regulation. ~~This~~

Whistleblower protection does not cover employees when they speak out within their employment setting on matters related to their official duties. In *Garcetti v. Ceballos*, the U.S. Supreme Court held that when public employees speak out in the workplace about work-related issues, they may be subject to employee discipline since they are not speaking as citizens for First Amendment purposes. However, employees have the right to speak out as concerned citizens outside of the work environment. ~~In addition, to~~To the extent that the employee's speech is on an issue subject to whistleblower protection, ~~then~~ the protections provided to employees by the whistleblower statutes would be applicable.

It is recommended that districts with questions regarding whistleblower protections and related requirements consult CSBA's District and County Office of Education Legal Services or district legal counsel.

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

CSBA NOTE: In *Brown v. City of Inglewood*, the California Supreme Court held that elected officials are not considered "employees" eligible for whistleblower protections under Labor Code 1102.5.

For purposes of whistleblower protection, a Board member is not considered to be an employee.

CSBA NOTE: Pursuant to Labor Code 1102.8, a district is required to prominently display a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline, in lettering at least 15 point type. Labor Code 98.11 requires the Labor Commissioner's Office to create a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of Labor Code 1102.8, and provides that a district will be deemed in compliance with the posting requirement of Labor Code 1102.8 if it posts the model list created by the Labor Commissioner's Office. The accompanying exhibit is a copy, without the original formatting, of the model list created by the Labor Commissioner's Office, which can be viewed and downloaded directly from the website of the Labor Commissioner's Office.

The Superintendent or designee shall prominently display in lettering ~~larger than size 14~~of at least 15 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

CSBA NOTE: An employee may be liable for an action in civil damages for interfering with the right of another employee to disclose an improper governmental action. In *Hartnett v. Crosier*, a California appellate court ruled that "management employees" could also be held liable for their acts of retaliation committed when acting in a supervisory role.

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

CSBA NOTE: 20 USC 7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members~~;~~. For more information on legal protections for Board members, see BB 9260 - Legal Protection. The following section is made applicable to all employees~~; however, any district that wishes to apply the section only to teachers should modify the section accordingly~~.

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed~~.~~

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance~~.~~

3. The employee was not properly licensed, if required, by state law for such activities~~.~~

4. The employee was found by a court to have violated a federal or state civil rights law.

5. The employee was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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

State	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity

Lab. Code 98.11	Model list of whistleblower protections
Lab. Code 1102.5-1106	Whistleblower protections

Federal	**Description**
18 USC 16	Crime of violence; definition
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 7941-7948	Teacher liability protection
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution, First Amendment	Free exercise, free speech, and establishment clauses

Management Resources	**Description**
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Garcetti v. Ceballos (2006) 547 U.S. 410
Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	~~Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111~~Ohton v. CSU San Diego (2007) 148 Cal.App.4th 749
Court Decision	Dodge v. Evergreen School District (2022) 56 F.4th 767
Court Decision	Brown v. City of Inglewood (2025) 18 Cal.5th 33
Website	CSBA District and County Office of Education Legal Services
Website	Labor Commissioner's Office
Website	California Office of the Attorney General

Cross References

Code	**Description**
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
3320	Claims And Actions Against The District
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3515	Campus Security
3515	Campus Security
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials
4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4232	Publication Or Creation Of Materials

4236	Nonschool Employment
4240	Bargaining Units
4244	Complaints
4244	Complaints
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4332	Publication Or Creation Of Materials
4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints
4344	Complaints
5131.4	Student Disturbances
5131.4	Student Disturbances
9260	Legal Protection

Exhibit 4219.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 08/01/2026 | **Last Reviewed Date:** 08/01/2026

CSBA NOTE: Pursuant to Labor Code 1102.8, a district is required to prominently display a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline, in lettering at least 15 point type. Labor Code 98.11 requires the Labor Commissioner's Office to create a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of Labor Code 1102.8, and provides that a district will be deemed in compliance with the posting requirement of Labor Code 1102.8 if it posts the model list created by the Labor Commissioner's Office. The following exhibit is a copy, without the original formatting, of the model list created by the Labor Commissioner's Office, which can be viewed and downloaded directly at the website of the Labor Commissioner's Office.

It is recommended that districts with questions regarding whistleblowers protections and related requirements consult CSBA's District and County Office of Education Legal Services or the district's legal counsel.

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

Who is protected?

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. (California Labor Code Section 1106)

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute

2. A violation or noncompliance with a local, state, or federal rule or regulation, or

3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

Even if an employee does not engage in such protected activity, but their employer believes they did or will engage in protected activity in the future, they are perceived to be a whistleblower and are protected.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower

2. An employer may not retaliate against an employee who is a whistleblower or is perceived to be a whistleblower

3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation

4. An employer may not retaliate against an employee for having exercised their rights as a whistleblower in any former employment

Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages and civil monetary penalties, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.**

The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

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4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
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4340	Bargaining Units
4344	Complaints
4344	Complaints
5131.4	Student Disturbances
5131.4	Student Disturbances
9260	Legal Protection

Policy 4231: Staff Development

Status: ADOPTED

Original Adopted Date: 07/01/2005 **| Last Revised Date:** ~~07~~08/01/~~2015~~2026 **| Last Reviewed Date:** ~~07~~08/01/~~2015~~2026

CSBA NOTE: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. ~~However~~However, in *United Faculty of Contra Costa Community College District v. Contra Costa Community College District*, the Public Employment Relations Board (PERB) has found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment ~~(United Faculty of Contra Costa Community College District v. Contra Costa Community College District).~~. Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of an agreement, may be determined by PERB on a case-by-case basis. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding questions about staff development and/or staff training as it relates to collective bargaining.

Pursuant to Education Code 45391, a district that expends funds for professional development for any school site staff ~~must~~is required to consider the needs of its classified school employees to update their skills and learn best practices.

Pursuant to Education Code 45387, the Governing Board may authorize a permanent classified employee to attend job-related inservice training with pay during working hours for one or more school days each year.

The Governing Board recognizes that classified staff does essential work that supports students, helps create a healthy school environment, and furthers the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

Staff shall attend staff development as directed by the Superintendent or designee and in accordance with any applicable collective bargaining agreement and Board Policy 4219.1 – Civil and Legal Rights.

CSBA NOTE: Education Code 52060-52077 ~~require~~requires districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions~~; see~~. For more information regarding LCAP requirements, BP/AR 0460 - Local Control and Accountability Plan. ~~The district's~~Alignment of the district's staff development program ~~should be aligned~~ with its priorities and goals, as outlined in the LCAP and other applicable district and school plans, will help the district meet such goals and priorities.

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. ~~He/she~~ The

Superintendent or designee shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

CSBA NOTE: Items #1-~~10 below reflect optional topics for professional~~2 in the following list are required. Due to ongoing litigation related to the religious rights of employees, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel if an employee objects to certain content of a staff training on religious grounds.

The district's staff development ~~of~~ program shall assist classified staff ~~specified in Education Code 45391 and may be revised to reflect district practice.Staff development may address general workplace skills and/or skills and~~ in developing knowledge ~~specific to the duties of each classified position~~and skills, including, but not limited to~~, the following topics:~~ (:

CSBA NOTE: Pursuant to Education Code 49428.2, on or before July 1, 2029, districts are required to certify to the California Department of Education (CDE) that 40 percent of its classified employees, who have direct contact with students in any of grades 7-12, have received youth behavioral health training at least one time, in accordance with the requirements in Education Code ~~45391)~~ 49428.2.

1. Youth behavioral health

On or before July 1, 2029, 40 percent of classified staff who have direct contact with students in any of grades 7-12 shall, at least one time, receive youth behavioral health training which provides instruction around the unique risk factors and warning signs of behavioral health problems in adolescents, builds understanding of the importance of early intervention, and teaches classified staff how to help an adolescent in crisis or experiencing a behavioral health challenge. The training may also include instruction on: (Education Code 49428.2)

a. Recognizing the signs and symptoms of youth behavioral health disorders, including, but not limited to, psychiatric conditions and substance use disorders such as opioid and alcohol abuse

b. How to maintain student privacy and confidentiality in a manner consistent with federal and state privacy laws

c. Safe de-escalation of crisis situations involving students with a youth behavioral health disorder

CSBA NOTE: Pursuant to Education Code 44691, districts are required to provide annual training, using the online training module provided by the California Department of Social Services, to their employees, volunteers, and persons working on their behalf who are mandated reporters on the mandated reporting requirements. This training is required to include information that failure to report an incident of known or reasonably suspected child abuse or neglect, is a misdemeanor. Additionally, the training is required to include

information on the prevention of abuse, including sexual abuse and assault, of children on school grounds, by school personnel and volunteers, or in district-sponsored programs. CDE is required to develop and disseminate information to districts, and their school personnel and volunteers, regarding the detection and reporting of child abuse, and the prevention of abuse, including sexual abuse and assault.

2. Mandated reporter requirements

Classified staff shall receive training annually, or if hired during the course of the school year upon being hired, on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in district-sponsored programs. The training shall include that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of one thousand dollars ($1,000), or by both imprisonment and fine. (Education Code 44691)

CSBA NOTE: The remaining items are suggested, but not required, and may be revised to reflect district practice.

Education Code 33319.6, as added by AB 121 (Ch. 8, Statutes of 2025), appropriates funding for districts to expend prior to the end of the 2029-30 fiscal year to train classified staff who provide literacy instruction or who support any teacher who provides literacy instruction using specified professional development criteria.

Additionally, pursuant to Education Code 33319.6, as amended by SB 147 (Ch. 744, Statutes of 2025), the State Board of Education is required to approve, and CDE is required to post on its website, criteria and guidance for the selection or development of inservice professional development programs for effective means of teaching literacy in grades transitional kindergarten-5, with a list of inservice professional development programs that have been deemed to meet those criteria.

~~1.~~ 3. Student learning and achievement (Education Code 45391)

a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students

b. Alignment of curriculum and instructional materials with Common Core State Standards

c. The management and use of state and local student data to improve student learning

d. Best practices in appropriate interventions and assistance to at-risk students

CSBA NOTE: CSBA's guide, "Practical Steps Toward Advancing Equitable and Supportive Discipline," a summary of research from the University of California, Los Angeles', and University of California, Berkeley's Race, Education, and Community Healing (REACH), offers actionable, research-informed steps for Boards to support more equitable discipline practices, including the

support of professional development opportunities that equip educators with effective restorative-focused classroom management tools.

~~1.~~ 4. Student and campus safety, including implementation of the school safety plan (Education Code 45391)

~~2.~~ 5. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance (Education Code 45391)

~~3.~~ 6. School facility maintenance and operations, including best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites (Education Code 45391)

~~4.~~ 7. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates (Education Code 45391)

~~5.~~ 8. School transportation and bus safety (Education Code 45391)

~~6.~~ 9. Parent/guardian involvement, including ways to increase parent/guardian involvement at school sites (Education Code 45391)

~~7.~~ 10. Food service, including food preparation to provide nutritional meals, food safety, and food management (Education Code 45391)

~~8.~~ 11. Health, counseling, and nursing services (Education Code 45391)

~~9.~~ 12. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites (Education Code 45391)

Staff Development Materials and Services

The Board shall adopt staff development materials and services that align with the district's mission, vision, and goals, are relevant to student academic achievement and well-being, and are instrumental in assisting classified staff in developing the knowledge and skills specified in Items #1-12, above.

CSBA NOTE: Education Code 244, as amended by AB 715 (Ch. 428, Statutes of 2025), prohibits the Board from adopting or approving the use of any staff development materials or services if such materials or services promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220. For more information regarding nondiscrimination in staff development, see BP 0410 – Nondiscrimination in District Programs and Activities.

The Board shall not adopt the use of any staff development materials or services that promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220 and Board Policy 0410 – Nondiscrimination in District Programs and Activities. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the Board is required to take remedial action as described below, if the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred, which violated Education Code 220. The following paragraph requires the Superintendent or designee to conduct the investigation on behalf of the Board.

If the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred which subjected an individual to unlawful discrimination pursuant to Education Code 220, the Superintendent or designee shall remediate the action, which may include, but is not limited to, implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 60152, as added by AB 715, if it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district is required to notify the organization that corrective action is required unless the Superintendent of Public Instruction has already done so. If corrective action is not taken within 60 days, CDE may use any means authorized by law to effect compliance. For more information regarding such notification, see AR 1312.3 – Uniform Complain Procedures.

If it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district shall notify the organization that corrective action is required unless the Superintendent of Public Instruction has already done so. If corrective action is not taken within 60 days, the California Department of Education may use any means authorized by law to effect compliance. (Education Code 60152)

CSBA NOTE: The following ~~optional~~ paragraph may be revised to reflect district practice. Pursuant to Education Code 44277, ~~as amended by SB 1060 (Ch. 199, Statutes of 2014),~~ the district is required to evaluate any program of professional growth it offers to its teachers and classified employees who are involved in direct instruction of students based on specified criteria. For details of the requirement related to teachers, see BP 4131 - Staff Development.

For classroom instructional aides or other classified staff involved in direct instruction of students, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students. Such professional learning opportunities shall be evaluated based on criteria specified in Education Code 44277 and ~~BP~~Board Policy 4131 - Staff Development.

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

[CSBA NOTE: Pursuant to Government Code 12940.2, as added by SB 303 (Ch. 216, Statutes of 2025), an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. For more information regarding nondiscrimination in employment, see BP 4030 – Nondiscrimination in Employment.]

An employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. (Government Code 12940.2)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement and well-being.

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

State	Description
Ed. Code 218.3	Lesbian, gay, bisexual, transgender, queer, and questioning staff training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=218.3&lawCode=EDC)
Ed. Code 220	Prohibition of discrimination (Prohibition of discrimination)
Ed. Code 244	Nondiscrimination in staff development (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244&lawCode=EDC)
Ed. Code 33319.6	Literacy instruction training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33319.6&lawCode=EDC)
Ed. Code 44032	Travel expense payment
Ed. Code 44277	Professional growth programs for individual teachers
Ed. Code 44691	Mandated reporter training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=44691.&nodeTreePath=2.2.7.6&lawCode=EDC)
Ed. Code 45380-45387	Retraining and study leave (classified employees)

Ed. Code 45390-45392	Professional development for classified school employees
Ed. Code 49428.2	Youth behavioral health training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49428.2&lawCode=EDC)
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 53008	Reading difficulties screening (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=53008&lawCode=EDC)
Ed. Code 56240-56245	Staff development; service to persons with disabilities
Ed. Code 60152	Complaint procedures (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60152&lawCode=EDC)
Gov. Code 12940.2	Bias mitigation training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12940.2&lawCode=GOV)
Gov. Code 3543.2	Scope of representation
Pen. Code 11165.7	Mandated reporter; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11165.7&lawCode=PEN)

Management Resources	**Description**
CSBA Publication	Practical Steps Toward Advancing Equitable and Supportive Discipline, (2025) (https://transformschools.ucla.edu/wp-content/uploads/2025/07/REACH_Advancing_Equitable-Executive-Summary-2025.pdf)
Court Decision	Dodge v. Evergreen School District (2022) 56 F.4th 767 United States Courts Opinions | Govinfo;
Public Employment Relations Board Decision	United Faculty of Contra Costa Community College District v. Contra Costa Community College District (1990) PERB Dec. No. 804, 14 PERC P21-085
Website	CSBA District and County Office of Education Legal Services
Website	California School Employees Association
Website	California Association of School Business Officials
Website	PRISM, LGBTQ+ cultural competency training (https://prismcalifornia.org/home)

Website	University of California, Los Angeles', and University of California Berkeley's Race, Education, and Community Healing (REACH) Network (https://transformschools.ucla.edu/research/race-education-and-community-healing-reach-network/)

Cross References

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0410	Nondiscrimination in District Programs and Activities
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0441	Artificial Intelligence
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
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1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
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3515.3	District Police/Security Department
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System

3540	Transportation
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3542	School Bus Drivers
3543	Transportation Safety And Emergencies
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3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3555	Nutrition Program Compliance
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3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
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4219.41	Employees With Infectious Disease
4222	Teacher Aides/Paraprofessionals
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4319.11	Sexual Harassment
4319.21	Professional Standards
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4358	Employee Security
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5148.3	Preschool/Early Childhood Education
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6142.7	Physical Education And Activity
6142.91	Reading/Language Arts Instruction
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
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Policy 4319.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 **| Last Revised Date:** ~~09~~08/01/~~2022~~2026 **| Last Reviewed Date:** ~~09~~08/01/~~2022~~2026

CSBA NOTE: The following policy ~~is optional and~~ may be revised to reflect district practice. Though employees generally have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. ~~In Johnson v. Poway Unified School District, the federal court of appeals found that a district's action controlling the speech of its employee when the employee posted two large banners that contained text which when taken out of context promoted a religious viewpoint did not violate the employee's First Amendment right when the speech occurred at work in the employee's role as a teacher.~~

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

CSBA NOTE: When disciplining an employee, the district ~~must ensure that all~~is required to consider and analyze all of the surrounding facts and circumstances ~~are considered and analyzed~~ within the parameters of any applicable constitutional or legal framework. ~~In~~

In *Johnson v. Poway Unified School District*, the Ninth Circuit Court of Appeals found that a district could direct a teacher not to post large banners with quotations that appeared to promote a religious viewpoint, even though the quotations were taken from instructional materials. Because the speech occurred in the teacher's classroom, the court held that it was part of the employee's role as a teacher and, thus, could be regulated by the district. In contrast, in *Dodge v. Evergreen School District*, the Ninth Circuit Court of Appeals held that a principal inappropriately reprimanded a teacher who brought (but did not wear) a hat with a presidential campaign slogan on it to an on-site professional development session because (1) the expression was as a private citizen on a national political campaign, which was a matter of public concern and (2) the fact that some employees in attendance took offense did not create the type of substantial disruption necessary to justify limiting the teacher's right to free speech. Additionally, in *Kennedy v. Bremerton School District*, the U.S. Supreme Court ~~held~~found that ~~the~~a district ~~violated the employee's protected free exercise and free speech rights~~football coach did not coerce students to pray when the ~~district did not rehire the~~ employee~~, a coach, for refusing to follow~~ knelt at midfield after games to offer a quiet personal prayer and rejected the district's ~~direction to refrain from kneeling and praying at the 50-yard line immediately after each football game.~~argument that any visible religious conduct by a teacher or coach amounted to impermissible coercion on students. The ~~district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that~~Court concluded that the coach was acting in a private capacity and not in the capacity of an employee of the district because the prayer ~~occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were~~ was offered ~~as a private citizen rather than as a district employee. The Court held that since the prayer occurred~~ during a ~~break, a period when employees would ordinarily be free to engage in personal activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's~~

~~concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to offer a private,~~time when school employees were free to attend to personal ~~prayer. Employee~~matters.

Because employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations ~~and~~, it is recommended that districts ~~are advised to~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or the district's legal counsel, accordingly.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time ~~including~~such as when employees are not on duty or engaged in the supervision or instruction of students.

CSBA NOTE: The following ~~optional~~ paragraph provides for the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. ~~In addition~~Additionally, Education Code 49091.24 ~~allows~~authorizes teachers ~~the right~~ to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. ~~In addition~~Additionally, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

CSBA NOTE: Education Code 48907 gives students the right to exercise freedom of speech and of the press and ~~mandates~~requires that districts ~~to~~ adopt reasonable rules and regulations concerning the time, place, and manner for students to engage in those activities~~;~~. For more information on student free speech, see BP/AR 5145.2 - Freedom of Speech/Expression. ~~In addition~~Additionally, Education Code 48950 prohibits a district from disciplining any high school student solely for the student's speech or other communication which would be protected by either the U.S. or California Constitution if engaged in outside of school campus. Both of these ~~provisions~~statutes prohibit ~~the~~ disciplining ~~of any~~an employee who acts to protect a student engaged in ~~any~~ conduct authorized under these provisions.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

CSBA NOTE: When investigating an allegation of employee misconduct, the district may need to consider whether a search of the employee's desk, files, or other district-provided equipment, such as a computer or cell phone, is warranted. Additionally, the district may direct employees to search their personal accounts, devices, and records for district-related documents or information.

The determination of whether ~~a search is~~such searches are legally justified is complex and depends on whether the employee has a reasonable expectation of privacy in the items to be searched and whether the search is reasonable at its inception. Given the legal complexities, it is recommended that CSBA District and County Office of Education Legal Services or district legal counsel be consulted prior to a search and that employees conducting searches receive appropriate instruction as to how the search is to be conducted.

~~When necessary to protect~~As permitted by law, the ~~health, welfare, or safety of students and staff, school officials~~ district may conduct a search of district property under an employee's control and may direct the employee to search the employee's personal accounts, devices, and records for

district-related documents or information.

Whistleblower Protection

CSBA NOTE: Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with a state or federal law or regulation. ~~This~~

Whistleblower protection does not cover employees when they speak out within their employment setting on matters related to their official duties. In *Garcetti v. Ceballos*, the U.S. Supreme Court held that when public employees speak out in the workplace about work-related issues, they may be subject to employee discipline since they are not speaking as citizens for First Amendment purposes. However, employees have the right to speak out as concerned citizens outside of the work environment. ~~In addition, to~~To the extent that the employee's speech is on an issue subject to whistleblower protection, ~~then~~ the protections provided to employees by the whistleblower statutes would be applicable.

It is recommended that districts with questions regarding whistleblower protections and related requirements consult CSBA's District and County Office of Education Legal Services or district legal counsel.

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

CSBA NOTE: In *Brown v. City of Inglewood*, the California Supreme Court held that elected officials are not considered "employees" eligible for whistleblower protections under Labor Code 1102.5.

For purposes of whistleblower protection, a Board member is not considered to be an employee.

CSBA NOTE: Pursuant to Labor Code 1102.8, a district is required to prominently display a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline, in lettering at least 15 point type. Labor Code 98.11 requires the Labor Commissioner's Office to create a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of Labor Code 1102.8, and provides that a district will be deemed in compliance with the posting requirement of Labor Code 1102.8 if it posts the model list created by the Labor Commissioner's Office. The accompanying exhibit is a copy, without the original formatting, of the model list created by the Labor Commissioner's Office, which can be viewed and downloaded directly from the website of the Labor Commissioner's Office.

The Superintendent or designee shall prominently display in lettering ~~larger than size 14~~of at least 15 point type a list of employees' rights and responsibilities under the whistleblower laws, including

the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

CSBA NOTE: An employee may be liable for an action in civil damages for interfering with the right of another employee to disclose an improper governmental action. In *Hartnett v. Crosier*, a California appellate court ruled that "management employees" could also be held liable for their acts of retaliation committed when acting in a supervisory role.

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

CSBA NOTE: 20 USC 7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members~~;~~. For more information on legal protections for Board members, see BB 9260 - Legal Protection. The following section is made applicable to all employees~~; however, any district that wishes to apply the section only to teachers should modify the section accordingly~~.

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed~~.~~

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance~~.~~

3. The employee was not properly licensed, if required, by state law for such activities~~.~~

4. The employee was found by a court to have violated a federal or state civil rights law~~.~~

5. The employee was under the influence of alcohol or any drug at the time of the misconduct~~.~~

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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State	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 98.11	Model list of whistleblower protections
Lab. Code 1102.5-1106	Whistleblower protections
Federal	**Description**

18 USC 16	Crime of violence; definition
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 7941-7948	Teacher liability protection
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution, First Amendment	Free exercise, free speech, and establishment clauses

Management Resources	**Description**
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Garcetti v. Ceballos (2006) 547 U.S. 410
Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	~~Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111~~Ohton v. CSU San Diego (2007) 148 Cal.App.4th 749
Court Decision	Dodge v. Evergreen School District (2022) 56 F.4th 767
Court Decision	Brown v. City of Inglewood (2025) 18 Cal.5th 33
Website	CSBA District and County Office of Education Legal Services
Website	Labor Commissioner's Office
Website	California Office of the Attorney General

Cross References

Code	**Description**
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3320	Claims And Actions Against The District

3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3515	Campus Security
3515	Campus Security
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials
4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4232	Publication Or Creation Of Materials
4236	Nonschool Employment
4240	Bargaining Units

4244	Complaints
4244	Complaints
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4332	Publication Or Creation Of Materials
4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints
4344	Complaints
5131.4	Student Disturbances
5131.4	Student Disturbances
9260	Legal Protection

Exhibit 4319.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 08/01/2026 | **Last Reviewed Date:** 08/01/2026

CSBA NOTE: Pursuant to Labor Code 1102.8, a district is required to prominently display a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline, in lettering at least 15 point type. Labor Code 98.11 requires the Labor Commissioner's Office to create a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of Labor Code 1102.8, and provides that a district will be deemed in compliance with the posting requirement of Labor Code 1102.8 if it posts the model list created by the Labor Commissioner's Office. The following exhibit is a copy, without the original formatting, of the model list created by the Labor Commissioner's Office, which can be viewed and downloaded directly at the website of the Labor Commissioner's Office.

It is recommended that districts with questions regarding whistleblowers protections and related requirements consult CSBA's District and County Office of Education Legal Services or the district's legal counsel.

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

Who is protected?

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. (California Labor Code Section 1106)

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute

2. A violation or noncompliance with a local, state, or federal rule or regulation, or

3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

Even if an employee does not engage in such protected activity, but their employer believes they did or will engage in protected activity in the future, they are perceived to be a whistleblower and are protected.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower

2. An employer may not retaliate against an employee who is a whistleblower or is perceived to be a whistleblower

3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation

4. An employer may not retaliate against an employee for having exercised their rights as a whistleblower in any former employment

Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages and civil monetary penalties, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.**

The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

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5131.4	Student Disturbances
9260	Legal Protection

Policy 4331: Staff Development

Status: ADOPTED

Original Adopted Date: 10/01/1998 **| Last Revised Date:** ~~12~~08/01/~~2013~~2026 **| Last Reviewed Date:** ~~12~~08/01/~~2013~~2026

The Governing Board recognizes that professional development enhances employee effectiveness and contributes to personal growth. Staff development for administrative and supervisory personnel shall be designed to guide institutional improvement, build leadership skills, and enhance overall management efficiency.

Staff shall attend staff development as directed by the Superintendent or designee and in accordance with any applicable collective bargaining agreement and Board Policy 4319.1 – Civil and Legal Rights.

CSBA NOTE: Education Code 52060-52077~~, as added by AB 97 (Ch. 47, Statutes of 2013), require~~ requires districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions~~;~~. For more information regarding LCAP requirements, see BP/AR 0460 - Local Control and Accountability Plan. ~~The district's~~Alignment of the district's staff development program ~~should be aligned~~ with its priorities and goals, as outlined in the LCAP and other applicable district and school plans, will help the district meet such goals and priorities.

Education Code 44690 established the 21st Century California School Leadership Academy to organize and offer high-quality professional learning opportunities and to select providers of high-quality professional learning for administrators and other school leaders to receive grants to ensure the availability of professional learning through the 21st Century California School Leadership Academy, free of charge, to districts that receive federal Title II funds.

The U.S. Department of Education's, "Supporting Effective Instruction State Grants (Title II, Part A)," provides grants to State educational agencies and subgrants to local educational agencies to (1) increase student achievement consistent with challenging state academic standards, (2) improve the quality and effectiveness of teachers, principals, and other school leaders, (3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools, and (4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

The Superintendent or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of district students and staff and is aligned to the district's vision, goals, local control and accountability plan, and other comprehensive plans.

~~CSBA NOTE: Pursuant to Education Code 44517, the state's Administrator Training Program self-repealed on January 1, 2013. Funding for that program has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the content of the district's staff development program for administrators may be adapted to meet district needs. Items #1-10 below are optional.~~

CSBA NOTE: Items #1-2 in the following list are required.
Due to ongoing litigation related to the religious rights of employees, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel if an employee objects to certain content of a staff training on religious grounds.

The district's staff development program ~~for~~shall assist district and school administrators ~~may include~~in developing knowledge and skills, including, but ~~is~~ not limited to~~, the following topics~~:

CSBA NOTE: Pursuant to Education Code 44691, districts are required to provide annual training, using the online training module provided by the California Department of Social Services to their employees and persons working on their behalf who are mandated reporters, on the mandated reporting requirements. This training is required to include information that failure to report an incident of known or reasonably suspected child abuse or neglect, is a misdemeanor. Additionally, this training is required to include information on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs. In addition, the California Department of Education (CDE) is required to develop and disseminate information to all school districts, and their school personnel in California, regarding the detection and reporting of child abuse.

1. Mandated reporter requirements

Administrative and supervisory staff shall receive training annually, or if hired during the course of the school year upon being hired, on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in district-sponsored programs. The training shall include that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of one thousand dollars ($1,000), or by both imprisonment and fine. (Education Code 44691)

CSBA NOTE: Pursuant to Education Code 49428.2, on or before July 1, 2029, districts are required to certify to CDE that 100 percent of its certificated employees and 40 percent of its classified employees who have direct contact with students in any of grades 7-12 have received youth behavioral health training, at least one time, in accordance with the requirements specified in Education Code 49428.2.

2. Youth behavioral health

On or before July 1, 2029, administrative and supervisory staff who have direct contact with students in any of grades 7-12 shall, at least one time, receive youth behavioral health training which provides instruction around the unique risk factors and warning signs of behavioral health problems in adolescents, builds understanding of the importance of early intervention, and teaches staff how to help an adolescent in crisis or experiencing a behavioral health challenge. The training may also include instruction on: (Education Code 49428.2)

a. Recognizing the signs and symptoms of youth behavioral health disorders, including, but not limited to, psychiatric conditions and substance use disorders such as opioid and alcohol abuse

b. How to maintain student privacy and confidentiality in a manner consistent with federal and state privacy laws

c. Safe de-escalation of crisis situations involving students with a youth behavioral health disorder

CSBA NOTE: The remaining items are suggested, but not required and may be revised to reflect district practice.

~~1.~~ 3. Personnel management, including best practices on hiring, recruitment, assignment, and retention of staff

~~2.~~ 4. Effective fiscal management and accountability practices

~~3.~~ 5. Academic standards and standards-aligned curriculum and instructional materials

~~4.~~ 6. Leadership training to improve the academic achievement of all students, including capacity building in pedagogies of learning, instructional strategies that meet the varied learning needs of students, and student motivation

~~5.~~ 7. The use of student assessments, including analysis of disaggregated assessment results to identify needs and progress of student subgroups

~~6.~~ 8. The use of technology to improve student performance and district operations

[CSBA NOTE: CSBA's guide, "Practical Steps Toward Advancing Equitable and Supportive Discipline," a summary of research from the University of California, Los Angeles', and University of California, Berkeley's Race, Education, and Community Healing (REACH), offers actionable, research-informed steps for Governing Boards to support more equitable discipline practices, including the support of professional development opportunities that equip educators with effective restorative-focused classroom management tools.]

~~7.~~ 9. Creation of safe and inclusive school environments

~~8.~~ 10. ~~Parental~~ Parent/guardian involvement and community collaboration

~~9.~~ 11. Employee relations

~~10.~~ 12. Effective school and district planning processes

The Board shall adopt staff development materials and services that align with the district's mission, vision, and goals, are relevant to student academic achievement and well-being, and are instrumental in assisting administrative and supervisory staff in developing the knowledge and skills specified in Items #1-12, above.

CSBA NOTE: Education Code 244, as amended by AB 715 (Ch. 428, Statutes of 2025), prohibits the Board from adopting or approving the use of any staff development materials or services if such materials or services promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220. For more information regarding nondiscrimination in staff development, see BP 0410 – Nondiscrimination in District Programs and Activities.

The Board shall not adopt the use of any staff development materials or services that promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a student to unlawful discrimination pursuant to Education Code 220 and Board Policy 0410 – Nondiscrimination in District Programs and Activities. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the Board is required to take remedial action as described below, if the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred, which violated Education Code 220. The following paragraph requires the Superintendent or designee to conduct the investigation on behalf of the Board.

If the Board knows or has reason to know that materials were used in a classroom, staff development materials or services were used, or an action occurred which subjected an individual to unlawful discrimination pursuant to Education Code 220, the Superintendent or designee shall remediate the action, which may include, but is not limited to, implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 60152, as added by AB 715, if it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district is required to notify the organization that corrective action is required unless the Superintendent of Public Instruction has already done so. If corrective action is not taken within 60 days, CDE may use any means authorized by law to effect compliance. For more information regarding such notification see AR 1312.3 – Uniform Complain Procedures.

If it is determined that any textbook, instructional material, supplemental instructional material, staff development material, or curriculum provided by an organization has violated Education Code 244, the district shall notify the organization that corrective action is required unless the Superintendent of Public Instruction has already done so. If corrective action is not taken within 60 days, the California Department of Education may use any means authorized by law to effect compliance. (Education Code 60152)

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

~~The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.~~

CSBA NOTE: Pursuant to Government Code 12940.2, as added by SB 303 (Ch. 216, Statutes of 2025), an employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. For more information regarding nondiscrimination in employment, see BP 4030 – Nondiscrimination in Employment.

An employee's assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not, by itself, constitute unlawful discrimination. (Government Code 12940.2)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement and well-being.

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State	Description
Ed. Code 220	Prohibition of discrimination
Ed. Code 244	Nondiscrimination in staff development (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244&lawCode=EDC)
Ed. Code 44681-44689	Administrator training and evaluation
Ed. Code 44690	21st Century California School Leadership Academy (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=44690&lawCode=EDC)
Ed. Code 44691	Mandated reporter training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?secti h=2.2.7.6&lawCode=EDC)
Ed. Code 49428.2	Youth behavioral health training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49428.2&lawCode=EDC)

Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60152	Complaint procedures (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60152&lawCode=EDC)
Gov. Code 12940.2	Bias mitigation training (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12940.2&lawCode=GOV)
Pen. Code 11165.7	Mandated reporter; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11165.7&lawCode=PEN)

Management Resources	**Description**
Court Decision	Dodge v. Evergreen School District (2022) 56 F.4th 767 (United States Courts Opinions | Govinfo;
CSBA Publication	Practical Steps Toward Advancing Equitable and Supportive Discipline, 2025 (https://transformschools.ucla.edu/wp-content/uploads/2025/07/REACH_Advancing_Equitable-Executive-Summary-2025.pdf)
WestEd Publication	California Professional Standards for Educational Leaders, 2001
Website	CSBA District and County Office of Education Legal Services
Website	Association of California School Administrators
Website	Commission on Teacher Credentialing
Website	WestEd
Website	California Department of Education
~~WestEd Publication~~Website	~~California Professional Standards for Educational Leaders, 2001~~Supporting Effective Instruction State Grants (Title II, Part A) (http://www.ed.gov/grants-and-programs/formula-grants/school-improvement-grants/supporting-effective-instruction-state-grants-title-ii-part)
Website	U.S. Department of Education, Supporting Effective Instruction State Grants (Title II, Part A) (http://www.ed.gov/grants-and-programs/formula-grants/school-improvement-grants/supporting-effective-instruction-state-grants-title-ii-part)

Website	University of California, Los Angeles', and University of California, Berkeley's Race, Education, and Community Healing (REACH) Network (https://transformschools.ucla.edu/research/race-education-and-community-healing-reach-network/)

Cross References

Code	Description
0000	Vision
0100	Philosophy
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0441	Artificial Intelligence
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3100	Budget
3100	Budget
3230	Federal Grant Funds
3230	Federal Grant Funds
3260	Fees And Charges
3260	Fees And Charges
3350	Travel Expenses
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.2	Bomb Threats
3516.3	Earthquake Emergency Procedure System
3542	School Bus Drivers
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records

3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
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6173.2	Education Of Children Of Military Families
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6175	Migrant Education Program
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6178	Career Technical Education

Policy 5020: Parent Rights And Responsibilities

Status: ADOPTED

Original Adopted Date: 02/01/1999 **| Last Revised Date:** ~~11~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~11~~08/01/~~2025~~2026

~~The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.~~

CSBA NOTE: Pursuant to Education Code 51101, each Governing Board is **mandated** to adopt ~~policy~~policies, jointly developed with parents/guardians, including parents/guardians whose primary language is not English, that ~~outlines~~outline how parents/guardians, school staff, and students may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of students at each school site. Such policy is required to include (1) the means by which the school and parents/guardians may help students achieve academic and other standards of the school, (2) a description of the school's responsibility to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school, and (3) the manner in which parents/guardians may support the learning environment of their ~~children~~students, including, but not limited to, the responsibilities as detailed in the accompanying administrative regulation.

~~The following~~ This policy and the accompanying administrative regulation should be ~~revised, so long as done so in accordance with law, to reflect the policy~~ modified, jointly ~~developed~~ with parents/guardians, to reflect district practice.

The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their students.

The Board believes that the district's relationship with parents/guardians is one of mutual support and respect. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians for continuing the intellectual, physical, emotional, and social development and well-being of their students, including the means by which the district and parents/guardians can help their students achieve academic and other standards of the district.

~~Within this framework, the district's primary responsibility shall be to provide~~The district is responsible for providing a high-quality curriculum and instructional program in a safe, supportive, and effective learning environment ~~that enables all students to meet the academic expectations of the district~~.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their ~~children~~students succeed in school. ~~(Education Code 51100)~~

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law, Board policy, and administrative regulation, and follow acceptable practices that respect those rights.

CSBA NOTE: Districts are required to annually provide parents/guardians with notice of their rights pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.8). For more information regarding annual notifications to parents/guardians, see BP/E(1) 5145.6 - Parent/Guardian Notifications.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights, including, but not limited to, their rights in accordance with 20 USC 1232g and 34 CFR 99.1-99.8, the federal Family Educational Rights and Privacy Act (FERPA), and as specified in Board Policy~~/Exhibit (1)~~ 5145.6 - Parent/Guardian Notifications.

CSBA NOTE: Districts are required to teach certain instructional content. For example, Education Code 51204.5 requires instruction in social sciences to include a study of the role and contributions of specified groups of people to the economic, political, and social development of California and the United States of America, which includes people of all genders, Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ ~~)~~+) Americans, and members of other ethnic, cultural, religious, and socioeconomic status groups. Additionally, pursuant to Education Code 243 and 51501, the Board may not prohibit the continued use of an appropriately adopted textbook, instructional material, or curriculum on the basis that it contains inclusive or diverse perspectives

~~State law requires districts~~. For more information on required instructional content, see BP/AR 6143 - Courses of Study.

Districts are required to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis~~.~~ not prohibited by law. For example, Education Code 51938 requires districts to provide parents/guardians notice about planned comprehensive sexual health and HIV prevention education and the opportunity to opt their students out of such instruction. For more information on comprehensive sexual health and HIV prevention education, see BP/AR 6142.1 ~~--~~- Sexual Health ~~And~~and HIV/AIDS Prevention Instruction.

Additionally, in June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including LGBTQ+ storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. The court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. In addition, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive. For more information regarding parent/guardian opt-outs related to interference with religious development, see BP/AR 6141.2 -

Recognition of Religious Beliefs and Customs.

In light of *Mahmoud* ~~and~~, the existence of some statutorily required opt-opts, and the requirement to teach certain content, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

When required by law, Board policy, or administrative regulation, the district shall notify parents/guardians that they may request to opt their student out of certain instruction. Students for whom the district has approved the opt out shall be offered an alternative activity of similar educational value.

CSBA NOTE: Education Code 51101.1 provides that parents/guardians be afforded all rights pursuant to Education Code 51100-51140, regardless of English fluency, and grants additional rights for parents/guardians of English learners. ~~See~~For more information regarding rights of parents/guardian of English learners, see the accompanying administrative regulation.

Additionally, Education Code 51101.1 requires the district to take all reasonable steps to ensure that parents/guardians of English ~~language~~ learners are notified of the rights and opportunities available to them in English and in their home language pursuant to Education Code 48985. Education Code 48985 provides that when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students are required to also be written in the primary language and may be answered by the parent/guardian in either language.

In addition, Education Code 51101.1 encourages those districts with a substantial number of English learners to establish parent centers with district staff who can communicate with the parents/guardians and to encourage their participation in the district's educational programs.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language, of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

The Superintendent or designee may establish a ~~parent~~ center for parents/guardians at a school with a substantial number of students with a home language other than English, to encourage parent/guardian understanding of, and participation in, ~~their~~ ~~children's~~the educational programs. (Education Code 51101.1)

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

State	Description
Ed. Code 220.3-220.5	Prohibition of requiring employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 243	Refusal of approval or prohibition of instructional materials
Ed. Code 33126	School accountability report card
Ed. Code 35291	Rules
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49091.10-49091.19	~~Parental~~Parent/guardian review of curriculum and instruction
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51100-51140	Parent/guardian rights
Ed. Code 51204.5	History of California; contributions of people of all genders, ethnic, and cultural groups to development of state and nation
Ed. Code 51240	Excuse from health instruction due to conflicts with religious beliefs
Ed. Code 51501	Prohibited means of instruction; continued use of appropriately adopted materials
Ed. Code 51513	Personal beliefs
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 60510	Disposal of surplus instructional materials

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

Management Resources	Description
Court Decision	~~Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)~~Mahmoud v. Taylor (2025) 606 U.S. 522
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1100	Communication With The Public
1240	Volunteer Assistance
1240	Volunteer Assistance
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
4131	Staff Development
5021	Noncustodial Parents
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113	Absences And Excuses
5113	Absences And Excuses
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records

5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5131	Conduct
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5132	Dress And Grooming
5132	Dress And Grooming
5141.3	Health Examinations
5141.3	Health Examinations
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction

6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses of Study
6143	Courses of Study
6154	Homework/Makeup Work
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
9200	Limits Of Board Member Authority

Regulation 5020: Parent Rights And Responsibilities

Status: ADOPTED

Original Adopted Date: 11/01/2002 | **Last Revised Date:** ~~11~~08/01/~~2025~~2026 | **Last Reviewed Date:** ~~11~~08/01/~~2025~~2026

Parent/Guardian Rights

CSBA NOTE: ~~Education Code 49091.10-49091.19 and 51100-51102 specify explicit~~The following rights of parents/guardians ~~regarding~~are established by state and federal law, although the ~~education of their children, however, such~~list is not necessarily comprehensive and some additional rights may be established in other policies and regulations. However, these rights may not conflict with a valid restraining order, protective order, or order for custody or visitation issued by a court. For more information about noncustodial parent rights, see BP 5021 - Noncustodial Parents.

~~Some of the rights specified in Education Code 49091.10-49091.19 and 51100-51102 may be addressed in other policies and regulations. However, districts may choose to adopt this separate section on parent/guardian rights in order to compile these provisions in one location as provided in the following optional section.~~

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making ~~the~~a written request, the classroom(s) in which their ~~child~~student is enrolled or for the purpose of selecting the school in which their ~~child~~student will be enrolled (Education Code 49091.10, 51101)

   ~~Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)~~

   CSBA NOTE: Pursuant to Education Code 49091.10, the district may adopt rules for parent/guardian observation of a school, classroom, or district activity or program in order to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. The following paragraph should be revised to reflect district practice.

   Upon receiving a request to observe a specific classroom, the principal or designee shall coordinate with the parent/guardian and the classroom teacher to determine the appropriate date, time, duration, and conditions of the visit.

   Upon receiving a request to observe a school, the principal or designee shall coordinate with the parent/guardian to determine the appropriate date, time, duration, and conditions of the

visit.

Additionally, a principal or designee may establish, in consultation with school site staff, a regular visitation schedule for parents/guardians.

2. To meet, within a reasonable time of their request, with their ~~child's~~student's teacher(s) and the principal (Education Code 51101)

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of ~~school~~district facilities and ~~school~~ programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher, in accordance with Board Policy and Administrative Regulation 1240 – Volunteer Assistance (Education Code 51101)

4. To be notified, on a timely basis, if their ~~child~~student is absent from school without permission (Education Code 51101)

5. To receive the results of their ~~child's~~student's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

   For parents/guardians of English learners, this right shall include the right to receive the results of their ~~child's~~student's performance on the English language development test. (Education Code 51101.1)

6. To request a particular school for their ~~child~~student and to receive a response from the district (Education Code 51101)

7. To have a school environment for their ~~child~~student that is safe and supportive of learning (Education Code 51101)

CSBA NOTE: 20 USC 1232h, the Protection of Pupil Rights ~~Act~~Amendment, mandates that any district receiving funds from a program administered by the U.S. Department of Education adopt a policy regarding, among other things, the right of parents/guardians to inspect instructional materials. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this mandate. It is recommended that districts with questions about the inspection of instructional materials consult CSBA's District and County Office of Education Legal Services or district legal counsel.

8. To examine the curriculum materials of the class(es) in which their ~~child~~student is enrolled (Education Code 51101; 20 USC 1232h)

   Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments including textbooks, teacher's manuals, films, audio and video recordings, and software, stored by the classroom teacher. (Education Code 49091.10)

Each school ~~site~~ shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

The school may charge an amount not to exceed the cost of duplication if a hardcopy is created. (Education Code 49091.14)

CSBA NOTE: State law requires districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis~~.~~ not prohibited by law. For example, Education Code 51938 requires districts to provide parents/guardians notice about planned comprehensive sexual health and HIV prevention education and the opportunity to opt their students out of such instruction. For more information regarding parent/guardian opt-outs related to sexual health instruction, see BP/AR 6142.1 -- Sexual Health ~~And~~and HIV/AIDS Prevention Instruction.

Additionally, in June 2025, the U.S. Supreme Court, in *Mahmoud v. Taylor*, held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ ~~)~~+) storybooks as part of elementary school instruction without providing parents with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. The court's reasoning may be interpreted to apply to other instructional content that parents/guardians could view as substantially interfering with the religious development of their children. In addition, the court's holding emphasized that the question of whether certain instructional content substantially interferes with the religious development of a student will always be fact-intensive. For more information regarding parent/guardian opt-outs related to interference with religious development, see BP/AR 6141.2 - Recognition of Religious Beliefs and Customs.

In light of *Mahmoud* ~~and~~, the existence of some statutorily required opt-opts, and the requirement to teach certain content, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

9. To be notified of the opportunity to opt their ~~child~~student out of certain instruction, as required by law (Education Code 51240, 51938)

10. To be informed of their ~~child's~~student's progress in school and of the appropriate school personnel whom they should contact if problems arise with their ~~child~~student (Education Code 51101)

11. For parents/guardians of English learners, to support their ~~child's~~student's advancement toward literacy (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or

undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

12. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures, and school improvement efforts (Education Code 51101.1)

~~CSBA NOTE: Pursuant to Education Code 220.3, as added by AB 1955 (Ch. 95, Statutes of 2024), a district is prohibited from requiring an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression, including changing student records, to any other person without the student's consent unless otherwise required by state or federal law. For information regarding disclosure of student records, see BP/AR 5125 - Student Records. It is recommended that districts with questions regarding the disclosure of student records consult CSBA's District and County Office of Education Legal Services or district legal counsel.~~

13. ~~To have access to the student records of their child~~To have access to their student's records in accordance with Board Policy and Administrative Regulation 5125 – Student Records (Education Code 51101)

14. To receive information concerning the academic performance standards, proficiencies, or skills their ~~child~~student is expected to accomplish (Education Code 51101)

15. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes, and procedures for visiting the school (Education Code 51101)

16. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their ~~child~~student is identified as being at risk of retention, and of their right to consult with district personnel responsible for a decision to promote or retain their ~~child~~student and to appeal such a decision (Education Code 51101)

17. To receive notice and information about and to opt out of any psychological testing involving their ~~child~~student (Education Code 51101)

~~CSBA NOTE: 20 USC 1232h grants a parent/guardian the right to refuse to allow the parent/guardian's child to participate in a survey requesting personal information or information for marketing purposes. See AR 5022 - Student and Family Privacy Rights.~~

18. To receive notice and information about and to opt out of any assessment, analysis, evaluation, or monitoring of the quality or character of the student's home life, any form of parent/guardian screening or testing, any nonacademic home-based counseling program, parent/guardian training, or any prescribed family education service plan, and to inspect any survey collecting personal information in accordance with Board Policy and Administrative

Regulation 5022 - Student and Family Privacy Rights (Education Code 49091.18; 20 USC 1232h)

19. To participate as a member of a parent advisory committee, school site council, or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

    For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

20. To question anything in their ~~child's student record~~student's records that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school in accordance with Board Policy and Administrative Regulation 5125 – Student Records (Education Code 51101)

CSBA NOTE: Pursuant to Education Code 220.3 and 220.5, a district or a Governing Board member may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same disclosure requirement, without the student's consent unless otherwise required by state or federal law.

Additionally, in *Mirabelli v. Bonta*, the U.S. Supreme Court affirmed a lower court order that prohibits the enforcement of any laws, guidance, training, or policies that would (1) permit or require any district employee to lie to or mislead a student's parent/guardian about the student's gender presentation at school, such as using a different set of preferred pronouns/names when speaking with the parent/guardian than is being used at school, or (2) permit or require the use of a name or pronoun other than a student's legal name or pronoun assigned at birth when the parent/guardian has objected to such use.

Because this area of law is complex and still evolving, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when disclosing a student's gender identity or when a parent/guardian objects to the district treating a student in a manner inconsistent with the student's sex.

21. To object, in accordance with Administrative Regulation 5145.3 - Nondiscrimination/Harassment, to any treatment of the student by the district that is inconsistent with the student's sex, such as in the use of the student's preferred name and pronouns and access to sex-segregated facilities, programs, and activities

~~21.~~ 22. To provide informed, written parental consent before their child is tested for a behavioral, mental, or emotional evaluation (Education Code 49091.12)

    A general consent, including medical consent used to approve admission to or involvement

in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

~~22.~~ 23. For parents/guardians of English learners, to be given any required written notification, under any applicable law, in English and the student's home language pursuant to Education Code 48985 (Education Code 51101.1)

These rights shall be exercised in accordance with applicable Board policy and administrative regulation.

Parent Responsibilities

CSBA NOTE: Education Code 51101 requires that the policy adopted by the district include Items #1-7 below, except that Item #4 below has been expanded to include social media and other forms of online entertainment and Item #7 has been expanded to include decisions related to the district.

Parents/guardians may support the learning environment of their ~~child~~student by: (Education Code 51101)

1. Monitoring attendance ~~of their child~~
2. Ensuring that homework is completed and turned in on time
3. Encouraging ~~their child to participate~~participation in extracurricular and cocurricular activities
4. Monitoring and prohibiting or regulating the use of social media and other forms of online entertainment ~~viewed by their child~~
5. Working ~~with their child~~ at home ~~in~~on learning activities that extend the classroom learning
6. Volunteering in their ~~child's~~student's classroom(s) or for other school activities in accordance with Board Policy and Administrative Regulation 1240 – Volunteer Assistance
7. Participating in decisions related to the district, their student's school, or the education of ~~their own child or the total school program~~the student, as appropriate

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Ed. Code 33126	School accountability report card
Ed. Code 35291	Rules
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49091.10-49091.19	~~Parental~~Parent/guardian review of curriculum and instruction
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51100-51140	Parent/guardian rights
Ed. Code 51204.5	History of California; contributions of people of all genders, ethnic, and cultural groups to development of state and nation
Ed. Code 51240	Excuse from health instruction due to conflicts with religious beliefs
Ed. Code 51501	Prohibited means of instruction; continued use of appropriately adopted materials
Ed. Code 51513	Personal beliefs
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 60510	Disposal of surplus instructional materials

Federal	**Description**
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20 USC 1232h	Privacy rights
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act

Management Resources	**Description**
Court Decision	~~Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)~~Mahmoud v. Taylor (2025) 606 U.S. 522
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797
Website	CSBA District and County Office of Education Legal Services

Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
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1240	Volunteer Assistance
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6174	Education For English Learners
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9200	Limits Of Board Member Authority

Policy 5022: Student And Family Privacy Rights

Status: ADOPTED

Original Adopted Date: 11/01/2002 **| Last Revised Date:** ~~03~~08/01/~~2018~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2018~~2026

CSBA NOTE: Pursuant to 20 USC 1232h, the Protection of Pupil Rights ~~Act (PPRA), mandates that~~Amendment, any district receiving funds from a program administered by the U.S. Department of Education ~~(USDOE)~~is **mandated** to adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents/guardians to inspect instructional materials, and (3) collection of personal information for marketing purposes. See the accompanying administrative regulation for additional requirements pertaining to these topics.

Pursuant to Education Code 220.3 and 220.5, a district or a Governing Board member may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same disclosure requirement, without the student's consent unless otherwise required by state or federal law.

Additionally, in *Mirabelli v. Bonta*, the U.S. Supreme Court affirmed a lower court order that prohibits the enforcement of any laws, guidance, training, or policies that would (1) permit or require any district employee to lie to or mislead a student's parent/guardian about the student's gender presentation at school, such as using a different set of preferred pronouns/names when speaking with the parent/guardian than is being used at school, or (2) permit or require the use of a name or pronoun other than a student's legal name or pronoun assigned at birth when the parent/guardian has objected to such use. For more information on the rights of transgender and gender-nonconforming students, see AR 5145.3 – Nondiscrimination/Harassment.

Because this area of law is complex and still evolving, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when disclosing a student's gender identity or when a parent/guardian objects to the district treating a student in a manner inconsistent with the student's sex.

The Governing Board respects the privacy rights of district students and their families, which shall only be limited by law, and Board policy and administrative regulation.

CSBA NOTE: Districts are required to annually provide parents/guardians with notice of their rights pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.8). For more information regarding annual notifications to parents/guardians, see BP/E(1) 5145.6 - Parent/Guardian Notifications.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights, including, but not limited to, their rights in accordance with 20 USC 1232g and 34 CFR 99.1-99.8, the federal Family Educational Rights and Privacy Act (FERPA), and as specified in Board Policy and Exhibit (1) 5145.6 - Parent/Guardian Notifications.

The Superintendent or designee may collect, disclose, or use students' personal information for the

exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment

2. Book clubs, magazines, and programs providing access to low-cost literary products

3. Curriculum and instructional materials used by elementary and secondary schools

4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

5. The sale by students of products or services to raise funds for school-related or education-related activities

6. Student recognition programs

CSBA NOTE: 20 USC 1232h mandates that districts adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes. Option 1 below is for use by districts that choose to prohibit the collection of personal information for marketing purposes. Option 2 is for use by districts that choose to authorize the collection of personal information for marketing purposes.

~~OPTION 1:~~

OPTION 1: (Prohibits the collection of personal information for marketing purposes)

~~The~~ However, the Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including ~~his/her~~the student's name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

OPTION 1 ENDS HERE

OPTION 2: (Authorizes the collection of personal information for marketing purposes)

CSBA NOTE: Although 20 USC 1232h authorizes the collection, disclosure, or use of students' personal information, including social security numbers, for the purpose of marketing or selling, Education Code 49076.7 prohibits the collection of social security numbers or the last four digits of social security numbers unless otherwise required to do so by state or federal law. The collection of personal information for marketing purposes is not required by law, and thus districts should not collect social security numbers or the last four digits of social security numbers for marketing purposes.

~~In addition~~Additionally, pursuant to Education Code 234.7, ~~as added by AB 699 (Ch. 493, Statutes of 2017),~~ districts are prohibited from collecting information or documents regarding citizenship or immigration status of students or their families. For more information on collecting information or documents regarding citizenship or immigration status of students or their families, see BP/AR 1445—Response to Immigration Enforcement and BP/AR 5125 – Student Records.

~~In addition~~Additionally, the Superintendent or designee may collect, disclose, or use a student's individually identifiable information, including ~~his/her~~the student's name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.

However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

In addition, documents regarding citizenship or immigration status of students or their families may only be released in accordance with Board Policy and Administrative Regulation 1445 – Response to Immigration Enforcement.

OPTION 2 ENDS HERE

CSBA NOTE: The remainder of this policy is for use by all districts.

20 USC 1232h requires that the district's policy regarding student privacy be developed in consultation with parents/guardians. Such consultation could occur during meetings of the school site council or parent association or a separate committee could be convened to review the draft policy. The following paragraph may be modified to reflect district practice.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose

2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:

    a. Survey instruments requesting information about their personal beliefs and practices or those of their children

    b. Instructional materials used as part of their children's educational curriculum

CSBA NOTE: Item #3c is for use only by districts that select Option 2 above.

c. Instruments used in the collection of personal information for the purpose of marketing or sale

4. Any nonemergency physical examinations or screenings that the school may administer

CSBA NOTE: 20 USC 1232h mandates that the district's policy provide for reasonable notice to parents/guardians of the adoption or continued use of this policy. See the accompanying administrative regulation for additional requirements pertaining to the timing and content of such notice.

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in ~~items~~Items #1-4 above. (20 USC 1232h)

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

State	**Description**
Ed. Code ~~234.7~~200-280	~~Student protections relating to immigration and citizenship status~~Educational Equity; prohibition of discrimination (https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=1.&goUp=Y)
Ed. Code 49076.7	Privacy of student records; social security numbers
Ed. Code 49450-49458	Physical examinations of students
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51101	Parents Rights Act of 2002
Ed. Code 51513	Test, questionnaire, survey, or examination concerning personal beliefs
Ed. Code 51514	Nonremoval of survey questions pertaining to sexual orientation or gender identity
Ed. Code 51938	Sexual Health and HIV/AIDS Prevention Education Act; notice and ~~parental~~parent/guardian excuse

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act (https://www.ecfr.gov/current/title-34/subtitle-A/part-99/subpart-A)

Management Resources	Description
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. 522 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797 (https://www.supremecourt.gov/opinions/opinions.aspx)
CSBA	Legal Guidance: Immigration issues affecting California LEAs, April 2026 (https://www.csba.org/-/media/Legal-Guidance-Immigration-2026.ashx?la=en&rev=6afe6081ed504732901815ceaf7ac04c)
California Department of Justice Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
California Department of Education Publication	Our Schools: Resources to Include Immigrant Families (https://www.cde.ca.gov/ls/pf/if/immigration-toolkit.asp)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of the Chief Privacy Officer
Website	U.S. Department of Education, Annual Notices (https://studentprivacy.ed.gov/annual-notices)
Website	California Department of Education
Website	CSBA

Cross References

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1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials

1312.2	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1321	Solicitation Of Funds From And By Students
1321	Solicitation Of Funds From And By Students
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3290	Gifts, Grants And Bequests
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4135	Soliciting And Selling
4235	Soliciting And Selling
4335	Soliciting And Selling
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5021	Noncustodial Parents
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5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
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5141.21	Administering Medication And Monitoring Health Conditions

5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
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6164.5	Student Success Teams

Regulation 5022: Student And Family Privacy Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 **| Last Revised Date:** ~~03~~08/01/~~2018~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2018~~2026

CSBA NOTE: Pursuant to 20 USC 1232h, the Protection of Pupil Rights Amendment **mandates** that any district receiving funds from a program administered by the U.S. Department of Education (USDOE) is mandated to adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents/guardians to inspect instructional materials, and (3) collection of personal information for marketing purposes.

Surveys Requesting Information about Beliefs and Practices

CSBA NOTE: Education Code 51513 provides that districts ~~shall~~may not administer exams, surveys, or questionnaires containing questions about a student's or ~~his/her~~the student's family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent (i.e., "active consent"). The following paragraph regarding surveys is for use by all districts and is **mandated**, pursuant to 20 USC 1232h, for districts receiving funds from a program administered by the ~~U.S. Department of Education~~ (USDOE~~)~~.

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or ~~his/her~~the student's parent/guardian
2. Mental or psychological problems of the student or ~~his/her~~the student's family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or ~~his/her~~the student's parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

CSBA NOTE: Pursuant to 20 USC 1232h, districts receiving funds from a USDOE-administered program are **mandated** to adopt a policy regarding the district's arrangements to protect student privacy in the event that a student participates in a survey requesting information about beliefs and practices as defined above.

If a student participates in such a survey requesting information about personal beliefs and practices, ~~school officials and staff members~~district employees shall not request or disclose the student's identity.

CSBA NOTE: Education Code 51938 creates an exception to the requirement for prior written consent for ~~districts that administer to~~ students in grades 7-12 who are administered anonymous, voluntary surveys regarding student health behaviors and risks ~~upon providing~~when written parent/guardian notification is provided and ~~allowing a~~the parent/guardian is allowed to opt ~~his/her child~~the student out of participation (i.e., "passive consent"). ~~See sections below entitled~~See "Parent/Guardian Access to Surveys and Instructional Materials" and "Notifications~~.~~"," below.

Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex ~~as long as~~provided that parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

CSBA NOTE: Pursuant to Education Code 51514, ~~as added by AB 677 (Ch. 744, Statutes of 2017),~~ districts that administer a voluntary survey that includes questions pertaining to sexual orientation and/or gender identity are prohibited from removing such questions.

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

Parent/Guardian Access to Surveys and Instructional Materials

CSBA NOTE: 20 USC 1232h **mandates** that districts receiving funds from a USDOE-administered program adopt a policy detailing a parent/guardian's right to inspect (1) survey instruments requesting information about the parent/guardian's or ~~his/her~~the child's personal beliefs and practices and (2) instructional materials used as part of the educational curriculum of the parent/guardian's child, as specified below. Under California law, Education Code 51101 authorizes parental inspection of instructional materials~~;~~. For more information regarding the rights of parents/guardians of district students, see AR 5020 - Parent Rights and Responsibilities. ~~In addition~~Additionally, pursuant to Education Code 51938, districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding health behaviors and risks ~~must~~are required to allow parents/guardians the opportunity to review the instrument and to request that their child not participate.

Pursuant to 20 USC 1232h, those districts that authorize the collection of personal information for marketing or sale (Option 2 in the accompanying Board policy) are **mandated** to adopt a policy concerning a parent/guardian's right to inspect any instrument used for the collection of a student's personal information for purposes of marketing or selling the information.

The parent/guardian of any district student, upon ~~his/her~~ request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to ~~his/her~~the parent/guardian's child that either collects personal information for marketing or sale or requests information about beliefs and practices

2. Any instructional material to be used as part of ~~his/her~~the child's educational curriculum

Parents/guardians may file a complaint concerning the content or use of instructional materials in accordance with Board Policy and Administrative Regulation 1312.2 – Complaints Concerning Instructional Materials or Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures, and may request to opt their student out of specific instructional materials in accordance with Board Policy and Administrative Regulation 5020 -- Parent Rights and Responsibilities.

CSBA NOTE: 20 USC 1232h **mandates** districts receiving funds from a USDOE-administered program to adopt a policy which includes procedures for providing parents/guardians reasonable access to surveys, instruments, and instructional materials within a reasonable amount of time after the request has been received. The following paragraph may be modified to reflect the district's definition of a reasonable timeline and reasonable access.

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other ~~document~~ ~~he/she~~ requested document. A parent/guardian may view the document any time during normal business hours.

~~CSBA NOTE: The following paragraph is optional.~~

No student shall be subject to penalty for ~~his/her~~ ~~parent/guardian's~~ exercise of any of the rights stated above.

Health Examinations

CSBA NOTE: 20 USC 1232h **mandates** a district receiving funds from a USDOE-administered program to adopt a policy on certain physical examinations or screenings that the school may administer to students. The administration of nonemergency, invasive physical examinations requires prior parental notification, as provided below. This requirement does not apply to any physical examination or screening that is permitted without parental notification by an applicable state law.

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to ~~his/her~~the student's parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

Notifications

CSBA NOTE: 20 USC 1232h requires that districts receiving funds from a USDOE-administered program notify parents/guardians of the following. A sample notification letter is available on ~~the web site of the~~ USDOE's ~~Family Policy Compliance Office~~"Protecting Student Privacy, Annual Notices" website.

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy

3. The specific or approximate dates during the school year when the following activities are scheduled:

    a. Survey requesting personal information

    b. Physical examinations or screenings

CSBA NOTE: Item #c below is for districts that permit the collection of personal information for marketing or sale (Option 2 in the accompanying Board policy).

    c. Collection of personal information from students for marketing or sale

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

~~Parents~~Additionally, parents/guardians shall ~~also~~ be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

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Policy Reference Disclaimer:
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State	Description
Ed. Code ~~234.7~~200-280	~~Student protections relating to immigration and citizenship status~~Educational Equity; prohibition of discrimination (https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=1.&goUp=Y)

Ed. Code 49076.7	Privacy of student records; social security numbers
Ed. Code 49450-49458	Physical examinations of students
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51101	Parents Rights Act of 2002
Ed. Code 51513	Test, questionnaire, survey, or examination concerning personal beliefs
Ed. Code 51514	Nonremoval of survey questions pertaining to sexual orientation or gender identity
Ed. Code 51938	Sexual Health and HIV/AIDS Prevention Education Act; notice and ~~parental~~parent/guardian excuse

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act (https://www.ecfr.gov/current/title-34/subtitle-A/part-99/subpart-A)

Management Resources	**Description**
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. 522 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797 (https://www.supremecourt.gov/opinions/opinions.aspx)
CSBA	Legal Guidance: Immigration issues affecting California LEAs, April 2026 (https://www.csba.org/-/media/Legal-Guidance-Immigration-2026.ashx?la=en&rev=6afe6081ed504732901815ceaf7ac04c)
California Department of Justice Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
California Department of Education Publication	Our Schools: Resources to Include Immigrant Families (https://www.cde.ca.gov/ls/pf/if/immigration-toolkit.asp)
Website	CSBA District and County Office of Education Legal Services

Website	U.S. Department of Education, Office of the Chief Privacy Officer
Website	U.S. Department of Education, Annual Notices (https://studentprivacy.ed.gov/annual-notices)
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
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6142.1	Sexual Health And HIV/AIDS Prevention Instruction

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6162.8	Research
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6164.5	Student Success Teams
6164.5	Student Success Teams

Policy 5125: Student Records

Status: ADOPTED

Original Adopted Date: 03/01/2009 **| Last Revised Date:** ~~01~~08/01/2026 **| Last Reviewed Date:** ~~01~~08/01/2026

CSBA NOTE: The following **mandated** policy and accompanying administrative regulation address student records, which are governed by both federal and state law, including the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g, 34 CFR 99.1-99.8), the Protection of Pupil Rights Amendment (PPRA) (20 USC 1232h), the Children's Online Privacy Protection Act (COPPA) (15 USC 6501-6506, 16 CFR 312), Education Code 49069.7 and 49073.1, K-12 Pupil Online Personal Information Protection Act (Business and Professions Code 22584), Early Learning Personal Information Protection Act (Business and Professions Code 22586), and 5 CCR 430-438. For information regarding public access to certain records in accordance with the California Public Records Act (CPRA) (Government Code 7920.000 - 7930.215), see BP/AR 1340 - Access to District Records and BB 9012 - Board Member Electronic Communications. For information regarding retention of records, see BP/AR 3580 - District Records and AR 4112.6/4212.6/4312.6 - Personnel Files.

Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 **mandates** procedures related to review of student records by parent/guardian. See the accompanying administrative regulation for additional language implementing these mandates.

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, disclosure, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records in accordance with state and federal law.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

~~CSBA NOTE: The privacy of online information of students in prekindergarten (preK) through grade 12 is addressed in Privacy Rights for California Minors in the Digital World (Business and Professions Code 22580-22582), the K-12 Pupil Online Personal Information and Protection Act~~

~~(Business and Professions Code 22584-22585), and the Early Learning Personal Information Protection Act (Business and Professions Code 22586-22587), whichHowever, Business and Professions Code 22584 does not require the deletion of student records held by a national assessment provider when the records only include standardized test results.~~

~~Additionally, pursuant to Business and Professions Code 22584 and 22586, an operator is required to delete a student's covered information that is not subject to the California Consumer Privacy Act which is under the operator's control, as specified below. Business and Professions Code 22584 and 22586 do not require the deletion of mandatory permanent student records or any official records or files directly related to a student and maintained by the operator, school, or district.~~

~~If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled in the district for at least 60 days. (Business and Professions Code 22584)~~

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

CSBA NOTE: Pursuant to Education Code 49076.7, a district is prohibited from soliciting or collecting social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. One such exception is the collection of the last four digits of the social security number for the purpose of establishing eligibility for a federal benefit program.

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

Records Related to Immigration or Citizenship Status

CSBA NOTE: Unless an exception applies, Education Code 234.7, as amended by AB 495 (Ch. 664, Statutes of 2025), prohibits the collection and disclosure of information or documents regarding the citizenship or immigration status of students or their family members. Additionally, the California Attorney General's July 2026 guidance, "Promoting Safe and Secure Government Access for All: Guidance and Model Policies to Assist State and Local Agencies in Responding to Immigration Issues Pursuant to Senate Bill 580 (2025)," provides recommendations, pursuant to SB 580 (Ch. 670, Statutes of 2025), for databases operated by state and local agencies to limit the availability of information in those databases for the purposes of immigration enforcement.

For more information regarding the prohibition against collecting and disclosing citizenship or immigration status of students or their family members, and limited exceptions, see BP/AR 1445 - Response to Immigration Enforcement and BP/AR 1340 - Access to District Records.

The immigration or citizenship status of a student or a student's family member may only be collected and disclosed in accordance with Board Policy~~/~~ and Administrative Regulation 1445 -

Response to Immigration Enforcement.

The district or any district employee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, or disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. This prohibition does not apply to information that is aggregated and is not personally identifiable. (Government Code 8310.3)

Family Court Records

CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, ~~daycare~~day care, health care, recreational activities, or employment of a minor child of the parties, which may include prohibiting access to a parent/guardian who would otherwise be entitled to the records. The protocols must, at a minimum, (1) designate an appropriate employee(s) who is responsible for receiving protective order(s), (2) establish a means of ensuring that the restrained party is not able to access the prohibited records or information, and (3) implement a procedure for submitting a copy of the restraining order including confirmation of when and to whom it was submitted. It is recommended that districts with questions about complying with these procedures consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

Student Records from Social Media

CSBA NOTE: ~~The following section is optional and may be revised to reflect district practice.~~ Pursuant to Education Code 49073.6, any district considering a program to gather information from students' social media activity, as defined, is required to first notify students and parents/guardians and provide an opportunity for public comment. The notification may be provided as part of the annual parent/guardian notification required pursuant to Education Code 48980. If such a program is then adopted, the district is required to comply with program requirements reflected in "Student Records from Social Media" in the accompanying administrative regulation. If a district does not gather information from students' social media, the following section may be deleted.

It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel before gathering any other online information that does not meet the definition of social media in Education Code 49073.6.

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

Retention, Disclosure, and Security of Student Records

CSBA NOTE: The use of artificial intelligence (AI) may pose risks to keeping student records private and secure. CSBA's, "Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know," cautions districts to consider whether information about students shared with or stored in an AI-enabled system is subject to federal or state privacy laws and whether interactions between students and AI systems may create records that are required to be protected by law, such as when a chatbot or automated tutor generates written guidance to a student.

Pursuant to Education Code 33328.5, the ~~Superintendent of Public Instruction has convened a working group related to AI in public schools in order to develop guidance on the safe use of AI in education and, subsequently, to develop a model policy on the safe and effective use of AI.~~ California Department of Education (CDE) developed guidance on the safe use of AI in education and a model policy on the safe and effective use of AI. CDE's webpage, "Artificial Intelligence: Information regarding the role of artificial intelligence (AI) in California Public Schools," includes guidance for the safe and effective use of AI in schools, including data privacy, and a model policy. Regarding student records, the model AI policy states that (1) AI tools should protect student data, (2) AI usage should adhere to legal requirements including, but not limited to, FERPA, (3) education records or other confidential information should not be entered into AI tools unless expressly authorized under district policy, and (4) all AI vendor contracts should include enforceable provisions protecting student data privacy and security.

For more information on AI, see BP 0441 - Artificial Intelligence, BP/E(1) 4040 - Employee Use of Technology, BP 5131.9 - Academic Honesty, and BP/AR 6163.4 - Student Use of Technology.

The Superintendent or designee shall ensure the confidentiality of student records as required by law ~~and~~. Additionally, the Superintendent or designee shall establish processes and procedures to safeguard ~~data~~student records against damage, loss, or theft~~, including damage, loss, or theft which~~that may be caused by ~~the use of~~any technology used in the retention or disclosure of student records, including artificial intelligence ~~and breaches~~, or by a breach to the ~~district's~~district's digital infrastructure~~, in the retention or disclosure of student records~~.

The Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure.

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

CSBA NOTE: Education Code 49073.1 authorizes districts to enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or for software designed for this purpose. A district that chooses to enter into such a contract is **mandated** to adopt policy allowing such contracts and is required to ensure that the contract includes all the provisions

specified in Education Code 49073.1. ~~Also~~For more information regarding contracts for digital storage and maintenance of student records, see BP 3312 - Contracts.

~~The~~In accordance with law and Board Policy 3312 – Contracts, the Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records~~, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws~~.

CSBA NOTE: The privacy of online information of students in prekindergarten (preK)-12 is addressed in Privacy Rights for California Minors in the Digital World (Business and Professions Code 22580-22582), the K-12 Pupil Online Personal Information and Protection Act (Business and Professions Code 22584-22585), and the Early Learning Personal Information Protection Act (Business and Professions Code 22586-22587). These statutes prohibit an operator of a website, online service or application, or mobile application from knowingly using, disclosing, or compiling the personal information of a minor for the purpose of marketing or advertising specified types of products or services; allowing a third party to use, disclose, or compile such information; or selling or disclosing specified student information or knowingly using such student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a preK-12 student. Covered student information includes any personally identifiable information or materials created or provided by a student, parent/guardian, or district employee, such as name, contact information, educational record, discipline records, test results, health records, and socioeconomic information. Pursuant to Business and Professions Code 22584 and 22586, an operator is required to delete data under the control of the school or district upon the request of the school or district.

Additionally, pursuant to Business and Professions Code 22584 and 22586, upon request by a student's parent/guardian or the student if 18 years of age or older, such operator is required to delete the student's covered information that is under the operator's control but which is not subject to the California Consumer Privacy Act (Civil Code 1798.100 - 1798.199.100).

However, Business and Professions Code 22584 and 22586 do not require the deletion of student records held by a national assessment provider when the records only include standardized test results, mandatory permanent student records, and any official records or files directly related to a student and maintained by the operator, school, or district.

The operator of a website, online service or application, or mobile application that controls such student record shall delete any student data under the control of the school or district upon request by the district. Additionally, the student's parent/guardian, or the student if 18 years of age or older, may request the operator to delete any student's records containing covered information which is not subject to the California Consumer Privacy Act. (Business and Professions Code 22584, 22586)

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

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Civ. Code 1798.100 - 1798.199.100	California Consumer Privacy Act (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=3.&part=4.&lawCode=CIV&title=1.81.5.)
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition of requiring employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=220.3&lawCode=EDC)
Ed. Code 220.35	Prohibition of enactment or enforcement of policy, rule, or administrative regulation requiring employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=220.5.&lawCode=EDC)
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 33328.5	Statewide AI Task Force (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33328.5.&lawCode=EDC)
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures

Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parent/guardian review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 56325	Unofficial transcripts for transfer students; students with disabilities (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=56325.&lawCode=EDC)
Ed. Code 60900-~~60901~~60902	California Longitudinal Pupil Achievement Data System (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=10.&part=33.&lawCode=EDC&title=2.)
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 69475	Conditional repeal of Cal Grant program (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=69475.&lawCode=EDC)
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	Ex parte orders (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6323.5.&lawCode=FAM)
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law
Federal	**Description**

15 USC 6501-6506	Children's Online Privacy Protection Act (https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title15-chapter91&saved=%7CKHRpdGxlOjE1IHNlY3Rpb246NjUwMSBlZGl0aW9uOnByZWxpbSkgT1IgKGdyYW51bGVpZDpVU0MtcHJlbGltLXRpdGxlMTUtc2VjdGlvbjY1MDEp%7CdHJlZXNvcnQ%3D%7C%7C0%7Cfalse%7Cprelim&edition=prelim)
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Protection of Pupil Rights Amendment (https://uscode.house.gov/view.xhtml?req=(title:20%20section:1232h%20edition:prelim)%20OR%20(granuleid:USC-prelim-title20-section1232h)&f=treesort&edition=prelim&num=0&jumpTo=true)
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents/guardians of student with disability
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions
Management Resources	**Description**
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797 (https://www.supremecourt.gov/opinions/opinions.aspx)
CSBA Publication	Legal Guidance: Immigration issues affecting California LEAs, April 2026 (https://www.csba.org/-/media/Legal-Guidance-Immigration-2026.ashx?la=en&rev=6afe6081ed504732901815ceaf7ac04c)
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025
CA Office of the Attorney General Publication	Promoting Safe and Secure Government Access for All: Guidance and Model Policies to Assist State and Local Agencies in Responding to Immigration Issues Pursuant to Senate Bill 580 (2025), July 2026

	(https://oag.ca.gov/system/files/media/guidance-state-local-sb580.pdf)
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
U.S. Department of Education Publication	Dear Colleague Letter regarding Family Educational Rights and Privacy Act, March 2025 (https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPO_DCL_Annual%20Notice_0.pdf)
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019
U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
Website	California Department of Education, Resources to Include Immigrant Families
Website	California Department of Education, LEA Immigration Enforcement Policy Submission
Website	California Department of Education, Artificial Intelligence: Information regarding the role of artificial intelligence (AI) in California Public Schools (https://www.cde.ca.gov/ci/pl/aiincalifornia.asp)

Website	California IT in Education, Student Data Privacy
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Protecting Student Privacy
Website	California Office of the Attorney General
Website	California Department of Education
Website	CSBA

Cross References

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1445	Response To Immigration Enforcement
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Regulation 5125: Student Records

Status: ADOPTED

Original Adopted Date: 12/01/2014 **| Last Revised Date:** ~~01~~08/01/2026 **| Last Reviewed Date:** ~~01~~08/01/2026

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Pursuant to 5 CCR 431, districts are **mandated** to establish policies and procedures to implement state law and regulations regarding student records, including policies and procedures which (1) enumerate and describe the student records collected and maintained by the district, (2) ensure security of the records, and (3) guarantee access to authorized persons within five days of a request. Education Code 49069.7 **mandates** procedures related to review of student records by parents/guardians. The following administrative regulation includes language implementing these mandates.

Definitions

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Adult student is a person who is or was enrolled in the district and who is at least 18 years of age. (5 CCR 430)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced by the district. Contractor or consultant

shall not include a volunteer or other party. (Education Code 49076)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

CSBA NOTE: Education Code 49063 requires districts to include the criteria for defining "school officials and employees" in their annual notification. 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records. In 73 Fed.Reg. 74815 (2008), the U.S. Department of Education (USDOE) stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met. For accuracy, this Board policy uses the phrase "district officials and employees" rather than the phrase "school officials and employees," which is used in the applicable laws and regulations.

District officials and employees are officials or employees, including teachers, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

CSBA NOTE: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" in their annual notification.

Legitimate educational interest is an interest held by any district official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require access to information contained in student records.

Mandatory interim student records are those records which the district is directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Mandatory permanent student records are those records which are maintained in perpetuity and which the district has been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or

foster parent. (Education Code 49061, 56050, 56055)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name

2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

CSBA NOTE: Pursuant to 34 CFR 99.3, the definition of "personally identifiable information" includes a personal identifier such as a student's social security number. Education Code 49076.7 prohibits districts from collecting or soliciting social security numbers, or the last four digits of social security numbers, from students or their parents/guardians unless otherwise required to do so by state or federal law. If a social security number is collected under such circumstances, it must be classified as personally identifiable information and is subject to the restrictions related to access or de-identification of records specified in 34 CFR 99.30-99.39 and this administrative regulation.

4. A personal identifier, such as the student's social security number, student number, ~~or~~ biometric record ~~(e.g.,~~ fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting~~)~~

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

CSBA NOTE: USDOE and the U.S. Department of Health and Human Services', "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records," clarifies that a student's immunization and health record maintained by the district is a "student record" subject to FERPA.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

1. Directory information

2. Informal notes compiled by a district official or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

CSBA NOTE: USDOE guidance, "School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)," clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, as specified in 34 CFR 99.8

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Persons Granted ~~Absolute~~ Access

In accordance with law, ~~absolute~~ access to any student records shall be granted to:

1. Parents/guardians of students younger than 18 years of age, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025; 34 CFR 99.4)

   CSBA NOTE: Pursuant to Family Code 6323.5, districts are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, ~~daycare~~day care, health care, recreational activities, or employment of a minor child of the parties, which may include a parent/guardian who would otherwise be entitled to the records. The accompanying Board policy specifies this requirement.

   However, the district shall not disclose student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a

student pursuant to a restraining order. (Family Code 6323.5) ; 34 CFR 99.4)

2. An adult student, or a student under 18 years of age, who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

CSBA NOTE: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with exceptional needs, including the right to access student records, are transferred to the student at 18 years of age, except when the student has been declared incompetent under state law.

3. Parents/guardians of an adult student with exceptional needs who is 18 years of age or older and has been declared incompetent under state law (Education Code 56041.5)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

CSBA NOTE: Education Code 49076 and 34 CFR 99.31 require that access to relevant records be given to parents/guardians of a dependent child, defined by 26 USC 152 as one who lives with a parent/guardian for more than half the taxable year, meets the specified age requirements, has not provided more than half of one's own support during that year, and has not filed a joint tax return with a spouse.

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined in 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are 16 years of age or older or who have completed the 10th grade (Education Code 49076)

3. District officials and employees, consistent with the definition provided in "Definitions," above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide 18 years of age or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

5. Officials and employees of other districts, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are

provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

CSBA NOTE: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parent/guardian notification that the district may forward education records under such circumstances, it is not obligated to individually notify parents/guardians or adult students. The following optional paragraph may be deleted by districts that include such a statement in their annual parent/guardian notification. See "Notification of Parents/Guardians," below.

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another district, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

CSBA NOTE: Item #6 is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. Education Code 69432.9 requires that the report be submitted on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 69432.9 requires that parents/guardians be notified that their child's GPA will be forwarded, unless they opt out within the time period specified in the notice. This notification may be included in the annual parent/guardian notification issued pursuant to Education Code 48980.

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program

   However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

   No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under 18 years of age, that

the student's GPA will be forwarded to the Student Aid Commission by October 1, unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

CSBA NOTE: Item #7 is for use by districts that serve students in grades 9-12. Pursuant to Education Code 60900, districts are required to enter into a data sharing agreement with the California College Guidance Initiative (CCGI~~),~~) and ~~by June 30, 2026,~~ submit data for students in grades 9-12, as specified. Pursuant to Education Code 60900 and 60900.5, the California Department of Education (CDE) also shares specified data with CCGI. The district is required to include in the annual notification to parents/guardians the sharing of data with CCGI; see "Notification of Parents/Guardians," below.

7. The California College Guidance Initiative (CCGI) in accordance with a data sharing agreement pursuant to Education Code 60900, to provide data for use when planning for and applying to California public colleges and universities (Education Code 60900, 60900.5)

8. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

CSBA NOTE: Pursuant to Education Code 49076, county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Additionally, Education Code 49076 authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.

9. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to Item #8 above (Education Code 49076)

10. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

    Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

11. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

12. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

13. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

    When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

14. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

    In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

15. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

    Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by the district for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district. (Education Code 49069.3)

16. A student 14 years of age or older who is an unaccompanied minor experiencing homelessness as defined in 42 USC 11434a (Education Code 49076)

CSBA NOTE: Family Code 6552, as amended by AB 495 (Ch. 664, Statutes of 2025), changes the definition of "relative", for purposes of a Caregiver's Authorization Affidavit, to include any adult who is related to the child by blood, adoption, or affinity within the fifth

degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand."

In "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," the California Attorney General encourages families to develop a Family Safety Plan and to consider completing a Caregiver Authorization Affidavit or a Petition for Appointment of Temporary Guardian, which would give a relative the authority to make educational and medical decisions for the student.

17. An individual who completes ~~items~~Items #1-4 of the Caregiver's Authorization Affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

18. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232g)

19. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with ~~exceptional needs~~a disability who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

    When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in Item #13 above. (Education Code 49076)

20. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written consent by a parent/guardian, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

    In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to

another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act (FERPA). (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

Additionally, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other persons (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

   When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

   CSBA NOTE: The following optional paragraph, including the timeline, may be revised to reflect district practice.

   Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

3. Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information

b. The information is destroyed when no longer needed for the purposes for which the study is conducted

c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31

4. Officials and employees of other districts, private schools, or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

CSBA NOTE: Education Code 49076 includes "contractors" and "consultants," as defined in "Definitions" above, with a legitimate educational interest who have a formal written agreement or contract with the district, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.31, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

Pursuant to Education Code 49073.1, a district may enter into a contract with a third party to provide (1) services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or (2) digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records as provided. When entering into a contract with a third party, it is recommended that districts utilize data sharing agreements to ensure contractors and consultants comply with student data privacy laws. California IT in Education (CITE) has student data privacy resources, including a sample student data privacy agreement, available on its website. For more information on contracts for digital storage and maintenance of student records, see BP 3312 - Contracts.

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)

CSBA NOTE: Items #7 and 8 below are for use by districts that maintain high schools.

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to

determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or FERPA. (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

Persons Generally Denied Access

CSBA NOTE: Pursuant to Education Code 234.7, as amended by AB 495, districts ~~are~~were mandated to update their policies by March 1, 2026, with language that is equivalent to the model policy language (2025 MPL) developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes," (2025 Guidance). The 2025 Guidance is available on the Office of the Attorney General's website.

The following section is consistent with the 2025 MPL but not required by law, and should be modified to reflect district practice. For more information regarding response to immigration enforcement, see BP/AR 1445 - Response to Immigration Enforcement.

A request for student records by an officer or employee of an agency conducting immigration enforcement shall be denied except in accordance with Board Policy~~/~~ and Administrative Regulation 1445 - Response to Immigration Enforcement.

De-identification of Records

CSBA NOTE: 20 USC 1232g and Education Code 49076 authorize the district to release student records for specified purposes without parent/guardian consent after the removal of all "personally identifiable information," as defined in "Definitions" above, and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or educational research organizations when such actions would be "in the best educational interests of students."

34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

CSBA NOTE: Education Code 49069.7 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069.7; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

CSBA NOTE: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records, including (1) guaranteeing access to authorized persons within five business days following the date of request, (2) assuring security of the records, and (3) enumerating and describing the student records collected and maintained by the district. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district. The types of student records collected and maintained by the district are enumerated and described in "Retention and Destruction of Student Records," below.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that district officials, employees, contractors, and consultants obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest, and (2) identify and authenticate the identity of parents/guardians, students, district officials and employees, and any other party to whom the district discloses personally identifiable information from education records. Additionally, 34 CFR 99.31 specifies that a district that does not use physical or technological access controls, such as a locked file cabinet or computer security limiting access, is required to ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

In commentary accompanying the Final Rule (73 Fed.Reg. 237, page 74817), USDOE suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that district officials and employees do not have unrestricted access to the records of all students. ~~The Analysis also~~Additionally, the commentary clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

In addition, as a condition of participation in an interagency data information system, such as the California Longitudinal Pupil Achievement Data System (CALPADS), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that district officials and employees obtain access to only those student records in which they have legitimate educational interests. (Education Code 49076; 5 CCR 431; 34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

CSBA NOTE: Education Code 49069.7 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069.7; 5 CCR 431)

CSBA NOTE: 34 CFR 99.30 specifies information that is required to be included in the parent/guardian consent form, as provided below.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

CSBA NOTE: Education Code 49069.7 **mandates** procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069.7)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Additionally, the custodian of records shall make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

CSBA NOTE: Education Code 49064 does not require the district to record access by individuals specified in Items #1-5 below. If the district wants to record access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31, the following list and section should be modified to reflect district practice.

The log need not include requests for access to records by: (Education Code 49064)

1. Parents/guardians or adult students

2. Students who are 16 years of age or older or who have completed the 10th grade

3. Parties obtaining district-approved directory information

4. Parties who have received written consent by a parent/guardian and have provided it to the district, in which case the consent notice shall be filed with the record pursuant to Education Code 49075

5. District officials and employees who have a legitimate educational interest

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

CSBA NOTE: Education Code 49069.7 **mandates** that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

~~CSBA NOTE: Pursuant to Education Code 220.3, a district is prohibited from requiring an official, employee, contractor, or consultant to disclose any information related to a student's sexual orientation, gender identity, or gender expression, including changing student records, to any other person without the student's consent unless otherwise required by state or federal law.~~

~~Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.~~

CSBA NOTE: Pursuant to Education Code 220.3 and 220.5, a district or Governing Board member may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same disclosure requirement, without the student's consent unless otherwise required by state or federal law.

The district shall update a current student's name and/or gender consistent with Administrative Regulation 5145.3– Nondiscrimination/Harassment.

CSBA NOTE: Education Code 49062.5 requires a district to update a former student's records to reflect a change to the former student's name and/or gender, as specified below.

~~Updating Name and/or Gender of Former Students~~

~~CSBA NOTE: Education Code 49062.5 requires a district to update a former student's records to reflect a change to the former student's name and/or gender, as specified below.~~

~~When~~ However, when a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and Administrative Regulation 5125.3 - Challenging Student Records. (Education Code 49062.5)

Any challenge to the content of a student's record shall be filed in accordance with Education Code 49070 and the process specified in Administrative Regulation 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student

2. Date and place of birth and method of verifying birth date

3. Sex of student

4. Name and address of parent/guardian of minor student

    a. Address of minor student if different from the above

    b. Annual verification of parent/guardian's name and address and student's residence

5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation

7. Verification of or exemption from required immunizations

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

2. A log identifying persons or organizations who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

5. Language training records

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parent/guardian restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or prohibition of student participation in specific programs

10. Results of standardized tests administered within the past three years

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine discipline data

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into the district from any other district, a private school, or school system, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee is required to inform the student's teachers of the acts. For more information regarding teacher security, see AR 4158/4258/4358 - Employee Security.

When a student transfers into ~~this~~the district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

CSBA NOTE: When a student with a disability transfers into the district, Education Code 56325 requires the district to take reasonable steps to promptly obtain the student's records from their previous school, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the student. Pursuant to Education Code 56325, as amended by AB 1412 (Ch. 453, Statues of 2025), districts are required to take reasonable steps that are consistent with specified components of the Interstate Compact on Educational Opportunity for Military Children, including that the new school accept unofficial records provided by the student's parent/guardian until validated by official records. For more information regarding the Interstate Compact on Educational Opportunity for Military Children, see BP/AR 6173.2 – Education of Children of Military Families.

When a student with a disability transfers into the district from another district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the individualized education program and the supporting documents related to the provision of special education services, in accordance with Administrative Regulation 6159 – Individualized Education Program.

CSBA NOTE: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this is not applicable in circumstances where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5. For more information regarding transferring student records, see BP/AR 6146.3 - Reciprocity ~~Of~~of Academic Credit.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record

within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

Additionally, when a student in foster care is enrolling in a district school, the district's liaison for foster youth shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records. (Education Code 48853.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or loss of district property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, in accordance with Board Policy/Exhibit(1) 5145.6 – Parent/Guardian Notifications, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with exceptional needs. (Education Code 48985, 49063; 5 CCR 431; 34 CFR 99.7)

The notice shall include: (Education Code 49063, 60900.5; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein

2. The title(s) of the official(s) responsible for maintaining each type of record

3. The location of the log identifying those who request information from the records

4. District criteria for defining district officials and employees and for determining legitimate educational interest

5. District policies for reviewing and expunging student records

6. The right to inspect and review student records and the procedures for doing so

7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

8. The cost, if any, charged for duplicating copies of records

9. The categories of information defined as directory information pursuant to Education Code 49073

10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

CSBA NOTE: Item #12 is for districts that serve students in grades 9-12. Pursuant to Education Code 60900, districts are required to annually notify parents/guardians that specified district data and data collected by CDE ~~is~~are shared with CCGI.

12. The sharing with CCGI of specified district data and data collected by the California Department of Education for the purposes of college admissions, academic placement, and eligibility for student financial aid (Education Code 60900)

13. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

CSBA NOTE: Pursuant to 34 CFR 99.34, if the district's annual parent/guardian notification contains the information described in optional Item #14 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another district, school system, or postsecondary institution; see Item #5 in the list of persons/agencies with legitimate educational interests in "Access for Limited Purpose/Legitimate Educational Interest," above.

14. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

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

Additionally, the annual parent/guardian notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will only be released in accordance with Board Policy~~/~~ and Administrative Regulation 1445 - Response to Immigration Enforcement.

Student Records from Social Media

CSBA NOTE: The following optional section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, are required to comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety

2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information

3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first

4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in Item #3 above

   Additionally, the notification shall include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parent/guardian notification required pursuant to Education Code 48980.

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:

    a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or the student's parent/guardian

    b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

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

State	**Description**
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Civ. Code 1798.100 - 1798.199.100	California Consumer Privacy Act (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=3.&part=4.&lawCode=CIV&title=1.81.5.)
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition of requiring employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=220.3&lawCode=EDC)
Ed. Code 220.~~3~~5	Prohibition of enactment or enforcement of policy, rule, or administrative regulation requiring employee or contractor to

	disclose information related to student's sexual orientation, gender identity, or gender expression (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=220.5.&lawCode=EDC)
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 33328.5	Statewide AI Task Force (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33328.5.&lawCode=EDC)
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parent/guardian review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 56325	Unofficial transcripts for transfer students; students with disabilities (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=56325.&lawCode=EDC)
Ed. Code 60900-~~60901~~60902	California Longitudinal Pupil Achievement Data System (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=10.&part=33.&lawCode=EDC&title=2.)
Ed. Code 69432.9	Cal Grant program; notification of grade point average

Ed. Code 69475	Conditional repeal of Cal Grant program (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=69475.&lawCode=EDC)
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6323.5	~~Ex parte orders~~Ex parte orders (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6323.5.&lawCode=FAM)
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 7920.000-7930.215	California Public Records Act
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

Federal	**Description**
15 USC 6501-6506	Children's Online Privacy Protection Act (https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title15-chapter91&saved=%7CKHRpdGxlOjE1IHNlY3Rpb246NjUwMSBlZGl0aW9uOnByZWxpbSkgT1IgKGdyYW51bGVpZDpVU0MtcHJlbGltLXRpdGxlMTUtc2VjdGlvbjY1MDEp%7CdHJlZXNvcnQ%3D%7C%7C0%7Cfalse%7Cprelim&edition=prelim)
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Protection of Pupil Rights Amendment (https://uscode.house.gov/view.xhtml?req=(title:20%20section:1232h%20edition:prelim)%20OR%20(granuleid:USC-prelim-title20-section1232h)&f=treesort&edition=prelim&num=0&jumpTo=true)
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents/guardians of student with disability
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	Description
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797 (https://www.supremecourt.gov/opinions/opinions.aspx)
CSBA Publication	Legal Guidance: Immigration issues affecting California LEAs, April 2026 (https://www.csba.org/-/media/Legal-Guidance-Immigration-2026.ashx?la=en&rev=6afe6081ed504732901815ceaf7ac04c)
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025
CA Office of the Attorney General Publication	Promoting Safe and Secure Government Access for All: Guidance and Model Policies to Assist State and Local Agencies in Responding to Immigration Issues Pursuant to Senate Bill 580 (2025), July 2026 (https://oag.ca.gov/system/files/media/guidance-state-local-sb580.pdf)
CSBA Publication	Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
U.S. Department of Education Publication	Dear Colleague Letter regarding Family Educational Rights and Privacy Act, March 2025 (https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPO_DCL_Annual%20Notice_0.pdf)
U.S. Department of Education Publication	IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022
U.S. Department of Education Publication	School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019

U.S. Department of Education Publication	An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA), March 2023
U.S. Department of Education Publication	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
Website	California Department of Education, Resources to Include Immigrant Families
Website	California Department of Education, LEA Immigration Enforcement Policy Submission
Website	California Department of Education, Artificial Intelligence: Information regarding the role of artificial intelligence (AI) in California Public Schools (https://www.cde.ca.gov/ci/pl/aiincalifornia.asp)
Website	California IT in Education, Student Data Privacy
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Protecting Student Privacy
Website	~~California Office of the Attorney General~~California Office of the Attorney General
Website	California Department of Education
Website	CSBA

Cross References

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6164.5	Student Success Teams
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6173.1	Education For Foster Youth
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6173.3	Education For Juvenile Court School Students
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6178.1	Work-Based Learning
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9012	Board Member Electronic Communications
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: 10/01/2019 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

CSBA NOTE: The following policy ~~will be~~is **mandated** ~~beginning July 1, 2026,~~ and may be revised to reflect district practice. Pursuant to Education Code 48901.7, ~~as amended by AB 3216 (Ch. 500, Statutes of 2024),~~ the Governing Board is required~~, by July 1, 2026,~~ to adopt a policy that limits or prohibits student use of smartphones while at a school site or under the supervision and control of district employee(s), and subsequently, to update the policy every five years.

Additionally, Education Code 48901.7 requires the development of the policy to include significant stakeholder participation in order to ensure that the policy is responsive to the unique needs and desires of students, parents/guardians, and educators in each community. Such participation may occur at Board meetings, school site council meetings, or other appropriate meetings, in order to receive stakeholder input.

Education Code 48901.5 authorizes the district to regulate ~~the~~, while on campus, attending school-sponsored activities, or under the supervision and control of school district employees, student possession or use of electronic signaling devices that operate through the transmission or receipt of radio waves~~, unless~~. However, no student is prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for ~~a student's~~the health of the student, the use of which is limited to purposes related to the health of the student.

The U.S. Department of Education's 2024 guidance, "Planning Together: A Playbook for Student Personal Device Policies," provides districts guidance for adopting policies around the use of cellphones and personal devices on campus.

Additionally, the U.S. Surgeon General's Advisory, "Surgeon General's Warning on the Harms of Screen Use: An advisory and toolkit on how to protect children and adolescents," provides that healthy screen use in children includes (1) delaying access to tablets, smartphones, and social media as long as possible and (2) implementing, evaluating, and measuring the impacts of bell-to-bell school cell phone policy restrictions to minimize screen time during the school day.

In addition, the UC|CSU Collaborative for Neuroscience, Diversity, and Learning's, "Strengthening K-12 Cellphone Policies to Support Student Learning and Well-Being: Research-Based Guidance for U.S. Education Leaders," provides that (1) cellphones in classrooms can be both distracting and valuable, (2) students need support in building healthy digital habits, (3) the impact of phone and social media use on mental health depends on how it is used, with the potential for both harmful

and beneficial impact on well-being, and (4) the risks and benefits of cellphone use are not uniform. The publication also includes core policy elements for K-12 education leaders, which districts may find helpful when revising this policy to reflect district practice, the grade levels served, and the unique needs and desires of district schools.

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

CSBA NOTE: The following two options offer different approaches to ~~regulating~~regulate the use of smartphones and other mobile communication devices. Districts should choose the option below, or revise ~~this policy consistent with their approach. Education Code 48901.7, as amended by AB 3216, requires significant stakeholder participation in the development of the policy, in order~~the following, to ~~ensure that~~reflect the ~~policy is responsive to the unique~~ needs ~~and desires of students, parents/guardians, and educators in each~~ of the community~~.~~., district practice, school location, and student demographics such as age and grade level.

Option 1, below, limits the use of smartphones and other mobile communication devices to noninstructional time. Option 2, below, prohibits the use of smartphones and other mobile communication devices while at a school site or under the supervision and control of a district employee.

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

Students may, subject to this Board policy, use smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any applicable school rules.

Mobile communication devices shall be turned off during instructional time.

End Option 1

Option 2: (Prohibited use of smartphones and other mobile communication devices)

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

End Option 2

~~CSBA NOTE: The following applies to all districts, irrespective of which option the district chooses. Education Code 48901.7 specifies circumstances in which the district is not permitted to prohibit student use of smartphones and other mobile communication devices.~~

However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

~~1. In the case of an emergency, or in response to a perceived threat of danger~~

~~2.~~1. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator

~~3.~~2. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being

~~4.~~3. When the possession or use is required by the student's individualized education program

CSBA NOTE: Districts should choose Option 1 or Option 2 below irrespective of which option the district chose above. Education Code 48901.7 specifies circumstances in which the district is not permitted to prohibit student use of smartphones and other mobile communication devices. However, pursuant to Education Code 48901.7, as amended by AB 962 (Ch. 284, Statutes of 2025), a student may be prohibited from possessing or using a smartphone in the case of an emergency or in response to a perceived threat of danger, if explicitly addressed in the comprehensive school safety plan (CSSP).

Option 1, below, is for districts that do not prohibit students from possessing or using a smartphone or other mobile communication device in the case of an emergency or in response to a perceived threat of danger. Option 2, below, is for districts that prohibit students from possessing or using a smartphone or other mobile communication device in the case of an emergency or in response to a perceived threat of danger, and have specifically addressed such in the CSSP. For more information on CSPPs, see BP/AR 0450 – Comprehensive Safety Plan.

Option 1: (Students are not prohibited from possessing/using smartphones or other mobile communication devices during emergency/response to a perceived threat of danger)

Additionally, a student shall not be prohibited from possessing or using a smartphone or other communication device in the case of an emergency or in response to a perceived threat of danger. (Education Code 48901.7)

End Option 1

Option 2: (Students are prohibited from possessing/using smartphones or other mobile communication devices during emergency/response to a perceived threat of danger)

However, a student shall be prohibited from possessing or using a smartphone or other communication device in the case of an emergency or in response to a perceived threat of danger, with the prohibited possession and use explicitly addressed in the comprehensive school safety plan. (Education Code 48901.7)

End Option 2

CSBA NOTE: Pursuant to Education Code 48901.7~~, as amended by AB 3216~~, the district's policy may include enforcement mechanisms that limit student access to smartphones. However, the district is not permitted to monitor, collect, or otherwise access any information related to a student's online activities.

The Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus. (Education Code 48901.7)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

CSBA NOTE: Penal Code 1546.1 prohibits warrantless searches of students' personal electronic devices such as mobile phones, except in the circumstances specified in the following paragraph. Additionally, a search of a student's personally owned mobile communication device may be subject to the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable search and seizure. ~~See~~For more information regarding circumstances under which the search of an individual student may be authorized, see BP/AR 5145.12 - Search and Seizure. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel~~,~~ with questions related to the search of a student's mobile communication device.

A student's personal electronic device shall not be searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Code 1546.1.

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined ~~and~~in accordance with Board Policy/Administrative Regulation 5144 – Discipline, Board Policy/Administrative Regulation 5144.1 – Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities). Additionally, the district employee may temporarily confiscate the device~~. The~~, in which case the employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

CSBA NOTE: The following optional paragraph addresses students' off-campus conduct during nonschool hours. In general, courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900, which are a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in

or benefit from school services, activities, or privileges. For more information regarding bullying, including cyberbullying, see BP 5131.2 - Bullying.

In adopting policy related to off-campus conduct, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. For more information regarding freedom of speech or expression, see BP 5145.2 - Freedom of Speech/Expression.

~~A~~In addition, a student may ~~also~~ be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The district ~~will~~is not ~~be~~ responsible or liable for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

~~CSBA NOTE: Pursuant to Education Code 48901.7, as amended by AB 3216, the district's policy limiting or prohibiting student use of smartphones while at a school site or under the supervision and control of district employee(s) is required to be updated every five years.~~

The Board shall review and, as necessary, update this policy at least once every five years. Any such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of ~~the school community.~~students, parents/guardians, and educators. (Education Code 48901.7)

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

State	Description
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 200-~~262.4~~280	Prohibition of discrimination
Ed. Code 32280-32289.~~5~~6	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44807	Teachers' duty concerning conduct of students

Ed. Code 48900-~~48925~~48926	Suspension and expulsion
Ed. Code 48901.5	Prohibition of electronic signaling devices
Ed. Code 48901.7	Limitation or prohibition of student use of smartphones
Ed. Code 48901.8	Limitation or prohibition of student use of social media
	(California Code, EDC 48901.8.)
Ed. Code 51512	Prohibited use of electronic listening or recording device
Pen. Code 1546.1	Electronic Communications Privacy Act
	(California Code, PEN 1546.1.)
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
	(20 USC Ch. 38: DISCRIMINATION BASED ON SEX OR BLINDNESS)

Management Resources	**Description**
Court Decision	Safford Unified School District V. Redding (2009) 557 US 364
Court Decision	Mahanoy Area School District v. B.L. (2021) 594 U.S. 180
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
	(CyberbullyingPB_Final.ashx)
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

	(Planning Together: A Playbook for Student Personal Device Policies)
California Department of Education Publication	Bullying at School, 2003 (Bullying at School - School Environment (CA Dept of Education)
U.S. Department of Education Publication	Planning Together: A Playbook for Student Personal Device Policies, December 2024
U.S. Surgeon General Advisory	Surgeon General's Warning on the Harms of Screen Use: An advisory and toolkit on how to protect children and adolescents, 2026 (U.S. Surgeon General's Advisory: Surgeon General's Warning on the Harms of Screen Use)
UC|CSU Collaborative for Neuroscience, Diversity, and Learning Publication	Strengthening K-12 Cellphone Policies to Support Student Learning and Well-Being: Research-Based Guidance for U.S. Education Leaders, 2025 (UCLACTSUCCSUCollaborative_K-12CellphonePoliciesBrief_FINALv.3.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use (VAWnet.org)
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education
Website	UC|CSU Collaborative for Neuroscience, Diversity, and Learning (https://ca-diverse-learning.org/)

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
5131	Conduct

5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.9	Academic Honesty
5137	Positive School Climate
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144.1	Suspension and Expulsion/Due Process
5144.2	Suspension and Expulsion/Due Process (Students with Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6159	Individualized Education Program
6159	Individualized Education Program
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 10/01/2014 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: The following **mandated** policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual.

The California Department of Education, through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with mandated policy requirements. Additionally, the U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for district programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in District Programs and Activities, and regarding the protection of students against sexual harassment, see BP/AR 5145.7 - Sexual Harassment~~.~~

~~Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases~~ and AR/E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, ~~OCR's~~USOCR's February 4, 2025 Dear Colleague Letter clarified that ~~OCR~~USOCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, staff development materials, or other curriculum for

classroom instruction, or any book or resource in a school library, see BP 0410 - Nondiscrimination in District Programs and Activities, BP 4131 – Staff Development (certificated staff), BP 4231 – Staff Development (classified staff), BP 4331 – Staff Development (supervisory/managerial staff), BP/AR/E(1) 6161.1 - Selection and Evaluation of Instructional materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers. Also see CSBA's ~~publication~~, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," ~~and corresponding Fact Sheet and Reference,~~"Instructional Materials Adoptions: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

The Governing Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to district activity or attendance, to acts which occur off campus or outside of district-related or district-sponsored activities but which may have an impact on or create a hostile environment at school, and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district.

The Board prohibits, at any district school or activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; a perception of one or more, or any combination, of such characteristics; or association with a person or group with one or more, or any combination, of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 210.3, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

CSBA NOTE: Pursuant to Education Code 51500, teachers may not give instruction and districts may not sponsor any activity that promotes a discriminatory bias. For more information regarding the prohibition of discriminatory bias, see BP 0410 – Nondiscrimination in District Programs and Activities.

Additionally, the Board prohibits teacher instruction and district-sponsored activities that promote discriminatory bias based on any of the characteristics specified above. Discriminatory bias in instruction and school-sponsored activities does not require a showing of direct harm to members of a protected group and members of a protected group do not need to be present while the discriminatory bias is occurring for the act to be considered discriminatory bias. (Education Code 51500)

CSBA NOTE: Title VI (42 USC 2000d-2000d-7) prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance, including school districts.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. ~~Unlawful~~Additionally, unlawful discrimination ~~also~~ occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

CSBA NOTE: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of opportunities to participate in district programs or activities or the provision or receipt of educational benefits or services. ~~See BP 0410 - Nondiscrimination in District Programs and Activities.~~
Pursuant to Government Code 53080, as amended by AB 932 (Ch. 628, Statutes of 2025), districts are prohibited from discriminating against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs, or in the allocation of parks and recreation facilities and resources, or school and recreation facilities and resources, that support or enable such programs.

For more information regarding unlawful discrimination in district programs and activities, see BP 0410 - Nondiscrimination in District Programs and Activities.

~~Unlawful discrimination also~~ In addition, unlawful discrimination includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in district programs or activities or the provision or receipt of educational benefits or services.

CSBA NOTE: The following paragraph addresses unlawful discrimination which may occur when disciplining students.

For more information regarding student discipline, see BP/AR 5144 - Discipline, BP/AR 5144.1 - Suspension and Expulsion/Due Process, and AR 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently, and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as ~~a~~ discrimination ~~complaint~~complaints.

CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to publicize its nondiscrimination policies. Additionally, Education Code 234.1~~, as amended by SB 153 (Ch. 38, Statutes of 2024),~~ and 234.6 require the district to make readily accessible on its website its

nondiscrimination, harassment, intimidation, bullying, sexual harassment, suicide prevention, and other specified policies and information related to ~~specified state and federal laws and resources. In addition, 34 CFR 104.8 requires districts to take "continuing steps" to notify students and parents/guardians, that it does not discriminate on the basis of disability in its education programs or activities.~~

~~Beginning with the 2025-26 school year, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires districts to ensure that~~certain state and federal laws and resources, including resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning ~~are readily accessible in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students.~~
. In addition, 34 CFR 104.8 requires districts to take "continuing steps" to notify students and parents/guardians that it does not discriminate on the basis of disability in its education programs or activities.
For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. ~~In addition~~Additionally, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to students and parents/guardians ~~and students~~, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action shall be taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel as necessary. For more information

regarding students' rights to freedom of speech and of the press, see BP/AR 5145.2 – Freedom of Speech/Expression.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation, shall be subject to appropriate ~~consequence~~consequences or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination related to a district activity, attendance, or district-related or district-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph~~;~~. For more information regarding discipline and corrective actions for a student who has committed an act of bullying, see BP/AR 5131.2 - Bullying.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. ~~The~~Additionally, the principal or designee may ~~also~~ require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying or when otherwise required, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

CSBA NOTE: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the district's UCP specified in BP/AR 1312.3 - Uniform Complaint Procedures. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45~~, as added by 85 Fed.Reg. 30026~~), which were adopted on May 19, 2020 and became effective on August 14, 2020, are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/AR 5145.7 - Sexual Harassment, and for the Title IX grievance procedures, see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

When a complaint alleges disability discrimination, such a claim may be brought under the Individuals with Disabilities Education Act (IDEA), the American with Disabilities Act, Title V of the

Rehabilitation Act, including section 504, or other federal laws protecting the rights of children with disabilities.

Complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

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

State	Description
2 CCR 14026	Discriminatory Practices and Unlawful Denial of Full and Equal Access
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-~~262.4~~280	Educational Equity; ~~Prohibition~~prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations

Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49020-~~49023~~49024	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX (eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
34 CFR 106.30	Discrimination on the basis of sex; definitions
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information

42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964 (42 USC CHAPTER 21, SUBCHAPTER V: FEDERALLY ASSISTED PROGRAMS)
42 USC ~~2000d~~2000e-2000e-17	~~Title VI and~~ Title VII Civil Rights Act of 1964, as amended (42 USC CHAPTER 21, SUBCHAPTER VI: EQUAL EMPLOYMENT OPPORTUNITIES)
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	**Description**
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's ~~K~~TK-12 Schools in Responding to Requests for Access and Information for Immigration ~~Issues~~Enforcement Purposes, December ~~2024~~2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
California Department of Education Publication	Protection for LGBTQ+ Students: AB 1955
Court Decision	A.J.T. v. Osseo (2025) 605 U.S. 335 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181
Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356

Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	LGBTQ+ Students in Focus: Demographics and Academic Achievement, Governance Brief, June 2025 (Brief-Students-in-Focus-LGBTQ_2025-(1).ashx)
~~CSBA Publication~~	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~
CSBA Publication	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, ~~April 29, 2024~~May 19, 2020, Vol. ~~89~~85, No. ~~83~~97, pages ~~33474-33896~~30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
U.S DOE, Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Department of Education Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026 (2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf)
~~U.S. DOE, Office for Civil Rights Publication~~	~~Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025~~

~~U.S. DOE, Office for Civil Rights Publication~~	~~Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
Website	CSBA District and County Office of Education Legal Services
~~Website~~	~~First Amendment Center~~
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	The Trevor Project (24/7 Suicide Hotline for LGBTQ Youth - We're here for you Now)
Website	The UC|CSU Collaborative for Neuroscience, Diversity, and Learning (UC|CSU Collaborative)

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media

1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files

4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
5000	Concepts And Roles

5020	Parent Rights and Responsibilities
5030	Student Wellness
5111	Admission
5111	Admission
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention

5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
7110	Facilities Master Plan

Regulation 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 09/01/2016 | **Last Revised Date:** ~~06~~08/01/~~2025~~2026 | **Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at any district school or in district-sponsored or district-related activities, including discriminatory harassment, intimidation, and bullying, when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for district programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in District Programs and Activities, and regarding the protection of students against sexual harassment, see BP/AR 5145.7 - Sexual Harassment~~.~~

~~Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.~~

~~Federal and state law also~~ and AR/E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

Additionally, federal and state law prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 requires the district to identify in its policies and procedures the person(s), employee(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. Additionally, 34 CFR 106.8 and other federal regulations **mandate** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible

for investigating complaints. The U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, ~~OCR~~USOCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraph identifies the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws as the same person designated to ensure district compliance, and receive, investigate and resolve discrimination complaints under AR 1312.3 - Uniform Complaint Procedures, as well as the responsible employee to handle Title IX sexual harassment complaints ~~under Title IX. 34 CFR 106.8 requires the district~~pursuant to ~~designate at least one district employee as the Title IX Coordinator to coordinate its responsibilities under Title IX. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the uniform complaint procedures (UCP) specified in AR 1312.3 - Uniform Complaint Procedures or in accordance with Title IX complaint procedures specified in~~AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. It is recommended that the Title IX Coordinator be the same person designated below and in AR 1312.3 - Uniform Complaint Procedures. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district; see AR 1312.3 - Uniform Complaint Procedures and AR 5145.7 - Sexual Harassment.

Districts may modify the following paragraph to reflect district practice. If the district designates more than one employee to coordinate compliance and/or receive and investigate complaints, each employee designated as a coordinator/compliance officer ~~must~~is required to be properly trained.

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sexual Harassment as the responsible employee to handle complaints alleging unlawful sexual harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, ~~as amended by SB 153 (Ch. 38, Statutes of 2024),~~ CDE is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website.

~~In addition~~Additionally, federal regulations enforced by ~~OCR~~USOCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25), and of related complaint procedures.

For additional notification requirements specific to sexual harassment, see BP/AR 5145.7 - Sexual Harassment and AR/E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

CSBA NOTE: Education Code 234.1~~, as amended by SB 153,~~ and 234.6 require the district to post its nondiscrimination policies on its website as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. ~~See~~For more information regarding prevention strategies and complaints related to behavior motivated by hate, see BP 5145.9 - Hate-Motivated Behavior.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to students and parents/guardians ~~and students~~ (Education Code 234.1, 234.6)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to students and parents/guardians ~~and students~~ (Education Code 234.6)

CSBA NOTE: Education Code 221.61 requires districts and public schools to post on their websites information related to Title IX (20 USC 1681-1688). Education Code 234.6 requires districts to post the Title IX information required pursuant to Education Code 221.61 in a prominent location on the district's website in a manner that is easily accessible to students and parents/guardians ~~and students~~. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a website may comply by posting the information below on the website of its county office of education (COE). A school without a website may comply by posting the information on the website of the district or COE.

4. Post in a prominent location on the ~~district~~district's website in a manner that is easily accessible to students and parents/guardians ~~and students~~ information regarding Title IX prohibitions against discrimination based on a student's sex, including the following: (Education Code 221.6, 221.61, 234.6)

    a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address

    b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR)

    c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

        i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

        ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on ~~OCR's~~USOCR's website

        iii. A web link to the ~~OCR~~USOCR complaints form and the contact information for the office, including the phone number and email address for the office

    d. A link to the Title IX information included on the California Department of Education's (CDE) website

CSBA NOTE: Item #5 is for districts that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353 requires a district that participates in CIF to post on its website a standardized incident form developed by CDE, including information on how to submit a completed incident form to the district. The district is required to submit information related to any completed standardized incident form to CDE, if requested.

5. Post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)

~~CSBA NOTE: Beginning with the 2025-26 school, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires districts, in addition to ensuring that other already specified policies and information is readily accessible on the district's website, to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students.~~

6. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5. 234.6)

   Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to students and parents/guardians ~~and students~~. (Education Code 234.6)

7. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior

8. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

   The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. ~~The~~Additionally, the notice shall ~~also~~ inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

   If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

    Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.

CSBA NOTE: Item #11 applies to districts that serve students in any of grades 7-12. Pursuant to Education Code 234.1~~, as amended by SB 153~~, a district is required to provide certificated school employees serving students in any of grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ ~~)~~+) students, or related to the support of students who may face bias or bullying as specified below.

11. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics specified in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)

CSBA NOTE: Item #12 applies to districts that serve students in any of grades 7-12. ~~Starting in the 2025-26 school year through the 2029-2030 school year,~~ Education Code 218.3 requires a district serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support LGBTQ+ cultural competency. The district is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training. Due to ongoing litigation related to the religious rights of teachers, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel if a teacher objects to the content of this staff training on religious grounds. For more information regarding training for district staff, see BP 4131 – Staff

Development (certificated staff), BP 4231 – Staff Development (classified staff), and BP 4331 – Staff Development (supervisory and managerial staff).

12. ~~For the 2025-2026 school year through~~Until the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3

13. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)

CSBA NOTE: Item #14 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

14. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

Process for Initiating and Responding to Complaints

CSBA NOTE: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the UCP as specified in BP/AR 1312.3 - Uniform Complaint Procedures, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. Additionally, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8) and disability (34 CFR 104.7 and 28 CFR 35.107).

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal, or any other staff member. ~~In addition~~Additionally, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal, regardless of whether the alleged victim files a complaint.

CSBA NOTE: The following paragraph related to employee reporting of unlawful discrimination should be revised to reflect the district's timeline.

Any district employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported, shall report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

CSBA NOTE: ~~Though~~Although a formal complaint ~~must~~is required to be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with ~~formalities.~~this formality requirement. Additionally, once the district receives notice of an incident, whether verbally or in writing, it is recommended that the district begin the investigation of the report and take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice.

Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the district's UCP specified in BP/AR 1312.3 - Uniform Complaint Procedures. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45~~, as added by 85 Fed.Reg. 30026~~)), which were adopted on May 19, 2020 and became effective on August 14, 2020, are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/AR 5145.7 - Sexual Harassment, and for the Title IX grievance procedures, see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance Officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, regardless of whether a formal complaint is filed, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Support for Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

CSBA NOTE: Pursuant to state law, a district has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, and gender non-conforming students.

In light of recent federal executive orders and investigations that potentially conflict with state law, ~~as well as~~ rulings by the U.S. Supreme Court, and legal challenges to state law, including challenges based on religious grounds, it is recommended that districts with questions about the rights of transgender and gender-nonconforming students consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The terms and definitions used below are consistent with California law, California case law, and generally accepted terms within academia, including provisions in the California Gender Recognition Act that recognize three gender options, female, male, and nonbinary.

Pursuant to Education Code 219, the Superintendent of Public Instruction has established the LGBTQ+ Statewide Advisory Task Force to identify the needs of LGBTQ+ students and make recommendations to assist in implementing supportive measures including (1) mental health and feelings of safety and support, (2) inclusive and safe access to school facilities, (3) inclusive instructional material and school curriculum, (4) prevention of, response to, and oversight of, bullying and harassment to determine the effectiveness of policies and programs, and (5) inclusive participation in school activities.

For more information regarding the educational needs of LGBTQ+ students, see CSBA's, "LGBTQ+ Students in Focus: Demographics and Academic Achievement."

Gender refers to a student's sex, and includes a student's gender identity and gender expression. (Education Code 210.7)

Gender identity refers to a student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression refers to a student's gender-related appearance and behavior, regardless of whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming refers to when a student's gender expression differs from stereotypical expectations.

Intersex refers to when a student has natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary refers to when a student's gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Sex refers to the biological condition of being a female or male human being. (5 CCR 4910)

Transgender refers to when a student's gender identity is different from the sex assigned at birth.

The district shall ensure that all students, regardless of sex, gender, gender identity, or gender expression, are afforded the same rights, benefits, and protections provided to students by law and Board policy. (Education Code 200)

To do so, the Superintendent or designee shall address each situation that arises on a case-by-case basis and in accordance with the following guidelines and Board Policy and Administrative Regulation 5020 - Parent Rights and Responsibilities:

CSBA NOTE: Pursuant to Education Code 220.3 and 220.5, ~~as added by AB 1955 (Ch. 95, Statutes of 2024),~~ ~~clarify that under existing law~~ a district~~, including~~ or a Governing Board member~~,~~ may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same disclosure requirement, without the student's consent unless otherwise required by state or federal law. ~~CDE's, "Protection for LGBTQ Students: AB 1955," clarifies~~

Additionally, in *Mirabelli v. Bonta*, the U.S. Supreme Court affirmed a lower court order that ~~Education Code 220.3 does not~~prohibits the enforcement of any laws, guidance, training, or policies that would (1) permit or require ~~nondisclosure.~~

~~It~~any district employee to lie to or mislead a student's parent/guardian about the student's gender presentation at school, such as using a different set of preferred pronouns/names when speaking with the parent/guardian than is being used at school, or (2) permit or require the use of a name or pronoun other than a student's legal name or pronoun assigned at birth when the parent/guardian has objected to such use.

Because this area of law is complex and still evolving, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~before disclosing a student's gender identity without the student's consent.~~

~~Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated district programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records.~~

~~Beginning July 1, 2026, Education Code 35292.5 requires each school maintaining any of grades 1-12 with more than one female student restroom and more than one male student restroom to~~

~~provide and maintain at least one all-gender restroom for student use that meets the requirements of law~~when disclosing a student's gender identity or when a parent/guardian objects to the district treating a student in a manner inconsistent with the student's sex.

1. Acceptance and Treatment of a Student's Gender Identity: The district shall accept the student's assertion of the student's gender identity and treat the student consistent with that gender identity unless the student's parent/guardian objects or district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

2. Use of Names and Pronouns: Upon request by a student, district personnel shall address the student by the requested name and pronoun(s), without the necessity of a court order or a change to the student's mandatory permanent student record, unless the student's parent/guardian objects

   District personnel shall be consistent in the use of the student's name and pronoun such that the same name and pronoun is used when addressing the student at school as when speaking to the student's parent/guardian in regard to the student.

   Inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or pronouns may not constitute a violation of this administrative regulation or the accompanying Board policy.

   CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated district programs and activities, including athletic teams and competitions, consistent with the student's gender identity, regardless of the gender listed on the student's educational records.

   However, in view of ongoing legal proceedings, it is recommended that districts with questions about student participation in interscholastic athletic activities consistent with a student's gender identity consult CSBA's District and County Office of Education Legal Services or district legal counsel.

3. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity unless the student's parent/guardian objects

   Additionally, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by sex, such as for class discussions, yearbook pictures, and field trips.unless the student's parent/guardian objects.

   ~~To~~ In addition, to address any student's privacy concerns in using sex-segregated facilities, the district shall consider offering a gender-neutral or single-use ~~restroom or~~ changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or

use of the locker room before or after the other students. However, in no case shall the district require a student to utilize these options because of the student's sex, gender, gender ~~identify~~identity, or gender expression. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

CSBA NOTE: The following paragraph is for district schools that are required to maintain an all-gender restroom, and may be revised by districts that do not meet such requirement to reflect district practice. Education Code 35292.5 requires each school maintaining any of grades 1-12 with more than one female student restroom and more than one male student restroom to provide and maintain at least one all-gender restroom for student use that meets the requirements of law.

~~Beginning July 1, 2026, each~~ Each district school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

~~4. Adherence to Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site, which may not discriminate on the basis of sex, gender, gender identity or gender expression~~

~~5.~~ 4. Equal Access to Educational Programs and Activities: Upon request by a student based on the student's gender identity or gender expression, the Compliance Officer shall identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained, unless the student's parent/guardian objects to doing so

As necessary, the Compliance Officer shall involve the student's parent/guardian in the development of such strategies unless there is a reasonable belief that doing so would endanger the well-being of the student.

The Compliance Officer shall consider the rights of all students and how those rights may affect and be affected by the rights of other students. Additionally, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's sex, gender, gender identity, or gender expression so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are providing equal access to programs and activities.

~~6.~~ 5. Right to privacy: A student's sex, gender, gender identity, and gender status is private information

The district ~~may only~~shall disclose such information ~~to others~~upon request by a student's parent/guardian unless there is a reasonable belief that doing so would endanger the well-being of the student. Additionally, the district shall disclose such information when the disclosure is required or permitted by law, with the student's prior written consent, or when

the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

CSBA NOTE: Pursuant to Education Code 49061-49072, only a parent/guardian may authorize a change to a student's gender in the student's mandatory permanent student record. It is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel in developing processes and procedures in this regard.

~~7.~~ 6. Student Records: A student's sex and legal name shall be maintained as part of a student's mandatory permanent student record as specified in 5 CCR 432 and shall only be changed with proper documentation (Education Code 49061-49072)

When a request to change a student's gender or name is submitted without proper documentation, any change to the student's gender or name shall be applied only to documents not included in the mandatory permanent student record such as attendance sheets, report cards, and school identification. However, no such change shall be made if the student's parent/guardian objects.

The Superintendent or designee shall follow this guideline such that it does not change or alter the obligations of the district to maintain student records in accordance with Board Policy~~/~~ and Administrative Regulation 5125 - Student Records, and to ensure access to such records in accordance with Board Policy~~/~~ and Administrative Regulation 1340 - Access to District Records.

CSBA NOTE: To ensure that the district's dress and grooming policy complies with law, it is recommended that the district review BP/AR 5132 – Dress and Grooming and any other school site adopted dress code, and consult CSBA's District and County Office of Education Legal Services or district legal counsel.

A student has the right to dress in any manner consistent with Board Policy and Administrative Regulation 5132 – Dress and Grooming, subject to any dress code adopted on a school site.

~~The~~ In accordance with law, the district prohibits any act of verbal, nonverbal, or physical aggression, intimidation, or hostility, including any such act based on sex, gender, gender identity, or gender expression, or that ~~have~~has the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature, including, but not limited to:

1. Refusing to address or refer to a student in a manner consistent with the student's gender identity

2. Disciplining a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity

3. Blocking, prohibiting, or restricting a student's entry to the restroom that corresponds to the student's gender identity

4. Disclosing student records that reveal a student's gender identity to individuals who do not have a legitimate need for the information ~~except as permitted by law~~

5. ~~Verbally or physically assaulting a student because of the student's sex, gender, gender identity, or gender expression, including, but not limited to, causing~~Causing, attempting to cause, threatening to cause, or participating in an act of hate violence on the basis of sex, gender, gender identity, or gender expression

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

State	Description
2 CCR 14026	Discriminatory Practices and Unlawful Denial of Full and Equal Access
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-~~262.4~~280	Educational Equity; ~~Prohibition~~prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication

Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 49020-~~49023~~49024	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX (eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
34 CFR 106.30	Discrimination on the basis of sex; definitions
34 CFR 110.25	Prohibition of discrimination based on age

34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964 (42 USC CHAPTER 21, SUBCHAPTER V: FEDERALLY ASSISTED PROGRAMS)
42 USC ~~2000d~~2000e-2000e-17	~~Title VI and~~ Title VII Civil Rights Act of 1964, as amended (42 USC CHAPTER 21, SUBCHAPTER VI: EQUAL EMPLOYMENT OPPORTUNITIES)
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	**Description**
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's ~~K~~TK-12 Schools in Responding to Requests for Access and Information for Immigration ~~Issues~~Enforcement Purposes, December ~~2024~~2025 (https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf)
California Department of Education Publication	Protection for LGBTQ+ Students: AB 1955
Court Decision	A.J.T. v. Osseo (2025) 605 U.S. 335 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Students for Fair Admissions v. Harvard (2024) 600 U.S. 181

Court Decision	Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581
Court Decision	McDonnell Douglas Corp v. Green (1973) 411 U.S. 792
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	LGBTQ+ Students in Focus: Demographics and Academic Achievement, Governance Brief, June 2025 (Brief-Students-in-Focus-LGBTQ_2025-(1).ashx)
~~CSBA Publication~~	~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~
CSBA Publication	~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, ~~April 29, 2024~~May 19, 2020, Vol. ~~89~~85, No. ~~83~~97, pages ~~33474-33896~~30026-30579 (Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance)
U.S DOE, Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Department of Education Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022

U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026 (2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf)
~~U.S. DOE, Office for Civil Rights~~ ~~Publication~~	~~Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025~~
~~U.S. DOE, Office for Civil Rights~~ ~~Publication~~	~~Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025~~
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
Website	CSBA District and County Office of Education Legal Services
~~Website~~	~~First Amendment Center~~
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights
Website	The Trevor Project (24/7 Suicide Hotline for LGBTQ Youth - We're here for you Now)
Website	The UC|CSU Collaborative for Neuroscience, Diversity, and Learning

(UC|CSU Collaborative)

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
1445	Response To Immigration Enforcement
1445	Response To Immigration Enforcement
3515.4	Recovery For Property Loss Or Damage

3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.21	Professional Standards
4219.21-E(1)	Professional Standards

4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4312.6	Personnel Files
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4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.21	Professional Standards
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4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
5000	Concepts And Roles
5020	Parent Rights and Responsibilities
5030	Student Wellness
5111	Admission
5111	Admission
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records
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5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5131	Conduct
5131.2	Bullying

5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures

5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

Policy 6141: Curriculum Development And Evaluation

Status: ADOPTED

Original Adopted Date: 09/01/1988 **| Last Revised Date:** ~~07~~08/01/~~2008~~2026 **| Last Reviewed Date:** ~~07~~08/01/~~2008~~2026

~~CSBA NOTE: The following optional policy may be revised to reflect district practice.~~

The Governing Board desires to provide a research-based, sequential curriculum which promotes high levels of student achievement and emphasizes the development of basic skills, problem solving, and decision making. Upon recommendation of the Superintendent or designee, the Board shall adopt a written district curriculum which describes, for each subject area and grade level, the content objectives which are to be taught in all district schools.

The district's curriculum shall be aligned with the district's vision and goals for student learning, Board policies, academic content standards, state curriculum frameworks, state and district assessments, graduation requirements, school and district improvement plans, local control and accountability plan, and, when necessary, related legal requirements.

The Superintendent or designee shall establish a process for curriculum development, selection, and/or adaptation which utilizes the professional expertise of teachers, principals, and district administrators representing various grade levels, disciplines, special programs, and categories of students as appropriate. ~~The~~Additionally, the process ~~also~~ may provide opportunities for input from students, parents/guardians, representatives of local businesses and postsecondary institutions, and other community members.

CSBA NOTE: Since instructional materials are often an important component of the curriculum, the process of adopting instructional materials should be coordinated with the curriculum review and adoption process. ~~See~~For more information regarding the adoption of instructional materials, see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials.
The California Department of Education's, "Guidance for Local Instructional Materials Adoptions," provides guidance for districts when identifying, reviewing, piloting, and adopting instructional materials in all content areas, including links to current legislation, sample timelines, support for student groups, and implementation considerations. Additional information regarding the adoption of instructional materials can be found in CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books." For guidance regarding the adoption and implementation of mathematics instructional materials that meet the needs of English learners, see CSBA's "Defining High-Quality Instructional Materials for Mathematics to Meet the Needs of English Learners."

~~The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.~~

The curriculum development and evaluation process shall be coordinated with the process specified in Board Policy and Administrative Regulation 6161.1 – Selection and Evaluation of Instructional Materials, for selecting and evaluating instructional materials for use in district schools.

When presenting a recommended curriculum for adoption, the Superintendent or designee shall provide research, data, or other evidence demonstrating the proven effectiveness of the proposed curriculum. ~~He/she also~~Additionally, the Superintendent or designee shall present information about the resources that would be necessary to successfully implement the curriculum and describe any modifications or supplementary services that would be needed to make the curriculum accessible to all students.

CSBA NOTE: Pursuant to Education Code 244 and 51501, the Governing Board is prohibited from adopting or approving the use of any textbook or other instructional material, or as amended by AB 715 (Ch. 428, Statutes of 2025), any staff development material, if such use would reflect adversely upon persons based on race or ethnicity, gender, religion, or other characteristics specified in Education Code 220 or would subject a student to unlawful discrimination pursuant to Education Code 220. Additionally, Education Code 51501, as amended by AB 715, requires that instructional materials adopted by the Board be factually accurate and meet other requirements as specified below.

Any instructional materials recommended by the Superintendent or designee to implement the curriculum shall be factually accurate and reflect the adopted curriculum and standards reflected in Education Code 60200, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship. (Education Code 51501)

Additionally, any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, shall not be recommended by the Superintendent or designee to implement the curriculum if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

In addition, any textbook or other instructional material shall not be recommended by the Superintendent or designee to implement the curriculum if it contains any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, or because of a characteristic listed in Education Code 220, or that violates Education Code 243, 244, 51500, or 60044. (Education Code 51501)

CSBA NOTE: The following ~~optional~~ paragraph may be revised to reflect district practice. Education Code 52376 requires districts with high schools to compare their career technical education programs with state model curriculum standards at least every three years~~;~~. For more information regarding career technical education, see AR 6178 - Career Technical Education. At their discretion, districts may choose to establish a schedule of regular reviews in other subject areas to ensure continued alignment of district curricula with state standards.

The Board shall establish a review cycle for regularly evaluating the district's curriculum in order to ensure continued alignment with state and district goals for student achievement. At a minimum, these reviews shall be conducted whenever the State Board of Education adopts new or revised content standards or the curriculum framework for a particular subject or when new law requires a change or addition to the curriculum.

~~In addition~~Additionally, the Board may require a review of the curriculum in one or more subject areas as needed in response to student assessment results; feedback from teachers, administrators, or parent/guardians; new research on program effectiveness; or changing student needs.

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State	Description
5 CCR 4000-4091	School improvement programs
5 CCR 4400-4426	Improvement of elementary and secondary education
Ed. Code 221.5	Equal opportunity
Ed. Code 220	Prohibition of discrimination (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=220&lawCode=EDC)
Ed. Code 243	Prohibition of discrimination; instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=243&lawCode=EDC)
Ed. Code 244	Prohibition of discrimination; professional development materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244&lawCode=EDC)
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 51050-51057	Enforcement of courses of study
Ed. Code 51200-51263	Required courses of study
Ed. Code 51500-51540	Prohibited instruction
Ed. Code 51705-51879.9	Authorized classes and courses of instruction
Ed. Code 52060-52077	Local control and accountability plan (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=28.&chapter=6.1.&article=4.5.)
Ed. Code 60000-~~60424~~60443	Instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=)

Gov. Code 3543.2	Scope of representation
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect

Management Resources	**Description**
California Department of Education Publication	Content Standards for California Public Schools: Kindergarten Through Grade 12
California Department of Education Publication	Curriculum Frameworks for California Public Schools: Kindergarten Through Grade 12
California Department of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024 (https://www.cde.ca.gov/ci/cr/cf/glima.asp)
California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	Defining High-Quality Instructional Materials for Mathematics to Meet the Needs of English Learners, July 2025 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/Summary-Definining-HQIM-ELs-2025.ashx?la=en&rev=1711e63699df40e6b9ce84c74070ba35)
CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
Website	CSBA District and County Office of Education Legal Services
Website	Association for Supervision and Curriculum Development
Website	Association of California School Administrators

Website	California Association for Supervision and Curriculum Development
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0500	Accountability
1000	Concepts And Roles
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1700	Relations Between Private Industry And The Schools
3100	Budget
3100	Budget
4131	Staff Development
4143	Negotiations/Consultation
4243	Negotiations/Consultation
4331	Staff Development
5131.9	Academic Honesty
6000	Concepts And Roles

6011	Academic Standards
6120	Response To Instruction And Intervention
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.5	Environmental Education
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
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6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment

6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6174	Education For English Learners
6174	Education For English Learners
6178	Career Technical Education
6178	Career Technical Education
6178.2	Regional Occupational Center/Program
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program
7110	Facilities Master Plan
9000	Role Of The Board
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Regulation 6141: Curriculum Development And Evaluation

Status: ADOPTED

Original Adopted Date: 07/01/2008 **| Last Reviewed Date:** ~~07~~08/01/~~2008~~2026 **| Last Revised Date:** 08/01/2026

~~CSBA NOTE: The following optional administrative regulation may be revised to reflect district practice.~~

Curriculum Review Committee

CSBA NOTE: The following ~~optional~~ section may be revised to reflect the composition of the district's curriculum review committee. ~~Also see AR 6161.1 - Selection and Evaluation of Instructional Materials for~~For legal requirements ~~for~~regarding substantial teacher involvement in the selection of instructional materials, which may include establishment of an instructional materials evaluation committee, see AR 6161.1 - Selection and Evaluation of Instructional Materials.

The Superintendent or designee may establish a curriculum review committee to evaluate and recommend curriculum for Governing Board approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, representatives of local businesses and postsecondary institutions, other community members, and students as appropriate. This committee may be the same committee charged with the evaluation and recommendation of instructional materials pursuant to Board ~~policy and administrative regulation~~Policy and Administrative Regulation 6161.1 – Selection and Evaluation of Instructional Materials.

Curriculum Development/Selection Process

The Superintendent or designee shall research and identify available curriculum in the subject area(s) and grade level(s) scheduled for review. ~~He/she~~ The Superintendent or designee may select a limited number of programs to present to the curriculum review committee for evaluation.

The committee shall recommend the curriculum that best meets the district's needs based on the following criteria and any additional factors deemed relevant by the committee:

1. Analysis of the effectiveness of the existing district curriculum for all students, including student achievement data disaggregated by grade level and student population

2. Alignment of the proposed curriculum with expectations established by the Board and the State Board of Education as to what students need to know and be able to do in the subject(s) and grade level(s) under consideration

3. Evidence of proven effectiveness of the proposed curriculum in raising student achievement, including the research and learning theory upon which the curriculum is based

4. Applicability and accessibility of the curriculum to all students, including, but not limited to, underperforming students, students with disabilities, English learners, and gifted and talented students

5. The estimated cost to purchase, adapt, and/or develop the curriculum

6. Resources required to implement the curriculum, such as time, facilities, instructional materials and technology, staffing, staff development, and funding

7. If the curriculum includes instructional materials, the extent to which the materials meet criteria established by law and the district

[CSBA NOTE: Education Code 60040-60043 requires that certain subject matter be included in the district's instructional materials, as specified below. Pursuant to Education Code 60040, the accurate portrayal of society's cultural and racial diversity includes the contributions of all genders, Latino Americans, lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) Americans, and members of other ethnic, cultural, religious, and socioeconomic status groups. For the complete list required by Education Code 60040, see AR 6161.1 – Selection and Evaluation of Instructional Materials.

Additionally, pursuant to Education Code 60040.5, the California Department of Education (CDE) has published guidance, "Accurate and Inclusive Curriculum (AB 1078)," regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant, which is available on CDE's webpage.

8. Represent diverse perspectives and be culturally relevant in accordance with Education Code 60040-60043

~~8.~~ 9. Any potential impact on other parts of the educational program

If it is determined that available prepackaged curriculum is not cost effective or is inadequate to meet the needs of the district's students, the Superintendent or designee may adapt curriculum or develop new curriculum. Curriculum modification or development shall be performed by teachers, school administrators, and district administrators, with support and assistance, when available, from curriculum experts from the county office of education, postsecondary institutions, and/or curriculum or professional associations. Any modified or new curriculum shall be reviewed by the curriculum committee in accordance with the above criteria prior to being recommended to the Board.

Upon approval by the Board, a new curriculum may be implemented in a limited number of schools or classrooms on a pilot basis so that modifications may be made as necessary before implementing the curriculum districtwide.

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State	**Description**
5 CCR 4000-4091	School improvement programs
5 CCR 4400-4426	Improvement of elementary and secondary education
Ed. Code 221.5	Equal opportunity
Ed. Code 220	Prohibition of discrimination (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=220&lawCode=EDC)
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Ed. Code 244	Prohibition of discrimination; professional development materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244&lawCode=EDC)
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 51050-51057	Enforcement of courses of study
Ed. Code 51200-51263	Required courses of study
Ed. Code 51500-51540	Prohibited instruction
Ed. Code 51705-51879.9	Authorized classes and courses of instruction
Ed. Code 52060-52077	Local control and accountability plan (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=28.&chapter=6.1.&article=4.5.)
Ed. Code 60000-~~60424~~60443	Instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=33.&chapter=1.&article=)
Gov. Code 3543.2	Scope of representation
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect

Management Resources	**Description**

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California Department of Justice Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	Defining High-Quality Instructional Materials for Mathematics to Meet the Needs of English Learners, July 2025 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/Summary-Definining-HQIM-ELs-2025.ashx?la=en&rev=1711e63699df40e6b9ce84c74070ba35)
CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
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6161.1-E(1)	Selection And Evaluation Of Instructional Materials
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6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials

6163.1	Library Media Centers
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
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6178	Career Technical Education
6178	Career Technical Education
6178.2	Regional Occupational Center/Program
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program
7110	Facilities Master Plan
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Policy 6159: Individualized Education Program

Status: ADOPTED

Original Adopted Date: 03/01/2003 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

CSBA NOTE: The following Board policy and the accompanying **mandated** administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area in which the district participates.

The Governing Board desires to provide full educational opportunities to all students with ~~exceptional needs. Students with exceptional~~disabilities. Students with disabilities who require special education and related services to meet their unique needs shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

For each student with ~~exceptional needs~~disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. ~~The Superintendent or designee shall develop administrative regulations regarding the~~The membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes shall be in accordance with the accompanying administrative regulation.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040, 56440; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school

2. Students who are placed by the district in a nonpublic, nonsectarian school

3. Individuals ~~age~~ 18-21 years of age who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

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State	Description
5 CCR 3021-3029	Identification, referral, and assessment

5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 3051-3053	Implementation of the individualized education program
5 CCR 853-853.5	State assessments; accommodations
Ed. Code 46392	Emergencies
Ed. Code 48204.3	Residency requirements (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48204.3&lawCode=EDC)
Ed. Code 49423.5	Performance of physical health care services (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49423.5&lawCode=EDC)
Ed. Code 48853.5	Students in foster care (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48853.5&lawCode=EDC)
Ed. Code 51225.3	High school graduation requirements
Ed. Code 56031	Special education; definition
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf and hard of hearing supports
Ed. Code 56043	Transition plans
Ed. Code 56049.1	Data related to least restrictive environment
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56301	Student copy of parental rights and safeguards
Ed. Code 56302.1	Identification and referral
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56325	Transfers by students with disabilities
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56348	IEP template translations
Ed. Code 56350-56354	IEP for visually impaired students
Ed. Code 56364.2	Special day classes
Ed. Code 56364.3	Special classes staffing ratios

Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 56440	Special education programs for students ages 3 to 5
Ed. Code 56471	Workability programs
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60900.1	English language and special education reporting
Ed. Code 60900.2	Graduation rates for students with ~~exceptional needs~~disabilities
Bus. and Prof. Code 3765	Offenses and enforcement (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3765&lawCode=BPC)
Fam. Code 6500-6502	Age of majority
Gov. Code 7572.5	Seriously emotionally disturbed child; expanded IEP team
W&I Code 300	Minors subject to jurisdiction
W&I Code 601	Minors habitually disobedient
W&I Code 602	Minors violating law; ward of court

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	**Description**
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 157 (2002)
California Department of Education ~~Publications~~Publication	California Practitioners' Guide for Educating English Learners with Disabilities, July 2019
California Department of Education ~~Publications~~Publication	Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)
Department of War Education Activity Publication	Interstate Compact on Educational Opportunity for Military Children (https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact)
Court Decision	Capistrano Unified School District v. S.W. and C.W. (9th Cir. 2021) 21 F.4th 1125
Court Decision	Endrew F. v. Douglas County School District Re-1, (2017) 137 S. Ct. 988

Court Decision	Marshall v. Monrovia Unified School District (9th ~~Circuit,~~Circ., 2010) 327 ~~f~~F.3d 773
Court Decision	Sacramento City School District v. Rachel H. (9th Cir~~.~~., 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th ~~Circuit,~~Cir., 2003) 317 F.3d 1072
U.S. Department of Education Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
USDOE Ofc of Special Edu, Rehab Svcs & EdTech Pub	Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act, January 22, 2024
Website	U.S. Department of Education, Office of Educational Technology
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	Description
0200	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3250	Transportation Fees

3250	Transportation Fees
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4112.23	Special Education Staff
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6112	School Day
6112	School Day

6117	Year-Round Schedules
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6151	Class Size
6154	Homework/Makeup Work
6158	Independent Study
6158	Independent Study
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests

6163.2	Animals At School
6163.2	Animals At School
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home and Hospital Instruction

6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Regulation 6159: Individualized Education Program

Status: ADOPTED

Original Adopted Date: 11/01/2010 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

CSBA NOTE: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. ~~Note that in~~In cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

In *Capistrano Unified School District v. S.W. and C.W.*, the Ninth Circuit Court of Appeals held that when a student is enrolled in private school by the student's parents/guardians, the district only needs to prepare an individualized education program (IEP) if the parents/guardians ask for one, regardless of whether a claim for reimbursement has been filed.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with ~~an exceptional need~~a disability within district jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with ~~an exceptional need.~~a disability. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with ~~an exceptional need~~a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

CSBA NOTE: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to the foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on the student's behalf and the student has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the IDEA (20 USC 1400-1482) are often complex, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian~~.~~, subject to juvenile court orders regarding the foster child's educational rights holder(s). (Education Code 56055)

2. If the student is or may be participating in the general education program, at least one of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers

   The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)

3. At least one of the student's special education teachers or, where appropriate, special education providers

4. A representative of the district who is:

   a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with ~~exceptional needs~~disabilities

   b. Knowledgeable about the general education curriculum

   c. Knowledgeable about the availability of district resources

5. An individual who can interpret the instructional implications of assessment results

   This individual may already be a member of the team as described in Items #2-4 above or in Item #6 below.

   CSBA NOTE: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in Item #6 below has "knowledge or special expertise" is required to be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

   In 85 Ops.Cal.Atty.Gen. 157 (2002) the Attorney General opined that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

   The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP

team. (Education Code 56341)

7. Whenever appropriate, the student

   In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

8. When the IEP team is determining eligibility for a student who is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher (34 CFR 300.308)

   In accordance with 34 CFR 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's learning environment, including in the general education classroom setting. If the child is younger than five years of age or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend the IEP team meeting (Education Code 56341.2)

2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)

   a. The student, regardless of the student's age

      If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

   b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services

3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. ~~Even if~~When the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and IEP team written input into the development of the IEP prior to the meeting. (Education Code 56043, 56341; 20 USC 1414; 34 CFR 300.321)

Contents of the IEP

CSBA NOTE: Education Code 56348~~, as added by SB 445 (Ch. 906, Statutes of 2024),~~ provides for the creation, by the California Collaborative for Educational Excellence, of a state standardized IEP template, which, by the earlier of January 1, 2027, or 18 months after the final draft of the IEP template is converted to a digital platform, is required to be translated into the 10 most commonly spoken languages used across California other than English and made available on the California Department of Education's (CDE) website, with notification to districts of their availability.

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414; 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:

    a. The manner in which the ~~exceptional need~~disability affects the student's involvement and progress in the general education curriculum ~~(i.e.,~~, which is the same curriculum as for a student without ~~exceptional needs)~~disabilities

    b. For a preschool student, as appropriate, the manner in which the ~~exceptional need~~disability affects the student's participation in appropriate activities

    c. For a student with ~~an exceptional need~~a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

    CSBA NOTE: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with ~~exceptional needs~~disabilities may not meet the growth projected in the annual goals and objectives, districts are required to make a good faith effort to assist them in achieving the goals in their IEP.

2. A statement of measurable annual goals, including academic and functional goals, designed to:

    a. Meet the student's needs that result from ~~an exceptional need~~the disability in order to enable the student to be involved in and make progress in the general education curriculum

b. Meet each of the student's other educational needs that result from the ~~exceptional need~~ disability

3. A description of the manner in which the student's progress toward meeting the annual goals described in Item #2, above, will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through ~~the use of~~ quarterly or other periodic reports, concurrent with the issuance of report cards

4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:

   a. Advance appropriately toward attaining the annual goals

   b. Be involved and make progress in the general education curriculum in accordance with Item #1, above, and to participate in extracurricular and other nonacademic activities

   c. Be educated and participate with other students with ~~exceptional needs~~disabilities and students without ~~exceptional needs~~disabilities in the activities described in the IEP

5. An explanation of the extent, if any, to which the student will not participate with students without ~~exceptional needs~~disabilities in the regular class and in extracurricular and other nonacademic activities described in the IEP

CSBA NOTE: Pursuant to 20 USC 1412, students with ~~exceptional needs~~disabilities are required to be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with ~~exceptional needs~~disabilities who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with the student's IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

Education Code 56345 and 34 CFR 300.320 require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

   If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP shall also include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate for the student.

CSBA NOTE: In *Los Angeles Unified School District v. A.O.*, the Ninth Circuit Court of Appeals held that the district violated IDEA by failing to specify the frequency and duration of proposed services. The district's plan to provide speech therapy for 30 minutes per week in one to 10 sessions and audiology services for 20 minutes per month in one to five sessions "fell short of the IDEA because it failed to specify clearly the frequency and duration of offered services" as required by law.

7. The projected date for the beginning of the services and modifications described in Item #4, above, and the anticipated frequency, location, and duration of those services and modifications

CSBA NOTE: ~~Commencing July 1, 2025,~~ Education Code 56043~~, as amended by AB 438 (Ch. 901, Statutes of 2024),~~ requires a student's IEP, if determined appropriate by a student's IEP team, to include measurable postsecondary goals and transition services beginning when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age, or younger, as appropriate, and updated annually thereafter. Education Code 56471 provides grant funding to workability programs that provide instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment, which~~, as amended by SB 153 (Ch. 38, Statutes of 2024),~~ is not available to nonpublic, nonsectarian schools.

8. If determined appropriate by the IEP team, when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age, or younger, as appropriate, and updated annually thereafter, the following:

   a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills

   b. The transition services, including courses of study, needed to assist the student in reaching those goals

   If the IEP team determines the student would benefit from postponing the measurable postsecondary goals and transition services until the student is 16 years of age, the IEP team should document the reason(s) for the postponement.

CSBA NOTE: Education Code 56345 requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days

   The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

10. Beginning at least one year before the student reaches 18 years of age ~~18~~, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching 18 years of age ~~18~~, pursuant to Education Code 56041.5

11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services

13. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:

    a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week

    a. Support the transition of the student from the special education program into the general education program

15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

CSBA NOTE: Education Code 56353 authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

Development of the IEP

Within 30 days of ~~a~~an initial determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension~~.~~ , or repeatedly fails or refuses to produce the child for the assessment. (Education Code 56043, 56302.1, 56344)

Days between the student's regular school sessions, terms, or school vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when ~~the IEP is required as a result of an assessment of~~ a student ~~for whom a referral~~ has been ~~made~~referred for assessment with 30 or fewer days ~~or less prior to~~remaining until the end of the ~~preceding~~ regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56040.6, 56341.1, 56345; 20 USC 1414; 34 CFR 300.324)

1. The strengths of the student

2. The concerns of the parents/guardians for enhancing the education of their child

3. The results of the initial or most recent assessment of the student

4. The academic, developmental, and functional needs of the student

CSBA NOTE: The U.S. Department of Education's (USDOE) guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," provides guidance regarding schools' obligations to meet the needs of students with behavior based in ~~an exceptional need~~a disability and other steps schools are required to take to avoid discrimination on the basis of ~~an exceptional need~~a disability when disciplining students with ~~exceptional needs~~disabilities.

5. In the case of a student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior

6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP

7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

   However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.

CSBA NOTE: Pursuant to Education Code 56040.6, ~~as added by AB 1938 (Ch. 903, Statutes of 2024),~~ IEP teams, when determining the least restrictive environment for a deaf, hard of hearing, or deaf-blind student, are required to consider the language needs of the student, and to consider reviewing placements and services available to the student, as specified.

~~Additionally, by July 1, 2025, CDE is required to communicate these requirements to districts.~~

8. The communication needs of the student and, in the case of a student who is deaf, hard of hearing, or deaf-blind, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

   ~~The~~Additionally, the team shall ~~also~~ consider placements, related services, and program options that provide the student with an equal opportunity for communication access in the least restrictive environment, as ~~described~~specified in Education Code 56040.6 and 56345.

9. Whether the student requires assistive technology devices and services, including artificial intelligence devices and services

If, in considering the special factors in Items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

CSBA NOTE: Education Code 56031 defines "special education" as specially designed instruction, at no cost to the parent/guardian, to meet the unique needs of students with disabilities, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education. Additionally, Education Code 56031, as amended by AB 784 (Ch. 44, Statutes of 2025), clarifies that this definition does not prohibit an IEP from including specialized deaf and hard-of-hearing related services as the only services.

Pursuant to Education Code 56364.3, as added by AB 560 (Ch. 560, Statutes of 2025), on or before July 1, 2027, the Superintendent of Public Instruction is required to recommend a maximum adult-to-student staffing ratio for special classes authorized pursuant to Education Code 56364.2 for students 3-22 years of age, inclusive, and post the recommendation on CDE's website.

Special education is specially designed instruction, at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education. This definition does not prohibit an IEP from including specialized deaf and hard-of-hearing related services as the only services provided to a student with disabilities. (Education Code 56031)

The district shall ensure that, as soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. ~~The~~Additionally, the Superintendent or designee

~~also~~ shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that ~~must~~shall be provided to the student in accordance with the IEP. (34 CFR 300.323)

CSBA NOTE: Education Code 56354 establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

CSBA NOTE: Pursuant to Education Code 56041.1, an IEP team is required to consider whether a student with ~~exceptional need~~disabilities needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with ~~an exceptional needs. See "Development of the IEP" above.~~

~~Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that the student needs access to the devices in order to receive free appropriate public education (FAPE), consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district~~disabilities. For more information regarding determination of the needs for assistive technology devices or services, see "Development of the IEP" above.

USDOE's January 2024, "Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act," provides guidance to support children with ~~exceptional needs~~disabilities who need assistive technology devices and services for meaningful access and engagement in education.

If a student's IEP requires the provision of assistive technology devices or services, including artificial intelligence services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices or services in the student's home or other settings if the IEP team determines that the student needs access to those devices or services in order to receive FAPE. If a student who requires the use of an assistive technology device or services transfers to another local educational agency, the district shall provide the student with continued access to that device or services or a comparable device or service for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

CSBA NOTE: Pursuant to Education Code 49423.5, as amended by SB 389 (Ch. 582, Statutes of 2025), and Business and Professions Code 3765, a licensed vocational nurse is authorized to perform suctioning and other basic respiratory tasks and services under the supervision of a credentialed school nurse for a student with disabilities who requires specialized physical health care services.

Students with disabilities who require specialized physical health care services during the regular school day may be assisted by the persons authorized in Education Code 49423.5.

[CSBA NOTE: Pursuant to 5 CCR 3051.4, special education and related services provided in the home or hospital are limited to students who have been identified as students with disabilities for whom the IEP team recommends such instruction or services. For more information regarding home or hospital instruction, see AR 6183 – Home and Hospital Instruction.]

Special education and related services provided in the home or hospital are limited to students who have been identified as students with disabilities and for whom the IEP team recommends such instructions or services. Such services shall be provided in accordance with law, including 5 CCR 3051.4, and Administrative Regulation 6183 – Home and Hospital Instruction.

Review and Revision of the IEP

CSBA NOTE: Education Code 56043 and 56380 **mandate** the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

Pursuant to Education Code 60900.2, ~~as added by AB 1340 (Ch. 576, Statutes of 2024),~~ CDE is required to include a report on its website that allows the public to view statewide-level four- and five-year cohort graduation rates for students with ~~exceptional needs~~disabilities, disaggregated by disability or disabilities, as specified in 34 CFR 300.8.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved

2. Revise the IEP, as appropriate, to address:

   a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate

   b. The results of any reassessment conducted pursuant to Education Code 56381

c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381

d. The student's anticipated needs

e. Any other relevant matter

3. Consider the special factors listed in Items #5-9 above, under "Development of the IEP," when reviewing the IEP of any student with ~~an exceptional need~~a disability to whom one of those factors may apply

~~The~~Additionally, the IEP team shall ~~also~~ meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

CSBA NOTE: Education Code 56195.8 ~~mandates~~requires that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with ~~an exceptional need~~a disability when so requested by a general education or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and ~~should~~ specify the title of the individual responsible for the review, rather than "Superintendent or designee."

A regular education or special education teacher may request a review of the classroom assignment of a student with ~~an exceptional need~~a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

CSBA NOTE: Pursuant to Education Code 48853.5, for a foster youth who is a student with ~~exceptional needs~~disabilities, "school of origin" includes a placement in a nonpublic, nonsectarian school. Any nonsectarian school or agency serving a foster youth is required to agree in writing to

be designated as the school of origin and to allow the foster youth to continue in the school.

Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district is required to conduct an annual evaluation, as specified below. ~~In addition~~Additionally, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

Pursuant to Education Code 56049.1, CDE is required to publish data related to federal measures of least restrictive environment for students with ~~exceptional needs~~disabilities on its website and include it as a resource on the California School Dashboard.

If a student with ~~an exceptional need~~a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

Audio Recording of IEP Team Meetings

CSBA NOTE: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings

2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights

3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with ~~an exceptional need~~a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting

2. Indicate who will be in attendance at the meeting

3. Inform them of:

   a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341

   b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

Additionally, when the IEP team ~~meeting is to consider~~convenes at the ~~development, review, or revision~~start of the student's high school experience, or not later than the first IEP meeting, to develop the IEP of a student with ~~an exceptional need~~a disability who ~~is~~will be 16 years of age ~~or older, or younger than 16 if deemed appropriate by the IEP team~~, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that ~~a~~one purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320

2. An indication that the student is invited to the IEP team meeting

CSBA NOTE: Pursuant to Education Code 56301, as amended by SB 373 (Ch. 579, Statutes of 2025), students are required to be given a copy of their rights and procedural safeguards once every school year and at additional specified times in accordance with Education Code 56301, 20 USC 1415, and 34 CFR 300.504.

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56301, 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls

2. Copies of correspondence sent to the parent/guardian and any responses received

3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with ~~an exceptional need~~a disability a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all ~~of~~ the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

CSBA NOTE: CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, consent for the continued provision of special education and related services to the student. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the student. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

~~In addition~~Additionally, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make ~~FAPE~~a free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

CSBA NOTE: The following paragraph is optional and should be modified to reflect district practice.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

CSBA NOTE: Pursuant to 34 CFR 300.9, when a parent/guardian revokes consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973~~;~~. For more information regarding accommodations under Section 504, see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, it is recommended that districts with questions

consult CSBA's District and County Office of Education Legal Services or legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

CSBA NOTE: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Pursuant to Education Code 56325, districts are required to take reasonable steps to promptly obtain the student's records from their previous school, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the student, and, as amended by AB 1412 (Ch. 453, Statutes of 2025), requires such reasonable steps to be consistent with specified requirements of the Interstate Compact on Educational Opportunity for Military Children. This requires the new school to accept unofficial records provided by the student's parent/guardian until validated by official records, consistent with specified requirements of the Interstate Compact on Educational Opportunity for Military Children. For more information regarding the Interstate Compact on Educational Opportunity for Military Children, see BP/AR 6173.2 – Education of Children of Military Families.

Districts should be careful to comply with the time requirements, though in *Marshall v. Monrovia Unified School District*, the Ninth Circuit Court of Appeals ruled in favor of defendant, a school district, on the question of whether the district denied FAPE to a student with ~~an exceptional need~~a disability by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with ~~an exceptional need~~a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. The district shall accept unofficial records provided by the student's parent/guardian pending validation by the official records, consistent with the requirements of the Interstate Compact on Educational Opportunity for Military Children. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. ~~(Education Code 56325; 34 CFR 300.323)~~

~~If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)~~ (Education Code 56325; 34 CFR 300.323)

CSBA NOTE: Education Code 56325, as amended by AB 1412, requires the district, for students with disabilities who transfer into the district with an IEP, to, within 30 days of receipt of official records or specified unofficial records, either adopt and implement the IEP previously adopted for the student or develop, adopt, and implement a new IEP for the student that is consistent with federal and state law, as applicable.

If the student transfers into the district within the same academic year from outside the state, within the state, or from district to district within the same SELPA, within 30 days of receipt of official records or specified unofficial records, the Superintendent or designee shall either adopt and implement the IEP previously adopted for the student or develop, adopt, and implement a new IEP for the student that is consistent with federal and state law, as applicable. For students transferring into the district from outside the state, the district may conduct a full and individual initial assessment pursuant to 20 USC 1414 when such assessment is necessary to develop an IEP that is consistent with federal and state law. (Education Code 56325)

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

State	Description
5 CCR 3021-3029	Identification, referral, and assessment
5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 3051-3053	Implementation of the individualized education program
5 CCR 853-853.5	State assessments; accommodations
Ed. Code 46392	Emergencies
Ed. Code 48204.3	Residency requirements (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48204.3&lawCode=EDC)
Ed. Code 49423.5	Performance of physical health care services (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49423.5&lawCode=EDC)
Ed. Code 48853.5	Students in foster care

	(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48853.5&lawCode=EDC)
Ed. Code 51225.3	High school graduation requirements
Ed. Code 56031	Special education; definition
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56040.6	Deaf and hard of hearing supports
Ed. Code 56043	Transition plans
Ed. Code 56049.1	Data related to least restrictive environment
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56301	Student copy of parental rights and safeguards
Ed. Code 56302.1	Identification and referral
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56325	Transfers by students with disabilities
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56348	IEP template translations
Ed. Code 56350-56354	IEP for visually impaired students
Ed. Code 56364.2	Special day classes
Ed. Code 56364.3	Special classes staffing ratios
Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 56440	Special education programs for students ages 3 to 5
Ed. Code 56471	Workability programs
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60900.1	English language and special education reporting
Ed. Code 60900.2	Graduation rates for students with ~~exceptional needs~~disabilities
Bus. and Prof. Code 3765	Offenses and enforcement

	(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3765&lawCode=BPC)
Fam. Code 6500-6502	Age of majority
Gov. Code 7572.5	Seriously emotionally disturbed child; expanded IEP team
W&I Code 300	Minors subject to jurisdiction
W&I Code 601	Minors habitually disobedient
W&I Code 602	Minors violating law; ward of court

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	**Description**
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 157 (2002)
California Department of Education ~~Publications~~Publication	California Practitioners' Guide for Educating English Learners with Disabilities, July 2019
California Department of Education ~~Publications~~Publication	Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)
Department of War Education Activity Publication	Interstate Compact on Educational Opportunity for Military Children (https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact)
Court Decision	Marshall v. Monrovia Unified School District (9th Cir. 2010) 327 F.3d 773
Court Decision	Capistrano Unified School District v. S.W. and C.W. (9th Cir. 2021) 21 F.4th 1125
Court Decision	Endrew F. v. Douglas County School District Re-1, (2017) 137 S. Ct. 988
Court Decision	Marshall v. Monrovia Unified School District (9th ~~Circuit,~~Circ., 2010) 327 ~~f~~F.3d 773
Court Decision	Sacramento City School District v. Rachel H. (9th Cir~~.~~., 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th ~~Circuit,~~Cir., 2003) 317 F.3d 1072

U.S. Department of Education Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
USDOE Ofc of Special Edu, Rehab Svcs & EdTech Pub	Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act, January 22, 2024
Website	U.S. Department of Education, Office of Educational Technology
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	Description
0200	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3250	Transportation Fees
3250	Transportation Fees
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
4112.23	Special Education Staff

5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6112	School Day
6112	School Day
6117	Year-Round Schedules
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction

6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
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6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education

6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
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6173	Education For Homeless Children
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6173-E(1)	Education For Homeless Children
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6173.1	Education For Foster Youth
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6173.2	Education Of Children Of Military Families
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6181	Alternative Schools/Programs Of Choice
6183	Home and Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Policy 6159.1: Procedural Safeguards And Complaints For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1998 **| Last Revised Date:** ~~07~~08/01/~~2020~~2026 **| Last Reviewed Date:** ~~07~~08/01/~~2020~~2026

CSBA NOTE: The following **mandated** policy reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. ~~Note that in~~In cases where state law provides greater protections to students, state law supersedes federal law.

Education Code 56195.8 and 20 USC 1415 **mandate** all entities providing special education to adopt policy on procedural safeguards, and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

Pursuant to Education Code 56301, as amended by SB 373 (Ch. 579, Statutes of 2025), students are required to be given a copy of their rights and procedural safeguards in accordance with 20 USC 1415 and 34 CFR 300.504.
This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the Special Education Local Plan Area in which the district participates.

The Governing Board recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. ~~Parents~~ Students with disabilities and the parents/guardians of such students ~~with disabilities~~ shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. ~~The~~Additionally, the district or parent/guardian may ~~also~~ request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

CSBA NOTE: Education Code 56195.8 authorizes the Governing Board to adopt policy for the involvement of Board members in any due process hearing procedure activities. However, a best practice is to designate the Superintendent or designee to serve as the district representative at the hearing. The following optional paragraph~~.~~ may be revised to reflect district practice.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

CSBA NOTE: 5 CCR 3200-3205~~, as added by Register 2020, No. 21, require~~ requires complaints alleging a violation of federal or state law or regulation related to the provision of a free appropriate public education to students with disabilities to be submitted to the California Department of Education rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. For further information regarding state compliance complaints, see the accompanying administrative regulation.

~~Any~~A complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
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State	**Description**
5 CCR 3000-3100	Regulations governing special education
5 CCR 3080-3089	Procedural safeguards
5 CCR 3200-3205	Special education compliance complaints
Ed. Code 56000	Special education; legislative findings and declarations
Ed. Code 56001	Provision of the special education programs
Ed. Code 56020-56035	Definitions
Ed. Code 56195.7	Written agreements
Ed. Code 56195.8	Adoption of policies
Ed. Code 56300-56385	Identification and referral; assessment, instructional planning
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56440-56447.1	Programs for individuals between ~~the ages of~~ three and five years of age
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 56600-56606	Evaluation, audits, and information

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20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 USC 12101-12213	Americans with Disabilities Act (https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter126&edition=prelim)
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29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities
34 CFR 300.150-300.153	State compliance complaints
34 CFR 300.500-300.520	Procedural safeguards and due process for parents/guardians and students
34 CFR 99.10-99.22	Inspection, review, and procedures for amending education records
42 USC 11434	Homeless assistance

Management Resources	**Description**
Court Decision	Perez v. Sturgis Public Schools (2023) 143 S.Ct. 859 (https://www.supremecourt.gov/opinions/22pdf/21-887_k53m.pdf)
Court Decision	A.J.T. v Osseo Area Schools (2024) WL 2316893 (https://www.supremecourt.gov/opinions/24pdf/24-249_a86c.pdf)
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Website	CSBA District and County Office of Education Legal Services
Website	Office of Administrative Hearings, Special Education Division
Website	California Department of Education, Special Education
Website	U.S. Department of Education, Office of Special Education Programs

Cross References

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0430	Comprehensive Local Plan For Special Education
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1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
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3523	Electronic Signatures

5125	Student Records
5125	Student Records
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5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
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6164.6	Identification And Education Under Section 504
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6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9000	Role Of The Board
9200	Limits Of Board Member Authority

Regulation 6159.1: Procedural Safeguards And Complaints For Special Education

Status: ADOPTED

Original Adopted Date: 03/01/2005 **| Last Revised Date:** ~~07~~08/01/~~2020~~2026 **| Last Reviewed Date:** ~~07~~08/01/~~2020~~2026

CSBA NOTE: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. ~~Note that in~~ In cases where state law provides greater protections to students, state law supersedes federal law.

Both federal and state law give parents/guardians of students with disabilities the right to due process and require the district to provide procedural safeguards, as specified below. Education Code 56501 extends ~~these~~due process hearing rights to the student only if the student is an emancipated minor or a ward or dependent of the court with no available parent/guardian or surrogate parent. ~~See~~ For more information regarding the circumstances under which a surrogate parent is appointed to represent a student with disabilities, see AR 6159.3 - Appointment of Surrogate Parent for Special Education Students. As part of these rights, districts ~~must~~are required to provide ~~two different notices, the~~ prior written notice ~~and the procedural safeguards notice,~~ to parents/guardians at specified times detailed below.

Pursuant to Education Code 56301, as amended by SB 373 (Ch. 579, Statutes of 2025), students are required to be given a copy of their rights and procedural safeguards in accordance with 20 USC 1415 and CFR 34 300.504

Prior Written Notice

~~CSBA NOTE: Pursuant to 20 USC 1415, districts are mandated to adopt procedures that include prior written notice to parents/guardians of students with disabilities under the circumstances described below.~~

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice: (Education Code 56346, 56500.4, 56500.5; 20 USC 1415; 34 CFR 300.102, 300.300, 300.503)

1. Before the district initially refers the student for assessment

2. Within a reasonable time before the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student

3. Within a reasonable time before the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student

4. Within a reasonable time before the student graduates from high school with a regular diploma thus resulting in a change in placement

CSBA NOTE: 34 CFR 300.300 states that a parent/guardian may revoke consent for the continued provision of special education and related services at any time. Upon receipt of this written revocation, 34 CFR 300.300 requires the district to provide prior written notice and, within a reasonable period of time, discontinue all services to the student. See AR 6159 - Individualized Education Program.

5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to the student

This prior written notice shall include: (Education Code 56500.4; 20 USC 1415; 34 CFR 300.503)

1. A description of the action proposed or refused by the district

2. An explanation as to why the district proposes or refuses to take the action

3. A description of each assessment procedure, assessment, record, or report the district used as a basis for the proposed or refused action

4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained

5. Sources for parents/guardians to obtain assistance in understanding these provisions

6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

7. A description of any other factors relevant to the district's proposal or refusal

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to ~~parents/guardians of~~ students with disabilities and each of their parents/guardians once each school year and: (Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Upon initial referral or parent/guardian request for assessment

CSBA NOTE: Pursuant to 34 CFR 300.504, the procedural safeguards notice ~~must~~is required to be provided upon receipt of the first state complaint filed against the district in a school year pursuant to 34 CFR 300.151-300.153. For complaint procedures addressing alleged violation of federal or state law or regulation related to the provision of a free appropriate public education (FAPE), see ~~the section~~ "State Compliance Complaints~~"~~," below.

2. Upon receipt of the first state compliance complaint in a school year, filed in accordance with ~~the section~~ "State Compliance Complaints"," below

3. Upon receipt of the first due process hearing request in a school year

4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when removal of a student because of a violation of a code of conduct constitutes a change of placement

5. Upon request by a parent/guardian or student with disabilities

CSBA NOTE: 34 CFR 300.504 lists the required content of the procedural safeguards notice. A sample procedural safeguards notice is available on the California Department of Education's (CDE) ~~web site~~website.

The procedural safeguards notice shall include a full explanation ~~of all~~ of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Independent educational evaluation

2. Prior written notice

3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to the student's continued receipt of special education and related services

4. Access to educational records

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, ~~what~~ issues that may be raised, filing and decisional timelines, and relevant procedures

6. The availability of mediation

7. The student's placement during the pendency of any due process complaint

8. Procedures for students who are subject to placement in an interim alternative educational setting

9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations

11. State-level appeals

12. Civil actions, including the time period in which to file those actions

13. Availability of attorneys' fees pursuant to 34 CFR 300.517

~~This~~Additionally, this notice shall ~~also~~ include the rights and procedures contained in Education Code 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing

2. The timelines for completing each process

3. Whether the process is optional

4. The type of representative who may be invited to participate

5. The right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1

6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind

A copy of this notice shall be attached to the student's assessment plan. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56500.1)

Format of Parent/Guardian Notices

CSBA NOTE: 20 USC 1415 **mandates** that districts adopt procedures to ensure that the parent/guardian ~~notice~~ ~~is~~notices are in the native language of the parent/guardian/student, unless it is clearly not feasible to do so. 34 CFR 300.29 defines "native language" as the language normally used by the individual and, for a child, the language regularly used in the home environment. Pursuant to 34 CFR 300.503 and 300.504, the notice ~~must~~is required to be in an "understandable language" as specified below. ~~Districts that subscribe to CSBA's GAMUT Policy Plus may use the~~

~~program's web-based translator to translate policy documents uploaded into the district's GAMUT web site.~~

The parents/guardians of a student with a disability shall be provided written notice of their rights in language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504)

If the native language ~~of~~or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that the notice is translated orally or by other means in the parent/guardian's native language or other mode of communication and that the parent/guardian understands the contents of the notice. (34 CFR 300.503)

The district may place a copy of the procedural safeguards notice on the district's ~~web site~~website. (20 USC 1415)

CSBA NOTE: The following optional paragraph is for use by districts that wish to grant parents/guardians the option to receive notices electronically pursuant to 34 CFR 300.505.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by ~~an~~ electronic mail communication. (34 CFR 300.505)

CSBA NOTE: Because the authorization for a student to receive the procedural safeguards notice by electronic mail communication is not specified in 34 CFR 300.505, districts may revise the following paragraph to reflect district practice.

A student with disabilities may elect to receive the procedural safeguards notice by electronic mail communication.

Filing Due Process Complaints

CSBA NOTE: In California, due process hearings required by federal law are held only at the state level. Related rights and procedures are set forth in Education Code 56501-56506 and 5 CCR 3080-3089. Note that in cases where state law provides greater protection, state law supersedes federal law.

When a parent/guardian has revoked consent for the continued provision of special education services to the student, 34 CFR 300.300 specifies that a district may not use the due process hearing procedures to obtain an agreement or a ruling to require that services be provided.

20 USC 1415 **mandates** that the district adopt procedures regarding a party's right to initiate a due process hearing concerning the issues specified in ~~items~~Items #1-4 below.

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student~~.~~

2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student~~.~~

3. The parent/guardian refuses to consent to an assessment of the student~~.~~

4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148~~.~~

CSBA NOTE: Pursuant to 20 USC 1415 and 34 CFR 300.508, the district is **mandated** to adopt procedures (1) requiring either party (the district or the parent/guardian) or their attorney to provide a due process complaint notice to the other party and (2) requiring that the party may not have a due process hearing until that complaint notice has been filed. CDE has developed model forms to assist parties in filing a complaint and due process complaint notice.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (Education Code 56502; 20 USC 1415; 34 CFR 300.508)

1. The student's name

2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

3. The name of the school the student attends

4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem

5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

CSBA NOTE: Although Education Code 56502 states that all requests for a due process hearing ~~must~~are required to be filed with the Superintendent of Public Instruction, according to CDE's ~~web site~~website, due process hearing requests should be filed with the Special Education Division of the Office of Administrative Hearings.

Parties filing a due process complaint shall file their request with the ~~state~~California Office of Administrative Hearings, Special Education Division.

CSBA NOTE: 20 USC 1415 **mandates** that the district's procedures include an opportunity to file a complaint about an alleged violation that occurred not more than two years before the parent/guardian or district knew or should have known about the alleged violation, unless an exception specified in law applies.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the district misrepresented that it had solved the problem or withheld required information from

the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

District's Response to Due Process Complaints

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415; 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415; 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint

2. A description of other options that the IEP team considered and the reasons that those options were rejected

3. A description of each assessment procedure, assessment, record, or report the district used as the basis for the proposed or refused action

4. A description of the factors that are relevant to the district's proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Informal Process/Pre-Hearing Mediation Conference

CSBA NOTE: 20 USC 1415 **mandates** that the district's due process procedures include an opportunity for mediation. Education Code 56500.3 establishes a state-level mediation process. ~~In addition~~ Additionally, Education Code 56502 authorizes an informal meeting process conducted at the local level, as described in the following paragraph.

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally ~~toresolve~~to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

~~In addition~~Additionally, either party may file a request with the state Office of Administrative Hearings for a mediation conference. (Education Code 56500.3)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

State Compliance Complaints

CSBA NOTE: 5 CCR 3200-3205~~, as added by Register 2020, No. 21, require~~ requires complaints alleging violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to CDE rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. State compliance complaints differ from the due process complaints described above and are investigated and resolved by CDE.

Pursuant to 34 CFR 300.152, if a written complaint is the subject of both a state compliance complaint and a due process complaint, or contains multiple issues which include one or more issues that are a part of a due process hearing, CDE ~~must~~is required to set aside any part of the state compliance complaint that is being addressed in the due process hearing until the conclusion of the hearing.

When a complaint alleges disability discrimination, such a claim may be brought under the IDEA, the American with Disabilities Act, Title V of the Rehabilitation Act, including section 504, or other federal laws protecting the rights of children with disabilities. Additionally, in *Perez v. Sturgis Public Schools*, the U.S. Supreme Court held that the IDEA did not require the plaintiff to exhaust all administrative remedies prior to pursing a claim under another federal law, when the remedy being sought was not available under the IDEA.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3200, 3201)

1. The district violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818~~).~~)

2. The district violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205~~.~~

3. The district violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement~~.~~

4. The district failed or refused to implement a due process hearing order to which the district is subject~~.~~

5. Physical safety concerns interfered with the provision of FAPE~~.~~

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

1. A statement that the district has violated or failed to comply with any provision set forth in 5 CCR 3201

2. The facts on which the statement is based

3. The signature and contact information for the complainant

4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

CSBA NOTE: Pursuant to 5 CCR 3203 and 34 CFR 300.152, CDE ~~must~~is required to complete its investigation of the state compliance complaint within 60 calendar days. This time limit may be extended only if (1) exceptional circumstances exist with respect to the particular complaint, or (2) the complainant and the district agree to extend the time to engage in mediation. Within 30 days of the issuance of the investigation report, either the district or the complainant may request reconsideration of the decision. Within 60 days of receiving the request for reconsideration, CDE ~~must~~is required to respond in writing to the parties by either denying the request for reconsideration or modifying the investigative report.

Within 30 days of the date of CDE's investigation report, the district or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)

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Website	California Department of Education, Special Education

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6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
9000	Role Of The Board
9200	~~Limits Of Board Member Authority~~Limits Of Board Member Authority

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1995 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

CSBA NOTE: Education Code 56195.8 **mandates** districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided to students with ~~exceptional needs~~disabilities when no appropriate public education program is available to meet their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) ~~must~~is required to be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying administrative regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with ~~exceptional needs~~disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with ~~exceptional needs~~disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

CSBA NOTE: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A ~~must~~is required to verify that the NPS/A meets certification requirements. 5 CCR 3067 ~~allows~~authorizes the district to request, in writing, that the California Department of Education (CDE) review the certification status of an NPS/A.

Additionally, Education Code 56366.1 ~~also~~ requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with ~~exceptional needs~~disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1.

CSBA NOTE: Pursuant to Education Code 56366.1, an NPS/A that is certified or seeking certification is required to provide assurances to CDE that for any foster youth it serves, the NPS/A will serve as the school of origin of the foster youth and that the foster youth will be allowed to continue the foster youth's education in the school. For such purposes, "school of origin" includes placement in an NPS/A.

Additionally, the Superintendent or designee, such as the district's liaison for foster youth, shall verify that for any student served by an NPS/A who is a foster youth, the NPS/A agrees to serve as the school of origin of the foster youth and allow the foster youth to continue the foster youth's education in the NPS/A in accordance with Education Code 56366.1.

The Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

CSBA NOTE: Pursuant to Education Code 56366.45, within 14 days of becoming aware of any change to the certification status of an NPS/A, the district is required to notify parents/guardians of district students who attend the NPS/A of the change in certification status and include in that notice, a copy of procedural safeguards.

Within 14 days of becoming aware of any change to the certification status of an NPS/A, including, but not limited to, receiving notification of a determination to suspend or revoke the certification of the NPS/A pursuant to Education Code 56366.4, the district shall notify, through email or regular mail, the parents/guardians of any district student who attends the NPS/A of the change in certification status, which includes a copy of procedural safeguards. The district shall maintain a record of such notice and make the notice available for inspection upon request by the California Department of Education. (Education Code 56366.45)

No district student with ~~exceptional needs~~disabilities shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that the placement is appropriate for the student. (Education Code 56342.1)

CSBA NOTE: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts ~~then~~ pay to the NPS/A the full amount of the school tuition or the agency fees for participating students pursuant to the contract.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with ~~exceptional needs~~disabilities who are enrolled in programs or receiving services provided by the NPS/A pursuant to the contract. (Education Code 56365)

In accordance with law, any student with ~~exceptional needs~~disabilities placed in an NPS/A shall have all the rights and protections to which students with ~~exceptional needs~~disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with ~~exceptional needs~~disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

CSBA NOTE: The U.S. Department of Education's January 2025, "Secretary's letter on Restraint and Seclusion," reminds educators of their collective responsibility to ensure that all students are educated in learning environments that are safe, supportive, and responsive to their needs and encourages districts to provide educators opportunities to learn about and implement positive, proactive practices in schools and early childhood programs, including how to effectively support and respond to students' behavioral needs.

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

CSBA NOTE: The following optional paragraph may be modified to reflect district practice. Pursuant to Education Code 56366.1, the Superintendent of Public Instruction is required to take actions prior to certifying an NPS/A located outside of California, which, as amended by SB 373 (Ch. 579, Statutes of 2025), have been expanded. Additionally, Education Code 56366.1, as amended by SB 373, expands the requirements for districts related to monitoring visits of NPS/A located outside of California. For more information regarding certification of NPS/A, see the accompanying AR.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

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

State	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 97	Emotional disability; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=97&lawCode=EDC)
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31-51225.32	Graduation exemption for students with ~~exceptional needs~~disabilities (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=28.&chapter=2.&article=3.)
Ed. Code 56034-56035	~~Definitions of nonpublic~~Nonpublic, nonsectarian school and agency; definitions
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest
Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school

Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
Gov. Code 7570-7587	Interagency responsibilities for providing services to children with ~~exceptional needs~~disabilities
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court

Federal	**Description**
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.8	Emotional disturbance definition (https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/appendix-Appendix%20F%20to%20Part%20300)
34 CFR 300.129-300.148	Children with disabilities in private schools

Management Resources	**Description**
Court Decision	Agostini v. Felton (1997) ~~521 U.S. 203,~~ 117 S.Ct. 1997
U.S Department of Education Letter	Secretary's letter on Restraint and Seclusion, January 2025 (https://www.ed.gov/laws-and-policy/key-policy-letters/secretarys-letter-restraint-and-seclusion)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education
Website	California Department of Education, Guidance for LEA onsite visit to NPS (https://www.cde.ca.gov/sp/se/ds/npsleaonsitevisit.asp)

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests

6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

Regulation 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1995 **| Last Revised Date:** ~~03~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~03~~08/01/~~2025~~2026

CSBA NOTE: The following administrative regulation may be revised to reflect district practice and the procedures of the Special Education Local Plan Area in which the district participates.

Master Contract

CSBA NOTE: Education Code 56366 details the provisions that ~~must~~are required to be included in a master contract with nonpublic, nonsectarian schools or agencies (NPS/As) for the purpose of special education services.

Every master contract between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios

2. Transportation specified in a student's individualized education program (IEP)

   The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

3. Procedures for recordkeeping and documentation

4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student

5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP

6. A description of the process to be utilized by the district to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress

7. Procedures and responsibilities for attendance and unexcused absences

8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements

9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions

The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)

With mutual agreement of the district and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

At least once each year, the district shall: (Education Code 56366)

CSBA NOTE: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's accountability system. ~~See~~For more information regarding the responsibility to ensure accountability to the public for the performance of the district and each district school, see BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results

2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

CSBA NOTE: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in an NPS/A. (5 CCR 3069)

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

CSBA NOTE: Pursuant to Education Code 51225.31, districts are required to exempt an eligible student with ~~exceptional needs~~disabilities who entered the ninth grade in the 2022-23 school year or later, from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma.

Additionally, pursuant to Education Code 51225.32, ~~as added by SB 153 (Ch. 38, Statutes of 2024),~~ districts are authorized, until July 1, 2031, to extend such exemption and award a high school diploma to an eligible student with ~~exceptional needs~~disabilities who was enrolled in grade 10 or higher in the 2022-23 school year.

However, a student with ~~exceptional needs~~disabilities who entered the ninth grade in the 2022-23 school year or later shall be exempted from all coursework and other requirements adopted by the Governing Board that are in addition to the statewide course requirements for high school graduation, if the student's IEP meets the criteria specified in law and Board Policy 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities. (Education Code 51225.31)

Additionally, the Superintendent or designee may, until July 1, 2031, exempt a student with ~~exceptional needs~~disabilities who was enrolled in grade 10 or higher in the 2022-23 school year from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student meets the eligibility criteria specified in Education Code 51225.32.

Out-of-State Placements

CSBA NOTE: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Pursuant to Education Code 97, the term, "emotional disturbance," as defined in 34 CFR 300.8, may also be known as "emotional disability" under California state law.

Before contracting with an NPS/A outside California, the Superintendent or designee shall document the district's efforts to use public schools and/or to find an appropriate program offered by an NPS/A within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction (SPI) a report with information about the services provided by the out-of-state program, the costs of the special education and related services provided, and

the district's efforts to locate an appropriate public school or NPS/A within California. (Education Code 56365)

If the district decides to place a student with an NPS/A ~~outside the~~ out-of-state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

CSBA NOTE: Education Code 56366.1, requires the Superintendent of Public Instruction (SPI) to take actions prior to certifying an NPS/A located outside of California, which, as amended by SB 373 (Ch. 579, Statutes of 2025), have been expanded. Pursuant to Education Code 56366.1, as amended by SB 373, for an NPS/A located outside of California, the SPI is required to make available, upon request from a district or SELPA (1) information and documentation relating to the certification status of the NPS/A, (2) a summary of the SPI's findings supporting the determination, and (3) access to relevant documents used to support the determination, if available. Additionally, districts are required to disclose the information received to parent(s)/guardian(s) at the time the individualized education program (IEP) team considers placement of the student in an NPS/A.

For an NPS/A located outside of California, the district may request the SPI to make available information and documentation relating to the NPS/A's certification status, if available. The district shall disclose the information received, if available, to parent(s)/guardian(s) at the time the IEP considers placement of the student in an out-of-state NPS/A. (Education Code 56366.1)

On-Site Visits

CSBA NOTE: Education Code 56366.1 requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit ~~must~~are required to be reported to the California Department of Education (CDE) using criteria published by CDE.

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the NPS/A~~,~~ if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

1. A review of services provided to the student through the individual services agreement

2. A review of progress the student is making toward the goals set forth in the student's IEP

3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable

4. An observation of the student during instruction

5. A walkthrough of the facility

CSBA NOTE: Pursuant to Education Code 56366.1, as amended by SB 373, for a student placed in an NPS/A located outside of California, the district is required to conduct an in-person interview with the student, in a manner consistent with the student's IEP, to evaluate the student's health and safety.

6. For a student placed in an NPS/A located outside of California, an in-person interview with the student to evaluate the student's health and safety.

CSBA NOTE: Pursuant to Education Code 56366.1, as amended by SB 373, the district is required to report the findings resulting from the monitoring visit to CDE using the form, "Local Educational Agency Onsite Visit for Nonpublic School," available on CDE's website, within 60 calendar days of the onsite visit.

The district shall report the findings resulting from the monitoring visit to the California Department of Education, using the "Local Educational Agency Onsite Visit for Nonpublic School" form, within 60 calendar days of the on-site visit. (Education Code 56366.1)

CSBA NOTE: Pursuant to Education Code 56366.1, as amended by SB 373, districts are required to conduct a quarterly check-in with a student attending an NPS/A located outside of California through an unmonitored telephone call in a manner consistent with the student's IEP.

Additionally, the district shall conduct quarterly check-ins with any student attending an out-of-state NPS/A through an unmonitored telephone call in a manner consistent with the student's IEP. (Education Code 56366.1)

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State	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 97	Emotional disability; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=97&lawCode=EDC)
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31-51225.32	Graduation exemption for students with ~~exceptional needs~~disabilities

	(https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=28.&chapter=2.&article=3.)
Ed. Code 56034-56035	~~Definitions~~ ~~of~~ ~~nonpublic~~Nonpublic, nonsectarian school and agency; definitions
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest
Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school
Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
Gov. Code 7570-7587	Interagency responsibilities for providing services to children with ~~exceptional~~ ~~needs~~disabilities
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court

Federal	**Description**
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.8	Emotional disturbance definition (https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/appendix-Appendix%20F%20to%20Part%20300)
34 CFR 300.129-300.148	Children with disabilities in private schools

Management Resources	**Description**
Court Decision	Agostini v. Felton (1997) ~~521~~ ~~U.S.~~ ~~203,~~ 117 S.Ct. 1997

U.S Department of Education Letter	Secretary's letter on Restraint and Seclusion, January 2025 (https://www.ed.gov/laws-and-policy/key-policy-letters/secretarys-letter-restraint-and-seclusion)
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education
Website	California Department of Education, Guidance for LEA onsite visit to NPS (https://www.cde.ca.gov/sp/se/ds/npsleaonsitevisit.asp)

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
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5125	Student Records
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit

6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

Policy 6161.1: Selection And Evaluation Of Instructional Materials

Status: ADOPTED

Original Adopted Date: 11/01/2011 **| Last Revised Date:** ~~10~~08/01/~~2023~~2026 **| Last Reviewed Date:** ~~10~~08/01/~~2023~~2026

CSBA NOTE: Pursuant to Education Code 60200 and 60400, the Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. ~~See~~For selection of staff development materials and services, see BP 4131 – Staff Development (certificated staff), BP 4231 – Staff Development (classified staff), and BP 4331 – Staff Development (supervisory/managerial staff). For selection processes regarding supplementary books and materials, see BP 6161.11 - Supplementary Instructional Materials and BP 6163.1 - Library Media Centers ~~for selection processes regarding supplementary books and materials.~~.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. ~~In addition,~~ Additionally, pursuant to Education Code 60040.5, ~~as added by AB 1078 (Ch. 229, Statutes of 2023), requires~~ CDE ~~to issue, by July 1, 2025,~~has published guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant~~. Additionally,~~ , available on CDE's webpage, "Accurate and Inclusive Curriculum (AB 1078)." In addition, pursuant to Education Code 242, ~~as added by AB 1078, requires~~ CDE ~~to develop, by July 1, 2025,~~has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, accurately reflect and value society's diversity, stimulate thought~~,~~ and the exploration of ideas and intellectual exchanges, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades ~~K~~kindergarten-8 and may be revised to reflect the grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) ~~is required to adopt~~adopted basic instructional materials in specified subjects that districts may select for use in grades K-8. Education Code 60200 provides that SBE may adopt materials in any of the specified subject areas at least once, but not more than twice, every eight years. Education Code 60210 authorizes the Board to select materials that have not been approved by SBE, provided they are aligned with state academic content standards or Common Core State Standards.

"Guidance for Local Instructional Materials Adoptions," adopted by SBE, provides guidance for districts when identifying, reviewing, piloting, and adopting instructional materials in all content areas, including links to current legislation, sample timelines, support for student groups, and implementation considerations. Additional information regarding the adoption of instructional materials can be found in CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

Pursuant to Education Code 60205, as added by AB 1454 (Ch. 471, Statutes of 2025), SBE is required to adopt instructional materials for grades K-8 in English language arts and English language development that adhere to specified requirements. Upon the adoption of these instructional materials, SBE is required to update its, "Guidance for Local Instructional Materials Adoptions." Districts are required to follow this guidance and the processes described in Education Code 60002 for purposes of adopting instructional materials.

The Board shall select instructional materials for use in grades ~~K~~kindergarten-8 that have been approved by the State Board of Education (SBE) or that ~~have~~, during the district's review process, have been determined to be aligned with the state academic content standards adopted by SBE~~, which includes instructional materials for~~ . For mathematics and English language arts, only instructional materials that are aligned to Common Core State Standards shall be selected. (Education Code 60200, 60210)

CSBA NOTE: The following paragraph is for use by districts that maintain high schools.

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and the accompanying administrative regulation. (Education Code 60400)

CSBA NOTE: Pursuant to Education Code 244 and 51501, the Board is prohibited from adopting or approving the use of any textbook or other instructional material, or as amended by AB 715 (Ch. 428, Statutes of 2025), any staff development material, if such use would reflect adversely upon persons based on race or ethnicity, gender, religion, or other characteristics specified in Education Code 220 or would subject a student to unlawful discrimination pursuant to Education Code 220. Additionally, Education Code 51501, as amended by AB 715, requires that instructional materials adopted by the Board be factually accurate and meet other requirements as specified below.

Any instructional materials adopted by the Board shall be factually accurate and reflect the adopted curriculum and standards reflected in Education Code 60200, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship. (Education Code 51501)

The Board shall not adopt or approve any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

Additionally, the Board shall not adopt any textbook or other instructional material if it contains any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or any other characteristic listed in Education Code 220, or that violates Education Code 243, 244, 51500, or 60044. (Education Code 51501)

In selecting or adopting instructional materials, the Board shall consider the recommendation of the Superintendent or designee and/or an advisory committee established to review the materials.

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. (Education Code 52060)

CSBA NOTE: In addition to other federal and state law, Education Code 49091.10, 49091.14, 51101, and 51500 as amended by AB 715, require the district to ensure that parents/guardians have access to instructional materials and public records in a reasonable amount of time, as described below.

The Superintendent or designee shall ensure that parents/guardians have, within a reasonable amount of time, access to instructional materials in accordance with Board Policy and Administrative Regulation 5020 – Parent Rights and Responsibilities. (Education Code 49091.10, 49091.14, 51101, 51500)

Sufficiency of Instructional Materials and Public Hearing

CSBA NOTE: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts (including English language development), mathematics, science, and history-social science that are consistent with the content and cycles of the curriculum framework adopted by SBE. As clarified in CDE's "Instructional Materials FAQ," state funding sources for instructional materials include local control funding formula funds and Proposition 20 (2000) lottery funds. Pursuant to Education Code 60119, the Board ~~must~~is required to also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in world language and health courses, as well as the availability of science laboratory equipment in science laboratory courses.

Pursuant to Education Code 60010, "technology-based materials" include the electronic equipment required to make use of those materials, including, but not limited to, laptop computers and devices that provide Internet access. Thus, when districts provide technology-based materials to students, such equipment is subject to the determination of sufficiency pursuant to Education Code 60119.

Education Code 1240 requires the County Superintendent of Schools to review the textbooks and instructional materials of underperforming schools and, if the County Superintendent determines that a school does not have sufficient materials, to prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that CDE purchase textbooks or materials for the district, and the cost ~~must~~is required to be repaid by the district. CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials, including textbooks, technology-based materials, other educational materials, and tests. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, databases, and the electronic equipment required to make use of those materials by students and teachers as a learning resource. (Education Code 60010, 60119)

CSBA NOTE: Education Code 60119 specifies that the hearing ~~must~~is required to be held within eight weeks of the beginning of the school year. Pursuant to Education Code 60119, for a district that operates schools on a multitrack, year-round calendar, the timeline begins with the first day students attend school in any track that begins in August or September.

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board ~~encourages~~shall encourage participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

CSBA NOTE: Education Code 60119 requires the Board to adopt a resolution indicating whether each student in each school has sufficient standards-aligned textbooks or instructional materials for the subjects specified in Items #1-6 below. See the accompanying Exhibit for a sample resolution.

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks and/or other instructional materials that are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science
4. English language arts, including the English language development component of an adopted program
5. World language
6. Health

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades 9-12.

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks or other instructional materials to use in class and to take home. This does not require that each student have two sets of materials. However, materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

If materials are in a digital format, they shall be considered sufficient as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district, and has the ability to use and access them at home. (Education Code 60119)

CSBA NOTE: Pursuant to Education Code 60119, if the Board determines, by resolution, that there are insufficient textbooks or other instructional materials, the Board ~~must~~is required to take action to ensure that the materials are provided within two months of the beginning of the school year. Education Code 60119~~, as amended by AB 1078,~~ requires the Board to submit a copy of the resolution to the County Superintendent no later than three business days. CDE's, "Instructional Materials FAQ," states that, if a district has submitted purchase orders to the publisher to purchase materials to remedy the insufficiency, these materials should be received and made available to students by the end of the second month of the school year. Thus, districts are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies.

Pursuant to Education Code 1240, the County Superintendent conducts annual reviews of certain schools to determine, among other things, whether there are insufficient textbooks or instructional materials. Upon making such a determination, the County Superintendent is required to provide the district the opportunity to remedy the deficiency and ensure that the deficiency is remedied no later than the second month of the school term. If the deficiency is not remedied, Education Code 1240 requires the County Superintendent to request CDE to purchase the textbooks or instructional materials, the cost of which ~~must~~is required to be repaid by the district. CDE will issue a public statement at an SBE meeting indicating the Superintendent's and Board's failure to provide instructional materials. Additionally, Education Code 1240~~, as amended by AB 1078,~~ requires the County Superintendent to take the actions specified above when the County Superintendent determines that there are insufficient textbooks or instructional materials based on (1) the Board's resolution, (2) the district's quarterly complaints report provided to the County Superintendent in accordance with Education Code 35186, or (3) an audit exception found in accordance with Education Code 41020.

Pursuant to Education Code 60150, ~~as added by AB 1078,~~ if the Superintendent of Public Instruction (SPI) finds that a district has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, pursuant to Education Code 60151, if corrective action is not taken by the district within 60 days, the SPI will assess a financial penalty ~~against the district's local control funding formula allocation~~, the calculation of which is specified in Education Code 60151, amended by AB 121 (Ch. 8, Statutes of 2025) and may be subject to other corrective action as specified in Education Code 60151.

If the Board determines that there are insufficient textbooks or other instructional materials, the Board shall, by resolution, provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall submit a copy of the resolution to the County Superintendent of Schools no later than three business days after the hearing. The Board shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

~~In addition~~Additionally, if the County Superintendent, in accordance with Education Code 1240, makes the district aware of a school that does not have sufficient textbooks or instructional materials, the district shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year.

Prohibition Against Refusal to Approve or Prohibit the Use of Specified Instructional Materials

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

Pursuant to Education Code 242, ~~as added by AB 1078, requires~~ CDE ~~to develop, by July 1, 2025,~~has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, available on its website.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Investigations, Complaints, and Opt-Outs

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the Board is required to investigate and remediate any violation of Education Code 220 as specified below.

If the Board knows or has reason to know that materials were used in a classroom or an action occurred that violated Education Code 220, the Board shall investigate and remediate the action, which may include, but is not limited to, the implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243~~, as added by AB 1078,~~ or 244 related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the SPI. Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

Complaints concerning instructional materials shall be handled in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials, Board Policy 1312.3 - Uniform Complaint Procedures, or Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures, as applicable.

CSBA NOTE: Federal and State law require districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

Any request by a parent/guardian to opt a student out of specified instructional content shall be handled in accordance with Board Policy 5020 – Parent Rights and Responsibilities and Board Policy and Administrative Regulation 6141.2 - Recognition of Religious Beliefs and Customs.

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

State	Description
5 CCR 9505-9530	Instructional materials (https://shared-govt.westlaw.com/calregs/Index?transitionType=Default&contextData=%28sc.Default%29)
Ed. Code 1240	County Superintendent of Schools; duties
Ed. Code 18111	Exclusion of books by Governing Board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code 242	Access to information about educational laws and policies regarding right to accurate and inclusive curriculum
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244.&lawCode=EDC)

Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 33803.2-33803.5	Discrimination prevention coordinators (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=5.&part=20.&lawCode=EDC&title=2.)
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Teacher enforcement of course of studies; use of textbooks, rules, and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.10	Parental right to inspect instructional materials and observe school activities (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49091.10.&lawCode=EDC)
Ed. Code 49091.14	Parent/guardian review of curriculum (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49091.14.&lawCode=EDC)
Ed. Code 49415	Maximum textbook weight standards
Ed. Code 51101	Parents Rights Act of 2002 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51101.&lawCode=EDC)
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity; discriminatory bias (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51500.&lawCode=EDC)
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers

Ed. Code 60070-60076	Prohibited acts regarding instructional materials
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials
Ed. Code 60151	Approval of instructional materials that subject students to unlawful discrimination; corrective actions and financial penalty (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60151&lawCode=EDC)
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
H&S Code 11032	Narcotics, restricted dangerous drugs, and marijuana; definitions

Management Resources	**Description**
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. 522 (https://www.supremecourt.gov/opinions/opinions.aspx)
State Board of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024 (https://www.cde.ca.gov/ci/cr/cf/glima.asp)
~~California Department of Education Publication~~	~~Guidelines for Piloting Textbooks and Instructional Materials, Policy # 01-05, rev. January 2015~~
California Department of Education Publication	Instructional Materials, FAQ
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)

CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
Website	CSBA District and County Office of Education Legal Services
Website	Association of American Publishers
Website	California Academic Content Standards Commission, Common Core State Standards
Website	Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0440	District Technology Plan
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan

1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3220.1	Lottery Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
4131	Staff Development
4136	Nonschool Employment
4143	Negotiations/Consultation
4231	Staff Development
4236	Nonschool Employment
4243	Negotiations/Consultation
4331	Staff Development
4336	Nonschool Employment
5020	Parent Rights And Responsibilities

5020	Parent Rights And Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition of Religious Beliefs and Customs
6141.2	Recognition of Religious Beliefs and Customs
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.6	Visual And Performing Arts Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6162.5	Student Assessment
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6170.1	Transitional Kindergarten

6171	Title I Programs
6171	Title I Programs
6174	Education For English Learners
6174	Education For English Learners
6190	Evaluation Of The Instructional Program
9000	Role Of The Board
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9322	Agenda/Meeting Materials

Regulation 6161.1: Selection And Evaluation Of Instructional Materials **Status:** ADOPTED

Original Adopted Date: 11/01/2010 **| Last Revised Date:** ~~10~~08/01/~~2023~~2026 **| Last Reviewed Date:** ~~10~~08/01/~~2023~~2026

Review Process

CSBA NOTE: The following ~~section~~administrative regulation may be revised to reflect district practice.

Pursuant to Education Code 60002, the district ~~must~~is required to provide for "substantial" teacher involvement in the selection of instructional materials and ~~must~~ promote the involvement of parents/guardians and other members of the community in the selection of instructional materials. The Education Code does not define "substantial." The State Board of Education's (SBE), "Guidance for Local Instructional Materials Adoptions," recommends that teachers participating in the selection process have experience and expertise in the target content area, and that educators with experience and expertise with English learner students, students with disabilities, advanced learners, parents/guardians, and other groups of students requiring specialized instruction be included.

The district's review process for evaluating instructional materials shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members in accordance with Education Code 60002. ~~The~~Additionally, the review process may ~~also~~ involve administrators, other staff who have subject-matter expertise, and students as appropriate. The Superintendent or designee shall seek input from stakeholders with diverse backgrounds and perspectives.

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades ~~K~~kindergarten-8.

If the district is considering the use of instructional materials for grades ~~K~~kindergarten-8 that have not been adopted by the State Board of Education (SBE), the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)

CSBA NOTE: The following ~~paragraph is optional. The use of review committees is recommended as a best~~paragraphs should be revised to reflect district practice~~, but is~~ or deleted if the district does not ~~required by law~~have an advisory committee to conduct the review of instructional materials.

The Superintendent or designee may establish an advisory committee to conduct the review of instructional materials.

The Superintendent or designee shall present to the Governing Board recommendations for instructional materials and documentation that supports the recommendations.

All recommended instructional materials shall be available for public inspection at the district office.

CSBA NOTE: ~~The State Board of Education's (SBE) policy,~~ ~~"Guidelines~~SBE's, "Guidance for ~~Piloting Textbooks and~~Local Instructional Materials Adoptions," provides a sample process for piloting instructional materials that addresses the selection of materials to pilot, a chronology of the process, and additional considerations, such as ~~conflict of interest~~engaging interested parties, incorporating digital resources and tools, contacts with publishers, and consideration of standards maps.

When possible, the district may pilot instructional materials in a representative sample of classrooms for a specified period of time during a school year, in order to determine the extent to which the materials support the district's curricular goals and academic standards, and accurately reflect and value society's diversity. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Criteria for Selection and Adoption of Instructional Materials

In recommending instructional materials for adoption by the Board, the Superintendent or designee shall ensure that the materials:

CSBA NOTE: ~~The~~SBE's, "Guidance for Local Instructional Materials Adoptions," and information on the California Department of ~~Education~~Education's (CDE) ~~provides~~website, provide guidance~~, available on its website,~~ for the selection of instructional materials that are not adopted by SBE, which includes that districts develop an evaluation instrument that reflects local and state criteria and concerns.

1. Are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE

   For grades K-8, only instructional materials on the list of materials adopted by SBE and/or other instructional materials that have not been adopted by SBE but are aligned with the state academic content standards or the Common Core State Standards may be recommended for selection. (Education Code 60200, 60210)

   CSBA NOTE: The following optional paragraph is for use by districts offering any of grades 9-12 and may be revised to reflect district practice CDE provides standards map templates, available on its website, for reference in determining alignment of instructional materials for grades 9-12 core courses.

   For grades 9-12, instructional materials in history-social science, mathematics, English/language arts, and science shall be reviewed using a standards map in order to determine the extent to which the materials are aligned to state academic content standards.

   CSBA NOTE: Pursuant to Education Code 51501, the Governing Board is prohibited from adopting any textbooks or other instructional materials that contain any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or any other characteristic listed in Education Code 220, or as amended by AB 715 (Ch. 428, Statutes of 2025), that violates Education Code 243, 244, 51500, or 60044.

2. Do not discriminate against or reflect adversely upon persons because of any characteristic ~~specified in law~~as defined by Education Code 51501 and Board Policy 0410 - Nondiscrimination in District Programs and Activities, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 220, 243, 244, 51500, 51501, 60044)

CSBA NOTE: Pursuant to Education Code 51501, as amended by AB 715, instructional materials adopted by the Board are required to be factually accurate and reflect the adopted curriculum and standards as described in Education Code 60200, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship.

3. Instructional materials shall be factually accurate and reflect the adopted curriculum and standards as described in Education Code 60200, and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship (Education Code 51501)

~~3.~~ 4. To the satisfaction of the Board, are accurate, objective, current, and suited to the differing needs and comprehension of district students at their respective grade levels (Education Code 60045)

~~4.~~ 5. With the exception of literature and tradebooks, use proper grammar and spelling (Education Code 60045)

CSBA NOTE: Education Code 60048 and 60200 require that the Board not adopt basic instructional materials that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo, unless it makes specific findings that the use has an educational purpose or is incidental to the general nature of an illustration, as provided in Item #5 below. SBE's publication, "Standards for Evaluating Instructional Materials for Social Content," details standards for the use of brand names and corporate logos in instructional materials.

~~5.~~ 6. Do not expose students to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)

a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by SBE

b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration

CSBA NOTE: Education Code 60040-60043 ~~require~~requires that certain subject matter be included in the district's instructional materials, as specified below. Pursuant to Education Code 60040, ~~as amended by AB 1078 (Ch. 229, Statutes of 2023), expands~~ the accurate portrayal of society's cultural and racial diversity is required to include the contributions of all genders ~~(formerly "men and women"),~~ Latino Americans ~~(formerly "Mexican Americans"), LGBTQ Americans (formerly "~~ lesbian, gay, bisexual, ~~and~~ transgender, and questioning (LGBTQ+) Americans~~"),~~ and members of other ethnic, cultural, religious, and socioeconomic status groups ~~(formerly "ethnic and cultural").~~ The complete list required by Education Code

60040~~, as amended by AB 1078,~~ is reflected below.

Additionally, pursuant to Education Code 60040.5, ~~as added by AB 1078, CDE is required to issue, by July 1, 2025,~~CDE has published guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant~~.~~, available on CDE's webpage, "Accurate and Inclusive Curriculum (AB 1078)."

~~6.~~ 7. Meet the requirements of Education Code 60040-60043 for specific subject content, including, but not limited to:

a. Accurately portraying society's cultural and racial diversity, including:

i. The contributions of all genders in all types of roles, including professional, vocational, and executive roles

ii. The role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic groups to the total development of California and the United States

iii. The role and contributions of the entrepreneur and labor in the total development of California and the United States

b. Accurately portraying humanity's place in ecological systems and the necessity for the protection of the environment

c. Accurately portraying the effects on the human system of the use of tobacco, alcohol, and narcotics, and restricted dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances

d. Encouraging thrift, fire prevention, and the humane treatment of animals and people

e. Requiring, when appropriate to the comprehension of students, that textbooks for social science, history, or civics classes contain the Declaration of Independence and the United States Constitution

CSBA NOTE: Items #~~7-14~~8-15 below ~~are optional and~~ may be revised to reflect district practice. The district may choose to develop subject-specific criteria as well as general criteria.

~~7.~~ 8. Support the district's adopted courses of study and curricular goals, including the district's local control and accountability plan

~~8.~~ 9. Contribute to a comprehensive, balanced curriculum

~~9.~~ 10. Demonstrate reliable quality of scholarship as evidenced by:

a. Accurate, up-to-date, and well-documented information

b. Objective presentation of diverse viewpoints

c. Clear, concise writing and appropriate vocabulary

d. Thorough treatment of subject matter

~~10.~~ 11. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels

~~11.~~ 12. Stimulate discussion of contemporary issues, exploration of ideas, and intellectual exchanges, and improve students' thinking and decision-making skills

~~12.~~ 13. As appropriate, have corresponding versions available in languages other than English

~~13.~~ 14. Include high-quality teacher's guides

CSBA NOTE: 5 CCR 9517.2 sets the following maximum weight standards for each student textbook: three pounds for grades K-4, four pounds for grades 5-8, and five pounds for grades 9-12. 5 CCR 9517.2 requires publishers submitting textbooks to SBE that exceed those weight standards to provide lighter weight alternatives, such as split volumes or electronic editions, soft cover editions, or other alternate physical formats. For materials for grades 9-12, publishers ~~must~~are required to disclose the availability of lighter weight alternatives. Item #~~14~~15 below includes textbook weight as one of the criteria for Board consideration.

~~14.~~ 15. When available, include options for lighter weight materials, including materials in digital format, in order to help minimize any injury to students by the combined weight of instructional materials

CSBA NOTE: The following section may be revised to reflect district priorities related to strategic use of technology to support students. Items #4-8 reflect additional criteria contained in SBE's, "Guidance for Local Instructional Materials Adoptions."

In addition to meeting the above criteria as applicable, technology-based materials shall:

1. Be both available and comparable to other, equivalent instructional materials (Education Code 60052)

2. Be accessible to all students, including economically disadvantaged students, students with disabilities, and English learners

3. Protect the privacy of student data

4. Promote active student engagement in the learning process

5. Nurture opportunities for ongoing collaboration

6. Build on prior knowledge to reinforce essential skills, such as executive functioning, critical thinking and reasoning, creativity, communication, cross-cultural understanding, and decision-making

7. Provide means of authentically connecting students' learning to the world beyond their physical learning environment

8. Foster student agency to set personal learning goals and plans and continuously monitor and evaluate their own progress

Conflict of Interest

CSBA NOTE: The following ~~optional~~ section is for use by districts that choose to require individuals who will participate in the review process to first complete a disclosure statement which provides an opportunity to disclose any conflict of interest or appearance of conflict of interest.

To ensure integrity in the evaluation and selection of instructional materials, individuals who are participating in the evaluation of instructional materials and are not otherwise designated in the district's conflict of interest code shall sign a disclosure statement indicating that they:

CSBA NOTE: Education Code 60061 provides criteria and/or limitations for publishers to follow when establishing the cost of the materials being furnished~~; see CDE's website for~~. For a price list of adopted instructional materials, see CDE's website. Additionally, Education Code 60071 forbids publishers from offering "valuable thing(s)" to school officials for the purpose of influencing the purchase of instructional materials.

1. Will not accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

   Sample copies of instructional materials are excepted from this prohibition (Education Code 60075)

   CSBA NOTE: Items # 2-43 below ~~are optional and~~ should be ~~modified~~revised to reflect district practice.

2. Are not employed by nor receive compensation from the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it

3. Do not have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

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

State	Description
5 CCR 9505-9530	Instructional materials (https://shared-govt.westlaw.com/calregs/Index?transitionType=Default&contextData=%28sc.Default%29)
Ed. Code 1240	County Superintendent of Schools; duties
Ed. Code 18111	Exclusion of books by Governing Board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code 242	Access to information about educational laws and policies regarding right to accurate and inclusive curriculum
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244.&lawCode=EDC)
Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 33803.2-33803.5	Discrimination prevention coordinators (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=5.&part=20.&lawCode=EDC&title=2.)
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Teacher enforcement of course of studies; use of textbooks, rules, and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.10	Parental right to inspect instructional materials and observe school activities (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49091.10.&lawCode=EDC)
Ed. Code 49091.14	Parent/guardian review of curriculum (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49091.14.&lawCode=EDC)

Ed. Code 49415	Maximum textbook weight standards
Ed. Code 51101	Parents Rights Act of 2002 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51101.&lawCode=EDC)
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity; discriminatory bias (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51500.&lawCode=EDC)
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60070-60076	Prohibited acts regarding instructional materials
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials
Ed. Code 60151	Approval of instructional materials that subject students to unlawful discrimination; corrective actions and financial penalty (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60151&lawCode=EDC)
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards

H&S Code 11032	Narcotics, restricted dangerous drugs, and marijuana; definitions

Management Resources	**Description**
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. 522 (https://www.supremecourt.gov/opinions/opinions.aspx)
State Board of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024 (https://www.cde.ca.gov/ci/cr/cf/glima.asp)
~~California Department of Education Publication~~	~~Guidelines for Piloting Textbooks and Instructional Materials, Policy # 01-05, rev. January 2015~~
California Department of Education Publication	Instructional Materials, FAQ
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
Website	CSBA District and County Office of Education Legal Services
Website	Association of American Publishers

Website	California Academic Content Standards Commission, Common Core State Standards
Website	Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0440	District Technology Plan
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools

3220.1	Lottery Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
4131	Staff Development
4136	Nonschool Employment
4143	Negotiations/Consultation
4231	Staff Development
4236	Nonschool Employment
4243	Negotiations/Consultation
4331	Staff Development
4336	Nonschool Employment
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition of Religious Beliefs and Customs
6141.2	Recognition of Religious Beliefs and Customs
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.6	Visual And Performing Arts Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education

6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6162.5	Student Assessment
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6174	Education For English Learners
6174	Education For English Learners
6190	Evaluation Of The Instructional Program
9000	Role Of The Board
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9322	Agenda/Meeting Materials

Exhibit 6161.1-E(1): Selection And Evaluation Of Instructional Materials

Status: ADOPTED

Original Adopted Date: 11/01/2012 **| Last Revised Date:** ~~10~~08/01/~~2023~~2026 **| Last Reviewed Date:** ~~10~~08/01/~~2023~~2026

RESOLUTION ON SUFFICIENCY OF INSTRUCTIONAL MATERIALS

CSBA NOTE: Education Code 60119 requires that the Governing Board hold an annual public hearing regarding the sufficiency of textbooks or other instructional materials and determine, through a resolution, whether each student has sufficient materials; see the accompanying Board policy. "Sufficient textbooks or instructional materials," as defined in Education Code 60119, means that each student in the district, including each English learner, has a standards-aligned textbook or instructional materials, which may include technology-based materials, to use in class and to take home.

The following sample resolution is based on the 2008 sample resolution developed by the California Department of Education (CDE) but has been updated to reflect current law. This resolution may be used to certify compliance with Education Code 60119.

Whereas, the Governing Board of the *(name of school district)*, in accordance with the requirements of Education Code 60119, held a public hearing on ~~(~~*date)*, at *(time)*, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

Whereas, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing detailed the extent to which sufficient textbooks or other instructional materials were provided to all students, including English learners, in the *(name of school district)*, and;

Whereas, the definition of sufficient textbooks or instructional materials means that each student, including each English learner, has standards-aligned textbooks and/or instructional materials to use in class and to take home, which may include materials in a digital format as long as each student, at a minimum, has and can access the same materials in the class and at home as other students in the same class or course in the district, but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

Whereas, textbooks or instructional materials in core curriculum subjects should be aligned with state academic content standards and/or the Common Core State Standards adopted by the State Board of Education.

Finding of Sufficient Textbooks or Instructional Materials

CSBA NOTE: The following section should be used to list the schools and subjects for which the district has provided "sufficient" materials. Survey forms are available on CDE's website which may be used as a self-study and county office validation tool for grades K-12.

Therefore, be it resolved, for the *(year)* school year, the *(name of school district)*, sufficient standards-aligned textbooks or other instructional materials that are consistent with the cycles and content of the curriculum frameworks were provided to each student, including each English learner, at the following schools in the following subjects:

CSBA NOTE: To provide complete information about the basis for the Board's determination of sufficiency, the district may wish to include the names of the textbooks or instructional materials provided to students, as well as the applicable state adoption cycle.

- Mathematics: (List adopted textbooks or instructional materials for this subject for each school as well as applicable state adoption cycle.)
  _____
  _____

- Science: (List adopted textbooks or instructional materials for this subject for each school as well as applicable state adoption cycle.)
  _____
  _____

- History-social science: (List adopted textbooks or instructional materials for this subject for each school as well as applicable state adoption cycle.)
  _____
  _____

- English language arts, including the English language development component of an adopted program: (List adopted textbooks or instructional materials for this subject for each school as well as applicable state adoption cycle.)
  _____
  _____

- World language: (List adopted textbooks or instructional materials for this subject for each school as well as applicable state adoption cycle.)
  _____
  _____

- Health: (List adopted textbooks or instructional materials for this subject for each school as well as applicable state adoption cycle.)
  _____
  _____

  _____
  _____

Finding of Insufficient Textbooks or Instructional Materials in One or More Subjects

CSBA NOTE: In addition to the section above, the following section should be used to list the schools and subjects for which the district has not provided "sufficient" materials, and should be deleted by districts when there is not a finding of insufficient materials in a particular year. Education Code 60119 requires that, for each school for which an insufficiency exists, the Board's resolution ~~include~~includes the percentage of students at each grade level who lack sufficient materials in each of the subject areas listed below, and ~~include~~ the reason that each student does not have sufficient textbooks and/or instructional materials. For more information regarding the actions the Board is required to take upon a finding of "insufficient materials," and potential consequences for not remedying the deficiency as required by law, see ~~the section~~ "Sufficiency of Instructional Materials and Public Hearing" in the accompanying Board policy.

Be it further resolved, for the *(year)* school year, the *(name of school district)*, insufficient standards-aligned textbooks or other instructional materials were provided to students at the following schools in the following subjects:

- Mathematics: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)
  _____
  _____

- Science: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)
  _____
  _____

- History-social science: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)
  _____
  _____

- English language arts, including the English language development component of an adopted program: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)
  _____
  _____

- World language: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)
  _____
  _____

- Health: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)
  _____
  _____

  _____
  _____

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient standards-aligned textbooks or other instructional materials in all subjects that are consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. (List actions to be taken to resolve insufficiency.)
_____
_____
_____

Finding of Available Science Laboratory Equipment for Grades 9-12

CSBA NOTE: The following optional section is for use by districts that maintain grades 9-12. It should be used to list the science laboratory courses offered in grades 9-12 and whether science laboratory equipment is available for these courses.

Be it further resolved, laboratory science equipment was available or was not available for science laboratory courses offered in grades 9-12, inclusive, as indicated below:

- Available: (List all science laboratory courses offered in grades 9-12 for which science laboratory equipment was available.)
  _____
  _____

- Not Available: (List all science laboratory courses offered in grades 9-12 for which science laboratory equipment was not available.)
  _____
  _____

CSBA NOTE: Education Code 60119~~, as amended by AB 1078 (Ch. 229, Statutes of 2023),~~ requires the Board, upon a determination of insufficient textbooks or instructional materials, to submit a copy of the resolution making such a determination to the County Superintendent of Schools within three business days after the public hearing regarding the sufficiency of textbooks or other instructional materials. This section should be included in the resolution for every district.

Be it further resolved, that the Superintendent or designee, on behalf of the Board, shall submit a copy of this resolution to the County Superintendent of Schools within three business days of the hearing.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES:_____ NOES:_____ ABSENT:_____

Attest:

_____, Secretary

_____, President

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State	Description
5 CCR 9505-9530	Instructional materials (https://shared-govt.westlaw.com/calregs/Index?transitionType=Default&contextData=%28sc.Default%29)
Ed. Code 1240	County Superintendent of Schools; duties
Ed. Code 18111	Exclusion of books by Governing Board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code 242	Access to information about educational laws and policies regarding right to accurate and inclusive curriculum
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244.&lawCode=EDC)
Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 33803.2-33803.5	Discrimination prevention coordinators (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=5.&part=20.&lawCode=EDC&title=2.)
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Teacher enforcement of course of studies; use of textbooks, rules, and regulations
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.10	Parental right to inspect instructional materials and observe school activities

	(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49091.10.&lawCode=EDC)
Ed. Code 49091.14	Parent/guardian review of curriculum (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49091.14.&lawCode=EDC)
Ed. Code 49415	Maximum textbook weight standards
Ed. Code 51101	Parents Rights Act of 2002 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51101.&lawCode=EDC)
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity; discriminatory bias (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51500.&lawCode=EDC)
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Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60070-60076	Prohibited acts regarding instructional materials
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials
Ed. Code 60151	Approval of instructional materials that subject students to unlawful discrimination; corrective actions and financial penalty (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60151&lawCode=EDC)
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	Instructional materials; high schools

Ed. Code 60510-60511	Donation or sale of obsolete instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
H&S Code 11032	Narcotics, restricted dangerous drugs, and marijuana; definitions

Management Resources	**Description**
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. 522 (https://www.supremecourt.gov/opinions/opinions.aspx)
State Board of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024 (https://www.cde.ca.gov/ci/cr/cf/glima.asp)
~~California Department of Education Publication~~	~~Guidelines for Piloting Textbooks and Instructional Materials, Policy # 01-05, rev. January 2015~~
California Department of Education Publication	Instructional Materials, FAQ
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024

	(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
Website	CSBA District and County Office of Education Legal Services
Website	Association of American Publishers
Website	California Academic Content Standards Commission, Common Core State Standards
Website	Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0440	District Technology Plan
0441	Artificial Intelligence
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1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
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Policy 6161.11: Supplementary Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 **| Last Revised Date:** ~~10~~08/01/~~2023~~2026 **| Last Reviewed Date:** ~~10~~08/01/~~2023~~2026

CSBA NOTE: The following optional policy addresses the selection of instructional materials that are used to supplement the basic textbooks and other instructional materials adopted by the Governing Board for use in grades ~~K~~kindergarten-8 pursuant to Education Code 60200 or for grades 9-12 pursuant to Education Code 60400, and may be revised to reflect district practice. See BP/AR 6161.1 - Selection and Evaluation of Instructional Materials for requirements pertaining to the selection of those basic instructional materials.

The State Board of Education's, "Guidance for Local Instructional Materials Adoptions," provides guidance for districts when identifying, reviewing, piloting, and adopting instructional materials in all content areas, including links to current legislation, sample timelines, support for student groups, and implementation considerations. Additional information regarding the adoption of instructional materials can be found in CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

The Governing Board encourages the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.

Supplementary instructional materials include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

1. To provide more complete coverage of one or more subjects included in a given course

2. To meet the various learning ability levels of students in a given age group or grade level

3. To meet the diverse educational needs of students with a language disability in a given age group or grade level

4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism

5. To use current, relevant technology that further engages interactive learning in the classroom and beyond

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

CSBA NOTE: In *McCarthy v. Fletcher*, a California appellate court clarified that the Board may exclude materials from classroom teaching because they are educationally unsuitable and unrelated to the goals specified in Education Code 233.5, but not simply because the materials contain ideas to which Board or community members object.

Education Code 243~~, as added by AB 1078 (Ch. 229, Statutes of 2023),~~ clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any supplemental instructional material or (2) prohibit the use of any supplemental instructional material. The Board may not refuse to approve the use of any supplemental instructional material on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit the use of any supplemental instructional material on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

In addition, Education Code 244 provides that the Board is prohibited from adopting or approving the use of any supplemental instructional material if the use of the supplemental instructional material would subject a student to unlawful discrimination pursuant to Education Code 220.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. ~~In addition,~~Pursuant to Education Code 60040.5, ~~as added by AB 1078, requires~~ CDE ~~to issue, no later than July 1, 2025,~~has published guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant~~.~~, available on CDE's webpage, "Accurate and Inclusive Curriculum (AB 1078)." Additionally, pursuant to Education Code 242, ~~as added by AB 1078, requires~~ CDE ~~to develop, by July 1, 2025,~~has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The use of any supplemental instructional material shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

The use of any supplemental instructional material shall not be adopted by the Board or district if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials.

Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with

federal copyright law.

Appropriateness of Materials

CSBA NOTE: The following optional section may be revised to reflect district practice, including any district criteria for the appropriateness of supplementary instructional materials and/or circumstances under which materials should be submitted to the principal or other designee for review prior to their use ~~(e.g.,~~ such as when materials relate to controversial issues or are presented in a controversial manner or context, ~~such as~~for example when materials contain nudity, sexual content, graphic violence, or extensive profanity~~). The district~~. It is ~~encouraged to~~ recommended that districts with questions regarding adoption criteria consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~prior to adopting such criteria or processes or when banning films, electronic resources, or other materials solely on the basis of industry ratings.~~.

Whenever a district employee proposes to use a supplementary resource which is not included in the approved learning resources of the district, the employee shall preview the material to determine whether, in the employee's professional judgment, it is appropriate for the grade level taught and is consistent with district criteria for the selection of supplementary instructional materials.

The employee shall confer with the Superintendent or designee as necessary to determine the compliance of the material with district criteria. The primary considerations should be the educational value, factual accuracy, appropriateness, including whether the material contains pervasive vulgarity or profanity, and relevance of the materials, as well as the ages and maturity of the students.

The Superintendent or designee may provide training to administrators and teachers in the selection and evaluation of supplementary instructional materials, including the criteria to be utilized and applicable legal considerations.

Investigations, Complaints, and Opt-Outs

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715 (Ch. 428, Statutes of 2025), if the Board knows or has reason to know that materials were used in a classroom or an action occurred that violated Education Code 220, the Board is required to investigate and remediate the action.

If the Board knows or has reason to know that materials were used in a classroom or an action occurred that violated Education Code 220, the Board shall investigate and remediate the action, which may include, but is not limited to, the implementation of restorative justice practices. (Education Code 244)

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243~~, as added by AB 1078,~~ or 244 related to the use or prohibited use of any supplemental instructional material as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting

for an investigation by the district. ~~See~~For more information regarding uniform complaint procedures, see BP/AR 1312.3 - Uniform Complaint Procedures.

Pursuant to Education Code 60151, if corrective action is not taken by the district within 60 days, the SPI will assess a financial penalty, the calculation of which is specified in Education Code 60151, amended by AB 121 (Ch. 8, Statutes of 2025) and may be subject to other corrective action as specified in Education Code 60151.

Complaints concerning supplemental instructional materials shall be handled in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials and Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

CSBA NOTE: Federal and State law require districts to provide parents/guardians notice and the opportunity to opt their students out of certain instruction, in some instances only based on religious beliefs and in other instances for any basis. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when determining the instructional content for which parents/guardians may opt their students out, creating opt-out procedures, and evaluating opt-out requests.

Any requests by a parent/guardian to opt a student out of specified instructional content shall be handled in accordance with Board Policy 5020 – Parent Rights and Responsibilities and Board Policy/Administrative Regulation 6141.2 - Recognition of Religious Beliefs and Customs.

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

State	**Description**
5 CCR 4600-4670	Uniform complaint procedures (https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I344559C04C6911EC93A8000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))
Ed. Code 18111	Exclusion of books by Governing ~~board~~Board that are sectarian, partisan, or denominational character
Ed. Code 220	Prohibition of discrimination
Ed. Code 233.5	Teaching of principles
Ed. Code 242	Access to information about educational laws and policies regarding right to accurate and inclusive curriculum
Ed. Code 243	Prohibition of discrimination; instructional materials
Ed. Code 244	Prohibition of discrimination; instructional materials (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=244&lawCode=EDC)

Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 51510	Prohibited study or supplemental materials
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51933	Sexual health education and HIV prevention materials
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60151	Approval of instructional materials that subject students to unlawful discrimination; corrective actions and financial penalty (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=60151.&lawCode=EDC)
Ed. Code 60200-60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
~~Ed. Code 60811.3~~	~~English language development standards~~
Management Resources	**Description**
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. 522 (https://www.supremecourt.gov/opinions/opinions.aspx)
Court Decision	Fowler v. Board of Education of Lincoln County (1987) 819 F.2d 657
Court Decision	McCarthy v. Fletcher (1989) 207 Cal. App. 3d 130
State Board of Education Publication	Guidance for Local Instructional Materials Adoption, March 2024

	(https://www.cde.ca.gov/ci/cr/cf/glima.asp)
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
Website	CSBA District and County Office of Education Legal Services
Website	Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
1260	Educational Foundation

1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
4132	Publication Or Creation Of Materials
4232	Publication Or Creation Of Materials
4332	Publication Or Creation Of Materials
5020	Parent Rights and Responsibilities
5020	Parent Rights and Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction

6142.2	World Language Instruction
6142.2	World Language Instruction
6142.6	Visual And Performing Arts Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6174	Education For English Learners
6174	Education For English Learners

Policy 6163.1: Library Media Centers

Status: ADOPTED

Original Adopted Date: 03/01/2011 **| Last Revised Date:** ~~10~~08/01/~~2023~~2026 **| Last Reviewed Date:** ~~10~~08/01/~~2023~~2026

CSBA NOTE: Education Code 18100 requires the Governing Board to provide library services for students and teachers by maintaining school libraries or contracting with another public agency. The following ~~optional~~ policy is intended for use by districts that maintain their own school libraries, but may be modified to meet the needs of districts that enter into an arrangement to receive services from either a county or city library pursuant to Education Code 18130 or 18134~~; also~~. For more information regarding the establishment of formal agreements with public or private entities to jointly use school or community facilities, see BP 1330.1 - Joint Use Agreements.

The State Board of Education (SBE) has adopted model program standards for school libraries which describe (1) school library standards for students that delineate what students should know and be able to do at each grade level ~~(see section~~, as described in "Library Instruction," below~~)~~, and (2) school library program standards that describe staffing, access, resources, and infrastructure, including technology, recommended for effective school library programs. The following policy may be modified to reflect state program standards that the district chooses to implement.

The Governing Board recognizes that school libraries support the educational program by providing access to a variety of informational and supplemental resources that can inspire a love of reading, stimulate thought, the exploration of ideas and intellectual exchanges, and contribute to the academic achievement of all students. The Board desires that school libraries be stocked with up-to-date books, reference materials, and electronic resources that promote literacy, support academic standards, contain a broad spectrum of knowledge and viewpoints, accurately reflect and value society's diversity, and prepare students to become lifelong learners.

~~CSBA NOTE: The following optional paragraph may be revised to reflect district practice.~~

The Superintendent or designee may, in consultation with teacher librarians, classroom teachers, administrators, parents/guardians, and students as appropriate, develop and regularly update a plan for school libraries that describes the district's goals for school libraries and the distribution of funds to school sites to support libraries. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, the development and maintenance of classroom libraries, prevention of loss or damage of library materials, prioritization of needs, and other related matters. The Superintendent or designee shall ensure that the library plan is aligned with the district's local control and accountability plan and other district and school plans.

Student Success Cards

CSBA NOTE: The Local Public Library Partnership Program was established pursuant to Education Code 19340-19345 to ensure that by third grade, all students have access to a local public library that is located within their elementary school attendance area. Pursuant to Education Code 19342, the State Librarian is required to coordinate with each local public library to determine the most effective means to ensure that each third grade student is issued a student success card that

provides access to library services. More information about student success cards is available on the California State Library's webpage, "Student Success Cards for All."

The district may coordinate with the local public library to ensure that, by grade 3, each student is provided with the opportunity to obtain a student success card issued by a local public library that provides access to library services. (Education Code 19341, 19342)

The district may disclose student directory information to the State Librarian and a local public library for purposes of administering the student success cards. (Education Code 19344, 49061; 34 CFR 99.3)

~~Staffing~~ Staffing

CSBA NOTE: ~~The following optional section may be revised to reflect district practice.~~ Pursuant to Education Code 18120, the Board may appoint one or more librarians to staff school libraries, provided they possess an appropriate credential issued by the Commission on Teacher Credentialing (CTC) as required by Education Code 44868 and 5 CCR 80053. This may include a teacher librarian services credential issued since January 1, 2008 or a library media teacher services credential issued prior to that date. ~~In addition~~Additionally, 5 CCR 80024.6 establishes requirements for an emergency teacher librarian services permit that may be issued when there is an insufficient number of qualified certificated persons to fill available positions.

SBE model program standards recommend a ratio of one full-time teacher librarian per 785 students, plus assignment of a classified paraprofessional ~~(e.g.,~~ such as a library technician~~,~~ or library aide~~)~~, at least 34 hours per week.

If the district does not employ any teacher librarians, it should modify this policy to reflect the position(s) that are assigned to fulfill the related duties.

To staff school libraries, the district may employ one or more teacher librarians who possess appropriate credentials issued by the Commission on Teacher Credentialing. (Education Code 18120, 44868; 5 CCR 80024.6, 80053)

CSBA NOTE: 5 CCR 80053 specifies the duties that any teacher librarian who possesses an appropriate credential or emergency permit from the CTC is authorized to perform. 5 CCR 80053.1 establishes a special class authorization which authorizes the holder to provide departmentalized instruction in information literacy, digital literacy, and digital citizenship. The district may revise Items #1-8 below to reflect the duties of teacher librarians included in district job descriptions.

The Superintendent or designee may assign teacher librarians to perform the following duties in accordance with the authorizations of their credential: (5 CCR 80053, 80053.1)

1. Instruct students in accessing, evaluating, using, and integrating information and resources in the library program and/or provide departmentalized instruction in information literacy, digital literacy, and digital citizenship

2. Plan and coordinate school library programs with the district's instructional programs through collaboration with teachers

3. Select materials for school and district libraries

4. Develop and deliver staff development programs for school library services

5. Coordinate or supervise library programs at the school or district level

6. Plan and conduct a course of instruction for students who assist in the operation of school libraries

7. Supervise classified personnel assigned school library duties

8. Develop procedures for and management of the school and district libraries

~~CSBA NOTE: The following optional paragraph may be revised to reflect district practice.~~CSBA NOTE: Pursuant to Education Code 35021, the district may not use volunteer aides in lieu of classified employees whose positions were abolished.

~~The~~Additionally, the Board ~~also~~ may appoint classified paraprofessionals to serve as library aides or library technicians. Volunteers may assist with school library services in accordance with law, Board policy, and administrative regulation.

Hours of Operation

School libraries shall be open for use by students and teachers during the school day. (Education Code 18103)

~~CSBA NOTE: The following paragraph is optional.~~

With the approval of the Board, a school library may be open at other hours outside the school day, including evenings and Saturdays. Any library open to serve students during evening and Saturday hours shall be under the supervision of a certificated employee who consents to the assignment. (Education Code 18103)

Selection ~~and~~, Evaluation, and Use of School Library Materials

~~CSBA NOTE: The following optional section may be revised to reflect district practice. At its discretion, the Board may establish selection criteria that exclude all materials of a sectarian, partisan, or denominational character as authorized by Education Code 18111.~~

Library materials shall include print and electronic resources that align with the curriculum and are accessible to students with varying cognitive and/or language needs.

Library materials shall be selected and evaluated through a process that invites recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

The Board may exclude from libraries all books, publications, or papers of a sectarian, partisan, or denominational character. (Education Code 18111)

CSBA NOTE: Education Code 243~~, as added by AB 1078 (Ch. 229, Statutes of 2023),~~ clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any book or other resource in a school library or (2) prohibit the use of any book or other resource in a school library. The Board may not refuse to approve the use of any book or other resource in a school library on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit the use of any book or other resource in a school library on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. In addition, pursuant to Education Code 60040.5, ~~as added by AB 1078 (2023), requires~~ CDE ~~to issue, no later than July 1, 2025,~~has published guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant~~. Additionally,~~ , available on CDE's webpage, "Accurate and Inclusive Curriculum (AB 1078)." Pursuant to Education Code 242, ~~as added by AB 1078, requires~~ CDE ~~to develop, by July 1, 2025,~~has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

Information regarding the adoption of library materials can be found in CSBA's, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," "Instructional Materials Adoption: Local governing board responsibilities," and "State Roles, Responsibilities, and Process for Instructional Materials Adoption," and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

Additionally, library materials may not be used in a discriminatory manner. For more information on nondiscrimination, see BP 0410 – Nondiscrimination in District Programs and Activities.

The use of any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Library materials shall be use in accordance with Board Policy 0410 – Nondiscrimination in District Programs and Activities.

Library materials shall be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain outdated subject matter or are no longer appropriate shall be removed.

All gifts and donations of school library materials shall be subject to the same criteria as materials selected for purchase by the district.

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243~~, as added by AB 1078,~~ related to the use or prohibited use of any book or other resource in a school library as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed

directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. ~~See~~For more information regarding uniform complaint procedures for complaints alleging discrimination based on a violation of Education Code 243, see BP/AR 1312.3 - Uniform Complaint Procedures.

Complaints regarding the appropriateness of library materials shall be addressed in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials and Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

Fees

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

CSBA NOTE: Pursuant to 5 CCR 16042, the district shall not charge students for the late return of library materials unless authorized to do so by the Board. When considering whether to charge fees for the late return of library materials, districts may want to explore ways to make the occurrence of late fees less likely, such as (1) automatically renewing a book unless it is requested by another user and/or (2) reimbursing the late/replacement fee once a book is returned. The American Library Association's, "Economic Barriers to Library Access: An Interpretation of the Library Bill of Rights," states that fines create a barrier to accessing library services and recommends libraries work to remove policies that create barriers to access or academic success, ensuring equitable access for everyone.

The district should select the option below that reflects district practice. Option 2 may be modified to include the amount that will be charged.

For more information regarding the potential charging of fees for lost or willfully damaged library books, see AR 3260 – Fees and Charges.

OPTION 1: (No late fees)
Students shall be encouraged to return library materials in a timely manner, but no charge shall be assessed for the late return of materials.

OPTION 1 ENDS HERE

OPTION 2: (Late fees charged)
To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.

OPTION 2 ENDS HERE

Library Instruction

CSBA NOTE: In September 2010, SBE adopted model academic standards for library instruction which address what students should know and be able to do at each grade level or grade span in terms of information literacy skills. The introduction to the standards expresses the intent that the standards be taught collaboratively by the classroom teacher and the teacher librarian within the

context of the curriculum. The following ~~optional~~ section reflects the four major categories addressed in the state standards and may be revised to reflect district practice.~~SBE has also developed a document identifying~~

SBE's, "Examples of Model School Library Standards for California Public Schools Supporting Common Core State Standards (CCSS) for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects," identifies examples of where the library instruction standards are aligned with Common Core State Standards. ~~See CDE's website.~~

Additionally, pursuant to Education Code 33548, the Instructional Quality Commission is required to consider incorporating the Model Library Standards and media literacy content, which encompasses the foundational skills that lead to digital citizenship including the ability to access, analyze, evaluate, and use media and information, into the English language arts/English language development (ELA/ELD) curriculum framework when that framework is next revised and in its criteria for evaluating instructional materials when ELA/ELD instructional materials are next adopted by SBE.

Teacher librarians and/or classroom teachers shall provide library instruction to support the development of students' information literacy skills. Such instruction shall be aligned with the state academic standards for library instruction, consistent with Board policy and administrative regulation, and shall prepare students to:

1. Access information by applying knowledge of the organization of libraries, print materials, digital media, and other sources

2. Evaluate and analyze information to determine appropriateness in addressing the scope of inquiry

3. Organize, synthesize, create, and communicate information

4. Integrate information literacy skills into all areas of learning and pursue information independently to become life-long learners

~~Teacher~~Additionally, teacher librarians ~~also~~ may provide support to teachers, administrators, and other staff by identifying instructional materials that will aid in the development of curriculum and instructional activities and by providing information about effective and ethical uses of school library services and equipment.

Program Evaluation

CSBA NOTE: The following ~~optional~~ section may be revised to reflect district practice. ~~The district may use an assessment tool such as the CDE's, "Looking at the School Library: An Evaluation Tool," or may develop its own program evaluation indicators or checklist.~~

The Superintendent or designee shall annually assess and report to the Board regarding the condition and use of school libraries. The assessment shall evaluate, at a minimum:

1. Access of students and staff to school libraries during school hours and, as appropriate, access outside the school day

2. The process and frequency by which students are allowed to check out library materials

3. Staffing levels, qualifications, and number of hours worked

4. The quality of the collection at each library, including, but not limited to, the total number of books in the collection, number of books per student, types of materials (fiction, non-fiction, newspapers, magazines, encyclopedias, materials in other languages, and reference materials), alignment with curriculum, provision of a broad spectrum of knowledge and viewpoints, amount expended during the year for the purchase of new resources, and the number of resources discarded and added during the year

5. Any special programs offered at the school to encourage reading and/or library use

6. The adequacy of the facility space and equipment designated for the school library

7. The source(s) and adequacy of funding for school libraries

8. Knowledge by principals, teachers, and library personnel of the process to follow when a library material(s) is challenged

CSBA NOTE: Education Code 18122 requires districts to annually report to CDE on the condition of district school libraries. This survey is conducted online via CDE's ~~website.~~webpage, "Library Evaluation."

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of its school libraries for the preceding year ending June 30. (Education Code 18122)

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Policy Reference Disclaimer:
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State	Description
5 CCR 16040-16043	School libraries
5 CCR 80023-80023.2	Emergency permits; general requirements
5 CCR 80024.6	Emergency teacher librarian services permit
5 CCR 80026-80026.6	Emergency permits; Declaration of Need

5 CCR 80053-80053.1	Teacher librarian services credential
Ed. Code 1703	Coordination of district library services by county superintendent
Ed. Code 1770-1775	Provision of library services by county superintendent
Ed. Code 18100-18203	School libraries
Ed. Code 18300-18571	Union high school district/unified school district library district
Ed. Code 19335-19336	Reading Initiative Program; recommended books
Ed. Code 19340-19345	Local Public Library Partnership Program (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=7.&part=11.&lawCode=EDC&title=1.&article=5.)
Ed. Code 220	Prohibition of discrimination
Ed. Code 242	Access to information about educational laws and policies regarding right to accurate and inclusive curriculum
Ed. Code 243	Prohibition of discrimination; instructional materials (Prohibition of discrimination; instructional materials)
Ed. Code 33548	Media literacy (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33548.&lawCode=EDC)
Ed. Code 35021	Volunteer aides
Ed. Code 44868-44869	Qualifications and employment of library media teachers
Ed. Code 45340-45349	Instructional aides
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	Definitions; directory information (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49061&lawCode=EDC)
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60040-60052	Requirements for instructional materials
Federal	**Description**
34 CFR 99.1-99.8	Family Educational Rights and Privacy Act (Family Educational Rights and Privacy Act)
Management Resources	**Description**

California Department of Education Publication	Examples of Model School Library Standards for California Public Schools Supporting Common Core State Standards (CCSS) for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects, rev. February 2012
~~California Department of Education Publication~~	~~Looking at the School Library: An Evaluation Tool, 2003~~
California Department of Education Publication	Model School Library Standards for California Public Schools: K - 12, 2010
California Department of Education Publication	Recommended Literature: Kindergarten Through Grade Twelve
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024 (https://oag.ca.gov/system/files/attachments/press-docs/Legal%20Alert%20Re%20Inclusive%20Curricula.1.9.24.1157CLEAN.pdf)
CSBA Publication	State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-_IM-StateRoles.ashx?la=en&rev=f00baf9bd1af4844b94f99135ca65588)
CSBA Publication	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/ResearchPapers/FactSheet_IM-LocalRoles-REPD_07-2024-1-(1).ashx?la=en&rev=2641c67340e64dd8bd8603a5df03a138)
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, Feb. 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/2024-REPD-instructional-materials-brief.ashx)
~~California School~~American Library Association Publication	~~Standards and Guidelines for Strong School Libraries, 2004~~Economic Barriers to Library Access: An Interpretation of the Library Bill of Rights, June 2025 (https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/economicbarriers)
Website	CSBA District and County Office of Education Legal Services

Website	American Association of School Libraries
Website	American Library Association (https://www.ala.org/)
Website	California Department of Education, School Libraries
Website	California School Library Association
Website	California State Library, Student Success Cards for All (https://www.library.ca.gov/services/to-libraries/success-cards/)
Website	Department of Justice
Website	California Department of Education, Curriculum and Instruction Resources
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0200	Goals For The School District
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0441	Artificial Intelligence
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1240	Volunteer Assistance
1240	Volunteer Assistance
1260	Educational Foundation
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
4112.2	Certification
4112.2	Certification
4113	Assignment
4113	Assignment
4131	Staff Development
4132	Publication Or Creation Of Materials
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4232	Publication Or Creation Of Materials
4331	Staff Development
4332	Publication Or Creation Of Materials
5125.2	Withholding Grades, Diploma Or Transcripts
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation

6142.2	World Language Instruction
6142.2	World Language Instruction
6142.6	Visual And Performing Arts Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6154	Homework/Makeup Work
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
7110	Facilities Master Plan

Policy 6164.4: Identification And Evaluation Of Individuals For Special Education

Status: ADOPTED

Original Adopted Date: 03/01/2007 **| Last Revised Date:** ~~09~~08/01/~~2021~~2026 **| Last Reviewed Date:** ~~09~~08/01/~~2021~~2026

CSBA NOTE: If the Special Education Local Plan Area (SELPA) in which the district participates maintains a policy on this topic, then the following policy and administrative regulation may be deleted and/or modified for consistency with the SELPA's procedures. ~~Districts~~It is recommended that districts that delete and/or modify this policy ~~should~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

Education Code 56300 and 34 CFR 300.111 require each district, SELPA, or county office of education (COE) to actively seek out all residents from birth to age 21 who have disabilities as defined by Education Code 56026. ~~The~~Additionally, the district, SELPA, or ~~county office~~COE is ~~also~~ required to include a "child find" process to identify children with disabilities placed by their parents/guardians in private schools~~;~~. For more information regarding the obligations under state and federal law to locate, identify, evaluate, and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district, see BP/AR 6164.41 - Children with Disabilities Enrolled by Their Parents in Private Schools.

Pursuant to Education Code 56320.1, identification, evaluation, assessment, and instructional planning procedures for children younger than age 3 ~~must~~are required to conform with Education Code 56425-56432 and the California Early Intervention Services Act (Government Code 95000-95029). Pursuant to Government Code 95014, the California Department of Education (CDE) and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairments~~; the~~. The Department of Developmental Services and its regional centers ~~must~~are required to provide services to all other eligible children in this age group. Additionally, Government Code 95014 ~~also~~ requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages 3-5.

CDE's, "Proposed Tools and Process for the Early Identification of Developmental Delays and Learning Disabilities," provides tools and a process for the early identification of children between 2-6 years of age who are at risk for developmental delays or learning disabilities.

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to 21 years of age ~~21~~ who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

CSBA NOTE: Education Code 56301 **mandates** that districts, SELPAs, or county offices have policies and procedures for a continuous "child find" system which addresses the relationships among identification, screening, referral, evaluation, planning, implementation, review, and triennial assessment.

~~In the "Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities~~

~~Education Act," the U.S. Department of Education encourages districts to reexamine the efficacy of existing child find practices in light of the educational disruptions caused by the COVID-19 pandemic.~~

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414, the federal Individuals with Disabilities Education Act (IDEA~~)~~), and accompanying federal regulations. The following policy and administrative regulation use the terms interchangeably.

The Superintendent or designee shall establish a comprehensive child find system that includes procedures for the identification, screening, referral, assessment, and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the special education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include systematic methods for utilizing referrals from parents/guardians, teachers, agencies, appropriate professionals, and other members of the public, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

CSBA NOTE: Education Code 56301 **mandates** policy ensuring the following notification. See the accompanying administrative regulation for specific notification requirements. Additionally, pursuant to Education Code 56301, as amended by SB 373 (Ch. 579, Statutes of 2025), students are required to be given a copy of their rights and procedural safeguards in accordance with 20 USC 1415 and 34 CFR 300.504.

The Superintendent or designee shall notify parents/guardians and students, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to ~~any~~an assessment ~~concerning their child. In addition~~of the student. Additionally, the Superintendent or designee shall notify parents/guardians and students of procedures for initiating a referral for assessment to identify individuals for special education services. (Education Code 56301)

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Policy Reference Disclaimer:
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State	Description
5 CCR 3021-3029	Identification, referral, and assessment
5 CCR 3030-3031	Eligibility criteria
Ed. Code 97	Emotional disability; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=97&lawCode=EDC)
Ed. Code 44265.5	Professional preparation for teachers of impaired students
Ed. Code 56000-56885	Special education programs

Ed. Code 56043	Special education; timelines
Ed. Code 56195.8	Adoption of policies
Ed. Code 56300-56305	Identification of individuals with disabilities
Ed. Code 56320-56330	Assessment
Ed. Code 56333-56338	Eligibility for specific learning disabilities
Ed. Code 56340-56347	Individualized education program teams
Ed. Code 56362	Distribution of IEP assessments (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=56362&lawCode=EDC)
Ed. Code 56381	Reassessment of students
Ed. Code 56425-56432	Early education for individuals with disabilities
Ed. Code 56441.11	Eligibility criteria; children ~~ages~~ 3-5 years of age
Ed. Code 56445	Transition to grade school; reassessment
Ed. Code 56500-56509	Procedural safeguards
Gov. Code 95000-95029.5	California Early Intervention Services Act

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1412	State eligibility
20 USC 1415	Procedural safeguards
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.301-300.306	Evaluations and reevaluations
34 CFR 300.323	When IEPs must be in effect
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.504	Procedural safeguards (https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-E/section-300.504)
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities

Management Resources	**Description**

California Department of Education Publication	California Practitioners' Guide for Educating English Learners with Disabilities, 2019
California Department of Education Publication	Proposed Tools and Process for the Early identification of Developmental Delays and Learning Disabilities, October 2023 (https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030855&revid=pMLq8NzgB9ZJPyqozXDuSg==&ppage=0&st=early%20identification%20&mt=Exact&isfrsm=true)
Court Decision	N.B. and C.B v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 1202
Court Decision	Compton Unified School District v. Addison (9th Cir. 2010) 598 F.3d 1181
Court Decision	Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 1105
Court Decision	M.M. v. Lafayette School District (9th Cir. 2014) 767 F.3d 842
Court Decision	Hood v. Encinitas Union School District (2007) 486 F.3d 1099
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
U.S. Department Of Education Publication	Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families, July 2021
~~U.S. Department Of Education Publication~~	~~Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, August 2021~~
U.S. Department of Education Publication	A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011
U.S. Department of Education Publication	Guidance on State General Supervision Responsibilities under Parts B and C of IDEA, July 2023 (https://sites.ed.gov/idea/idea-files/guidance-on-state-general-supervision-responsibilities-under-parts-b-and-c-of-the-idea-july-24-2023/)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Special Education
Website	State Department of Developmental Services (https://www.dds.ca.gov/)
Website	U.S. Department of Education, Office of Special Education Programs

Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3541.2	Transportation For Students With Disabilities
3552	Summer Meal Program
3552	Summer Meal Program
4112.23	Special Education Staff
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6120	Response To Instruction And Intervention
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6183	Home And Hospital Instruction

Regulation 6164.4: Identification And Evaluation Of Individuals For Special Education

Status: ADOPTED

Original Adopted Date: 03/01/2007 | **Last Revised Date:** ~~12~~08/01/~~2022~~2026 | **Last Reviewed Date:** ~~12~~08/01/~~2022~~2026

CSBA NOTE: Pursuant to Education Code 56303, a student should be referred for special education instruction and services only after the resources of the regular education program such as Response to Instruction and Intervention (RtI2) strategies have been considered and, where appropriate, utilized. However, the U.S. Department of Education's Office of Special Education Programs (OSEP) Memorandum 11-07 emphasizes that districts have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of the implementation of response to intervention strategies.

In the, "Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act," OSEP ~~encourages districts to reexamine the efficacy of existing child find practices and initiate new activities in light of the educational disruptions caused by the COVID-19 pandemic, including through additional screenings; efforts to increase awareness about special education supports and the effects of the COVID-19 pandemic on students' academic performance and social-emotional, behavioral, and mental health needs; public awareness campaigns about developmental screenings in settings frequented by families such as health departments, physician's offices, public parks, amusement parks, shopping malls, and children's stores; social media campaigns on multiple online platforms; partnering with stakeholders such as parent-teacher organizations; and holding screening events in the community.~~

~~Additionally, OSEP~~ emphasizes that students who are experiencing long-term COVID-19 effects ~~must~~are required to be referred for special education evaluation if their symptoms ~~(~~, such as fatigue, mood changes, or difficulty concentrating~~)~~, are adversely impacting their ability to participate and learn in the general curriculum.

The obligation of a district to refer a student for special education evaluation is a fact-specific determination that ~~must~~is required to be made on a case-by-case basis.

The Superintendent or designee shall ensure that the district's child find process includes the collection of student data ~~and,~~ at reasonable intervals, ~~the screening of such data~~ to identify, locate and evaluate students with known or suspected disabilities and determine ~~if students~~ whether special education and related services are ~~making adequate progress, as appropriate~~needed.

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

However, the district shall ensure that evaluations of children suspected of having a disability are not delayed or denied because of the implementation of response to intervention strategies.

CSBA NOTE: Pursuant to 34 CFR 300.301, a parent/guardian or district may request an initial evaluation to determine if a student is a student with a disability. OSEP Memorandum 11-07 emphasizes that if a parent/guardian requests an evaluation, and the district agrees with the parent/guardian that the student may be eligible for special education and related services, the district ~~must~~is required to evaluate the child. If the district does not suspect that the child has a disability and denies the request for an initial evaluation, the district ~~must~~is required to provide prior written notice to the parent/guardian, pursuant to 34 CFR 300.503, explaining the basis for such decision.

A parent/guardian or the district may initiate a request for an initial evaluation to determine if the student is a student with a disability. (34 CFR 300.301)

When a verbal referral is made, staff shall offer assistance to the individual to make the request in writing and shall assist the individual if the individual requests such assistance. (5 CCR 3021)

All referrals from school staff for an initial evaluation shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and, when appropriate, the results of intervention. This documentation shall not delay the timelines for completing the assessment plan or assessment. (5 CCR 3021)

Initial Evaluation for Special Education Services

Before the initial provision of special education and related services to a student with a disability, the district shall conduct an individual initial evaluation of the student's educational needs related to all areas of suspected disability. (Education Code 56320; 34 CFR 300.301)

Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 calendar days, not counting days between the student's regular school sessions or terms or calendar days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made ~~within~~with 10 or fewer days ~~or less prior to~~remaining before the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321)

The proposed evaluation plan shall meet all of the following requirements: (Education Code 56321)

1. Be in a language easily understood by the general public

   CSBA NOTE: 34 CFR 300.29 defines "native language" as the language normally used by the individual.

2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible

3. Explain the ~~types~~type(s) of evaluation(s) to be conducted

4. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent

A copy of the notice of a parent/guardian's rights and procedural safeguards shall be attached to the evaluation plan. (Education Code 56321)

The proposed written evaluation plan shall include a description of recent assessments conducted, including available independent assessments and assessment information requested by the parent/guardian to be considered, as well as information indicating the student's primary language and the student's primary language proficiency as determined by Education Code ~~section~~ 52164.1. (5 CCR 3022)

CSBA NOTE: 34 CFR 300.504 requires the district to provide parents/guardians with written notice prior to conducting the initial evaluation. For contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

Education Code 56329 clarifies the factors to consider when making a determination of eligibility, reflected in Item #2 below and specifies circumstances in which a parent/guardian may be entitled to an independent educational evaluation (IEE), reflected in Items #4 and 5 below.

Before conducting an initial evaluation, the district shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. ~~In addition~~ Additionally, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (Education Code 56329; 34 CFR 300.304, 300.502, 300.504)

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or the parent/guardian's representative shall be scheduled pursuant to Education Code 56341~~.~~

   At this meeting, the team shall determine whether ~~or not~~ the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.

2. When making a determination of eligibility for special education, the district shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368, lack of appropriate instruction in mathematics, or limited English proficiency, if the student does not otherwise meet the eligibility criteria under 34 CFR 300.8~~.~~

3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.

4. If the parent/guardian disagrees with an evaluation obtained by the district, the parent/guardian has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502.

   The parent/guardian is entitled to only one such evaluation at public expense each time the district conducts an assessment with which the parent/guardian disagrees.

   If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding.

5. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate.

   If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for an IEE, but not at public expense.

   If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the district with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting and in any educational placement and setting proposed by the district, regardless of whether the IEE is initiated before or after the filing of a due process hearing.

6. If the parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by the student's parent/guardian, the student in that proposed placement.

   Any such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student.

Parent/Guardian Consent for Evaluations

CSBA NOTE: Pursuant to Education Code 56321 and 34 CFR 300.300, the district ~~must~~is required to first obtain parent/guardian consent before conducting (1) an initial evaluation to determine if the student is a student with a disability or (2) a reevaluation to determine if the student continues to be a student with a disability. See AR 6159 - Individualized Education Program for language regarding parent/guardian consent for the provision of special education services, including the right to revoke such consent.

In *M.M. v. Lafayette School District*, the Ninth Circuit Court of Appeals concluded that the district had a procedural duty to provide the parents with their child's response to instruction (RTI) data when the district sought to obtain their consent for the initial evaluation. The district's failure to provide the parents with the RTI data as part of the initial evaluation resulted not only in a procedural violation but also a substantive violation of the Individuals with Disabilities Education Act (IDEA) since the failure prevented the parents from meaningfully participating in the IEP process.

Consent means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9)

1. Has been fully informed, in the parent/guardian's native language or other mode of communication, of all information relevant to the activity for which consent is sought

2. Understands and agrees, in writing, to the carrying out of the activity for which parent/guardian consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom

3. Understands that the granting of consent is voluntary on the parent/guardian's part and may be revoked at any time

4. Understands that if the parent/guardian revokes consent, that revocation is not retroactive ~~(i.e.,~~ such that it does not negate an action that has occurred after the consent was given and before the consent was revoked~~).~~

   The district is not required to amend the education records of a student to remove any reference to the student's receipt of special education and services if the student's parent/guardian submits a written revocation of consent after the initial provision of special education and related services to the student.

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether to consent to the initial evaluation. The district shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300)

The district shall make reasonable efforts to obtain the consent of the parent/guardian for an initial evaluation or reevaluation of a student. (Education Code 56321; 34 CFR 300.300, 300.322)

CSBA NOTE: It is recommended that the district maintain a record of its attempts to obtain consent, as provided in Items #1-3 below.

The district shall maintain a record of its attempts to obtain consent, such as: (Education Code 56341.5)

1. Detailed records of telephone calls made or attempted and the results of those calls

2. Copies of correspondence sent to the parent/guardian and any responses received

3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

CSBA NOTE: Education Code 56321 and 34 CFR 300.300 provide that if a parent/guardian refuses to consent to an evaluation, the district may, but is not required to, utilize the due process procedures to pursue the evaluation. However, if the district declines to pursue the evaluation, the district does not violate its child find obligations under state and federal law.

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the district may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (Education Code 56321; 34 CFR 300.300)

For a student who is a ward of the state and not residing with the student's parent/guardian, the district shall make reasonable efforts to obtain the consent from the parent/guardian of the student for an initial evaluation to determine whether the student is a student with a disability. The district may conduct an initial evaluation without obtaining consent of the parent/guardian if any of the following situations exists: (Education Code 56321.1; 20 USC 1414; 34 CFR 300.300)

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student

2. The rights of the parent/guardian of the student have been terminated in accordance with state law

3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student

The district need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or reevaluation, or before administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300)

Conduct of the Evaluation

Within 60 calendar days of receiving ~~parental~~parent/guardian consent for the initial assessment of a

student, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five schooldays, a determination of whether the student is eligible for special education and the educational needs of the student shall be made, an IEP team meeting shall occur, and an IEP shall be developed, unless the parent/guardian agrees in writing to an extension, pursuant to Education Code 56344. If the 60-day time is interrupted by a student school vacation, the 60-day time shall recommence on the date that student ~~schooldays~~school days reconvene ~~and a~~. A meeting to develop an initial IEP for the student shall be conducted within 30 days of a determination that the student needs special education and related services. (Education Code 56043, 56344)

However, when a referral has been made for a student 30 days or less prior to the end of the regular school year, an IEP required as a result of an assessment of the student shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56043, 56344; 34 CFR 300.301, 300.323)

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the district. (Education Code 56322)

~~In addition~~Additionally, evaluations and reevaluations shall be administered by qualified personnel who are competent in the oral or sign language skills and written skills of the student's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the student. If it is clearly not feasible to do so, an interpreter shall be used, and the assessment report shall document this condition and note that the validity of the assessment may have been affected. The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabling condition. (5 CCR 3023)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (Education Code 56321; 20 USC 1414; 34 CFR 300.302)

In conducting the evaluation, the district shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The district shall also use any information provided by the parent/guardian that may assist the district in making the determination as to whether the student is a student with a disability and, if so, the necessary components of the student's IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304)

The district's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (Education Code 56320; 34 CFR 300.304)

~~The~~Additionally, the district shall ~~also~~ ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are: (Education Code 56320; 34 CFR 300.304)

1. Selected and administered so as not to be discriminatory on ~~a racial, cultural, or sexual~~the basis of race, culture, or sex

2. Provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer

3. Used for the purposes for which the assessments or measures are valid and reliable

4. Administered by trained and knowledgeable personnel ~~except~~, ensuring that any individually administered tests of intellectual or emotional functioning ~~shall be~~are administered by a credentialed school psychologist

5. Administered in accordance with any instructions provided by the producer of the assessments

6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient

7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills ~~(~~, unless those skills are the factors that the test purports to measure~~).~~

Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. For students with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Education Code 56136. The district shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, regardless of whether ~~or not~~ commonly linked to the disability category in which the student has been classified. (Education Code 56320; 34 CFR 300.304)

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and

information provided by the parents/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305)

1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student

2. The present levels of academic achievement and related developmental needs of the student

3. Whether the student needs, or continues to need, special education and related services

4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general education curriculum

If a student has transferred from another district in the same school year or leaves this district, the district shall coordinate with the student's prior or subsequent district as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (Education Code 56320; 34 CFR 300.304)

Evaluation Report

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: (Education Code 56327)

1. Whether the student may need special education and related services

2. The basis for making the determination

3. The relevant behavior noted during the observation of the student in an appropriate setting

4. The relationship of that behavior to the student's academic and social functioning

5. The educationally relevant health, developmental, and medical findings, if any

6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services

7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate

8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136

Eligibility Determination

CSBA NOTE: The following section contains procedures for determining a student's eligibility for special education and related services. Education Code 56334-56338 and 34 CFR 300.307-300.311 provide additional procedures for conducting the evaluation and making the determination for eligibility of a student with specific learning disabilities.

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the student is a student with a disability as defined in 5 CCR 3030 and 34 CFR 300.8 and, if so, the student's educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306)

CSBA NOTE: Pursuant to Education Code 97, the term "emotional disturbance" for purposes of federal law may be interchanged with the term "emotional disability" for purposes of state law. Use of this alternate term is recommended where doing so would reduce stigma or otherwise encourage the student's participation in the IEP process.

If the student is eligible under the criteria for "emotional disturbance," as defined in 5 CCR 3030 and 34 CFR 300.8, the student may be identified as having an "emotional disability" pursuant to Education Code 97.

CSBA NOTE: Education Code 56329 requires districts to provide notice about specific factors in making the determination of eligibility as part of the district's evaluation plan. ~~See section above entitled~~For more information regarding the determination of eligibility, including notice requirements, see "Initial Evaluation for Special Education Services~~.~~"," above.

When making a determination of eligibility for special education and related services, the district shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (Education Code 56329; 34 CFR 300.306)

The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance, shall not be diagnosed as a disabling condition. (5 CCR 3023)

Independent Educational Evaluation

CSBA NOTE: 34 CFR 300.502 requires the district to provide parents/guardians, upon request for an IEE, information about where an IEE may be obtained and the district's criteria for the evaluation, including the location of the evaluation, qualifications of the examiner, and timelines for obtaining the evaluation. These criteria ~~must~~are required to be the same as the criteria that the district uses for district-initiated evaluations. ~~In addition~~Additionally, Education Code 56329 requires districts to provide notice about parent/guardian rights to an IEE as part of the proposed evaluation plan~~; see section above entitled~~. For more information regarding the determination of eligibility, including notice requirements, see "Initial Evaluation for Special Education Services~~."~~ ," above. Districts may wish to modify the following section to include specific criteria developed by the district or special education local plan area, as appropriate.

An *independent educational evaluation* is defined as an evaluation conducted by a qualified examiner who is not employed by the district. (34 CFR 300.502)

Public expense means that the district either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (34 CFR 300.502)

The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria, including the location of the evaluation and the qualifications of the examiner, that the district uses for a district-initiated evaluation. (34 CFR 300.502)

The parent/guardian is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329; 34 CFR 300.502)

If a parent/guardian has requested an IEE, the district may ask for the reason that the parent/guardian objects to the district's evaluation. However, the parent/guardian is not required to provide an explanation and the district may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation. (34 CFR 300.502)

Upon receiving the request for an IEE, the district shall, without unnecessary delay, either: (34 CFR 300.502)

1. File a due process complaint to request a hearing to show that its evaluation is appropriate

2. Ensure that an IEE is provided at public expense, unless the district demonstrates at a hearing that the evaluation obtained by the parent/guardian did not satisfy the district's criteria

If a due process hearing decision determines that the district's evaluation is appropriate, then the parent/guardian may obtain an IEE but not at public expense. (Education Code 56329; 34 CFR 300.502)

In any decision made with respect to providing FAPE to a student with a disability, the result of any IEE obtained by the student's parent/guardian shall be considered by the district if it meets district

criteria. Any such result also may be presented as evidence at a hearing on a due process complaint. (Education Code 56329; 34 CFR 300.502)

Coordinating Transitions

CSBA NOTE: Government Code ~~95008, as amended by SB 188 (Ch. 49, Statutes of 2022),~~95013.1 requires each district to designate a main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from infant/toddler programs to preschool (Part C to Part B of IDEA), including establishing practices to educate and support families during the transition.

Pursuant to Government Code 95012, as amended by SB 163 (Ch. 80, Statutes of 2026), the California Department of Education is required to enter into an interagency agreement with the California Department of Developmental Services (CDDS) to facilitate a seamless transition between services under Part C and Part B of the IDEA and to collaborate with CDDS as they develop and disseminate written directives for transition practices between those parts.

The district designates the individual listed below as the main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from infant/toddler programs to preschool (Part C to Part B of the federal Individuals with Disabilities Education Act), including establishing practices to educate and support families during the transition: (Government Code ~~95008~~95013.1)

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Reevaluation

A reevaluation shall be conducted when the district determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and district agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the district agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

The district shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303)

CSBA NOTE: The following paragraph is for use by districts that offer grades ~~K~~kindergarten-1.

Before entering kindergarten or first grade~~, as the case may be,~~ children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs. (Education Code 56445)

CSBA NOTE: The district's point of contact, identified pursuant to Government Code ~~95008, as amended by SB 188,~~95013.1 for coordinating and completing the transition of a child and family from infant/toddler programs to preschool, may coordinate the reevaluation of children with disabilities who are in a preschool program and the progress of children who are determined to be eligible for less intensive special education programs, as described below.

The district's point of contact for coordinating and completing the transition of a child and family from infant/toddler programs to preschool, may coordinate the reevaluation and monitoring as described above for kindergarten or first grade.

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

State	Description
5 CCR 3021-3029	Identification, referral, and assessment
5 CCR 3030-3031	Eligibility criteria
Ed. Code 97	Emotional disability; definition (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=97&lawCode=EDC)
Ed. Code 44265.5	Professional preparation for teachers of impaired students
Ed. Code 56000-56885	Special education programs
Ed. Code 56043	Special education; timelines
Ed. Code 56195.8	Adoption of policies
Ed. Code 56300-56305	Identification of individuals with disabilities
Ed. Code 56320-56330	Assessment
Ed. Code 56333-56338	Eligibility for specific learning disabilities
Ed. Code 56340-56347	Individualized education program teams
Ed. Code 56362	Distribution of IEP assessments (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=56362&lawCode=EDC)

Ed. Code 56381	Reassessment of students
Ed. Code 56425-56432	Early education for individuals with disabilities
Ed. Code 56441.11	Eligibility criteria; children ~~ages~~ 3-5 years of age
Ed. Code 56445	Transition to grade school; reassessment
Ed. Code 56500-56509	Procedural safeguards
Gov. Code 95000-95029.5	California Early Intervention Services Act

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1412	State eligibility
20 USC 1415	Procedural safeguards
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.301-300.306	Evaluations and reevaluations
34 CFR 300.323	When IEPs must be in effect
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.504	Procedural safeguards (https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-E/section-300.504)
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities

Management Resources	**Description**
California Department of Education Publication	California Practitioners' Guide for Educating English Learners with Disabilities, 2019
California Department of Education Publication	Proposed Tools and Process for the Early identification of Developmental Delays and Learning Disabilities, October 2023 (https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030855&revid=pMLq8NzgB9ZJPyqozXDuSg==&ppage=0&st=early%20identification%20&mt=Exact&isfrsm=true)
Court Decision	N.B. and C.B v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 1202

Court Decision	Compton Unified School District v. Addison (9th Cir. 2010) 598 F.3d 1181
Court Decision	Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 1105
Court Decision	M.M. v. Lafayette School District (9th Cir. 2014) 767 F.3d 842
Court Decision	Hood v. Encinitas Union School District (2007) 486 F.3d 1099
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
U.S. Department Of Education Publication	Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families, July 2021
~~U.S. Department Of Education Publication~~	~~Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, August 2021~~
U.S. Department of Education Publication	A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011
U.S. Department of Education Publication	Guidance on State General Supervision Responsibilities under Parts B and C of IDEA, July 2023 (https://sites.ed.gov/idea/idea-files/guidance-on-state-general-supervision-responsibilities-under-parts-b-and-c-of-the-idea-july-24-2023/)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Special Education
Website	State Department of Developmental Services (https://www.dds.ca.gov/)
Website	U.S. Department of Education, Office of Special Education Programs
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0430	Comprehensive Local Plan For Special Education

0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3541.2	Transportation For Students With Disabilities
3552	Summer Meal Program
3552	Summer Meal Program
4112.23	Special Education Staff
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6120	Response To Instruction And Intervention
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.2	Animals At School
6163.2	Animals At School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.41	Children With Disabilities Enrolled By Their Parents In Private School
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6183	Home And Hospital Instruction

Policy 7214: General Obligation Bonds

Status: ADOPTED

Original Adopted Date: 11/01/2012 **| Last Revised Date:** ~~06~~08/01/~~2024~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2024~~2026

CSBA NOTE: The following ~~optional~~ policy may be revised to reflect district practice. Pursuant to the California Constitution, Article 16, Section 18, a school district may issue bonds for the construction of school facilities with either a ~~66.67~~ ~~percentt~~two-thirds or 55 percent approval by local voters. To qualify for the lower 55 percent threshold pursuant to Proposition 39, districts are required to comply with additional accountability requirements as required by law and as specified in this Board policy and accompanying administrative regulation.

Education Code 15100 sets forth conditions under which the Governing Board may call for a bond election. Pursuant to Education Code 15266, these conditions ~~must~~are required to be satisfied if the Board is seeking either the ~~66.67~~ ~~percentt~~two-thirds or 55 percent approval threshold.

In 88 Ops.Cal.Atty.Gen. 46 (2005), the Attorney General opined that a school district may use district funds to hire a consultant to assess the feasibility of developing a bond measure and to assess the public's level of support, but not to develop and implement a strategy to build a coalition to support the bond because such activities would be an impermissible use of public funds for campaign purposes in violation of Education Code 7054. However, in 99 Ops.Cal.Atty.Gen. 18 (2016), the Attorney General, while reaffirming the 2005 opinion, clarified that costs incurred from hiring consultants for pre-election services could not be paid from bond proceeds. For further discussion regarding use of district funds for political purposes, see BP 1160 - Political Processes. ~~Districts~~It is recommended that districts with questions about the use of bond proceeds ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Additional information about debt financing for districts may be found in the California Debt and Investment Advisory's (CDIAC) publication, "California Debt Financing Guide."

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. The Board may direct the Superintendent to explore the possibility of a bond measure, which may include, but is not limited to, conducting community focus groups, surveys, and Board presentations. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

CSBA NOTE: Pursuant to Government Code 8855, the Board is required to adopt a debt management policy prior to issuing any debt, including a general obligation bond. For sample policy language fulfilling this mandate, see BP 3470 - Debt Issuance and Management.

For bonds requiring a 55 percent majority, Education Code 15268 and 15270 set limits as to the maximum amount of the bond and the tax rate that may be levied as a result of the bond.

Limitations for bonds requiring a ~~66.67 percentt~~two-thirds majority are detailed in Education Code 15102-15109.

The Board's decision to order a bond election, as well as its ~~determinations~~determination regarding the appropriate amount, timing, and structure of the bond issuance, shall be consistent with law and the district's debt management policy.

CSBA NOTE: Pursuant to Education Code 15100, the following requirement applies to bond elections ordered by the Board regardless of whether the Board is seeking the ~~66.67 percentt~~two-thirds or 55 percent approval threshold.

Before ordering a bond election, the Board shall obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor. (Education Code 15100)

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot materials for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Bonds Requiring 55 Percent Approval by Local Voters

CSBA NOTE: Pursuant to Education Code 15266, upon adoption of the resolution specified below, the district ~~must~~is required to comply with the accountability provisions required for the 55 percent threshold, even if the bond ultimately passes by a ~~66.67 percentt~~two-thirds majority of the voters.

The Board, by a two-thirds vote and subject to Education Code 15100, may adopt a resolution to incur bonded indebtedness and order an election. Pursuant to the California Constitution, Article 13A, Section 1(b)(3) and Article 16, Section 18(b), a bond election authorized pursuant to Education Code 15266 requires the approval of at least a 55 percent majority of the voters voting in the election. (Education Code 15266)

CSBA NOTE: Education Code 15266 requires bond elections to be held only during a regularly scheduled local election at which all of the electors (voters) in the district are entitled to vote. Therefore, those school districts whose boundaries encompass more than one city or county or whose board members are elected by trustee area ~~must~~are required to ensure that the bond election is on a ballot in which all of the electors in the district are entitled to vote, such as a statewide primary, general, or special election.

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district pursuant to Education Code 15266 shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities

2. The acquisition or lease of real property for school facilities

3. The refunding of any outstanding debt issuance used for the purposes specified in Items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: ~~(California Constitution Article 13A, Section 1(b)(3))~~

1. Certification that proceeds from the sale of the bonds will be used only for the purposes specified in Items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses (California Constitution Article 13A, Section 1(b)(3))

CSBA NOTE: In *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District*, the court held that new stadium lighting was not specifically authorized by the school bond when the bond language did not include construction of stadium lighting even though the full text of the measure authorized projects to "renovate/replace stadium bleachers" and to "upgrade fields, track, and courts for accessibility compliance" including "other costs incidental to and necessary for completion of the listed projects including ... field lighting." Since bond proceeds may only be spent on school facilities projects listed in the bond project list, aspects of a project other than those that are incidental to and necessary for its completion should be explicitly authorized. ~~Districts~~It is recommended that districts with questions about project list language ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel.

2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list (California Constitution Article 13A, Section 1(b)(3))

CSBA NOTE: The ~~question of whether bond proceeds may be used to pay the costs of the audits required pursuant to Items #3-4 below should be referred to CSBA's District and County Office of Education Legal Services or district legal counsel. However, the~~ Attorney General opined in 87 Ops.Cal.Atty.Gen. 157 (2004) that ~~the use of~~ bond proceeds may be used to pay the salaries of district employees to the extent they perform administrative oversight work on bond projects. According to the opinion, because these audits are expressly required by Proposition 39 and are directly related to the bond projects rather than routine school operations, these project administration costs may be considered as within the purposes specified in California Constitution Article 13A, Section 1(b)(3)(A) and therefore are an appropriate expenditure of bond proceeds.

However, because the legality of using bond proceeds to pay the costs of required audits is not always clear, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel regarding the legality of using bond proceeds to pay the costs of the audits required pursuant to Items #3-4 below.
The performance audit described in Item #3 may include an evaluation of the planning, financing, and implementation of the overall facilities program.

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed (California Constitution Article 13A, Section 1(b)(3))

4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects (California Constitution Article 13A, Section 1(b)(3))

~~CSBA NOTE: If the district has a general obligation bond approved according to the 55 percent threshold provisions, Education Code 15278 requires that the Board appoint a citizens' oversight committee. See the accompanying administrative regulation for requirements related to the composition and duties of the committee.~~

5. ~~If a district general obligation bond requiring a 55 percent majority is approved by the voters,~~A requirement that the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation~~.~~ (Education Code 15278)

   This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to Items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to the Superintendent or designee and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

~~CSBA NOTE: The following optional paragraph may be revised to reflect district practice.~~

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

Bonds Requiring ~~66.67 Percent~~Two-thirds Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of ~~66.67 percent~~a two-thirds majority of the voters pursuant to Education Code 15100 and California Constitution, Article 13A, Section 1(b)(2). If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by ~~a 66.67 percentt~~two-thirds majority of ~~the~~ voters. (Education Code 15100)

CSBA NOTE: Pursuant to Education Code 15101, an election for a bond measure that requires ~~66.67 percentt~~two-thirds approval may be held only on specified days. Districts using this option should coordinate efforts with their local elections officials to ensure compliance with law.

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

CSBA NOTE: Items #1-10 below reflect the purposes for which funds generated from a general obligation bond authorized with ~~66.67 percent~~two-thirds voter approval may be used, pursuant to Education Code 15100. Some of these purposes may be inconsistent with Article 13A, Section 1 of the California Constitution, which permits a district to raise funds in this manner only for the acquisition or improvement of real property. ~~Districts should~~It is recommended that districts consult ~~with~~ CSBA's District and County Office of Education Legal Services or district legal counsel when determining whether to order a bond election for any of the purposes specified in Education Code 15100.

Subject to limits specified in Article 13A, Section 1 of the California Constitution, bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots

2. Building or purchasing school buildings

3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs

4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity

5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature

6. Permanently improving school grounds

7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans

8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577

9. Purchasing school buses with a useful life of at least 20 years

10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by an order of the Board entered into the minutes. (Education Code 15100)

CSBA NOTE: ~~The following paragraph is optional.~~ Although Education Code 15278 requires that the Board appoint a citizens' oversight committee if the district has a general obligation bond approved according to the 55 percent threshold provisions, districts that have had approval of a

bond with ~~66.67 percentt~~two-thirds majority vote are not required by law to appoint a citizens' oversight committee. However, such districts may, at their discretion, form an oversight committee under requirements and guidelines adopted by the Board.

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

CSBA NOTE: The following section applies to bond elections requiring either a 55 percent or ~~66.67 percentt~~two-thirds approval by local voters.

Pursuant to Elections Code 15307, as added by AB 5 (Ch. 250, Statutes of 2025), county elections officials are required to finish counting all ballots, with certain exceptions, and release a vote count for those ballots by the 13th day following an election. Pursuant to Elections Code 15372, following a bond election, the county elections official ~~must~~is required to submit a certificate of the election results to the Board, which then must provide certification to the County Board of Supervisors, as specified below.

If the certificate of election results received by the Board from the applicable county elections officials shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall declare that the bond measure has passed and record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274; Elections Code 15372, 15400)

Resolutions Regarding Sale of Bonds

CSBA NOTE: The following section applies to bond elections requiring either a 55 percent or ~~66.67 percentt~~two-thirds approval by local voters. Pursuant to Education Code 15140, bonds may be offered for sale by either the County Board of Supervisors or the County Superintendent of Schools. However, the County Board of Supervisors may adopt a resolution authorizing a district to sell bonds on its own behalf when the district has not received a qualified or negative certification in its most recent interim financial report~~;~~. For more information regarding interim financial reports see BP/AR 3460 - Financial Reports and Accountability.

In addition to districts' authority to issue bonds pursuant to Education Code 15100-15254, Government Code 53506-53509.5 provide an alternative method. However, any district that intends to issue bonds using this alternative method is subject to stricter requirements pursuant to Government Code 53508.5.

Pursuant to Education Code 15100.3 and 15267, two or more small school districts with average daily attendance of 2,500 or less that have voter-approved authority to issue bonds, may form a joint powers authority, in accordance with Government Code 6500 - 6539.9, for the purpose of issuing or selling bonds for raising money for the purposes authorized.

Districts using these alternative methods may need to further modify this policy and accompanying administrative regulation ~~and should~~. It is recommended that districts wishing to modify policy language consult with CSBA's District and County Office of Education Legal Services or district legal counsel as necessary.

Regardless of the method used to issue bonds, pursuant to Education Code 15144.1 and 15144.2, the district's total debt service to principal ratio must not exceed four to one and, if the bond allows for the compounding of interest, such as a capital appreciation bond (CAB), and matures more than 10 years after its issuance date, the bond must be redeemable by the district no later than 10 years from issuance. Pursuant to Government Code 53508.6, a current interest bond (CIB) may have a maturity of up to 40 years provided that the district complies with the disclosure requirements specified in Education Code 15146 and makes a finding that the useful life of the facility to be financed with the bonds is at least equal to the maturity date of the bonds.

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass ~~a resolution~~one or more resolutions directing the issuance and sale of bonds~~.~~ as necessary. In accordance with law, ~~the~~each resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

CSBA NOTE: To ensure prudence in the expenditure of district resources, the Board should carefully consider all available funding instruments, such as CIBs, CABs, and convertible capital appreciation bonds, the manner in which the bonds will be sold, and other related issues as specified in Education Code 15146. Districts considering the method of bond sale and kinds of bonds to sell are encouraged to review CSBA's Governance Brief, "Bond Sales - Questions and Considerations for Districts," and establish a bond financing team including a municipal advisor and bond counsel.

In passing ~~the~~each resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall place an agenda item at a public meeting and adopt as part of the bond issuance resolution, or in a separate resolution, disclosures of the available funding instruments, the costs and sustainability of each, and all of the following information: (Education Code 15146)

1. Express approval of the method of sale, such as competitive or negotiated sales

2. Statement of the reasons for the method of sale selected

3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected

4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), the resolution to be adopted by the Board shall include Items #1-4 above as well as the financing term and time of maturity, repayment ratio, and the estimated change in the

assessed value of taxable property within the district over the term of the bonds. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest

2. A comparison to the overall cost of current interest bonds

3. The reason bonds that allow for the compounding of interest are being recommended

4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

CSBA NOTE: Government Code 8855 requires that the district report any proposed issuance of debt to CDIAC at least 30 days prior to the sale of the debt issue. Typically, bond counsel will file the report on behalf of the district. Government Code 8855 requires that the report include a certification that the district has adopted a debt management policy and that the issuance is consistent with that policy. ~~Pursuant~~Additionally, pursuant to Government Code 8855, the district ~~must also~~is required to annually submit, on or before January 31, a report to the CDIAC regarding all outstanding debt and the use of the proceeds of the issued debt. ~~See~~For more information regarding the issuance of debt as a source of funding, see BP 3470 - Debt Issuance and Management.

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). (Government Code 8855)

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the CDAIC. (Education Code 15146; Government Code 53509.5)

Bond Anticipation Notes

CSBA NOTE: Pursuant to Education Code 15150, the district is authorized to issue a bond anticipation note when the Board determines by resolution that it is in the best interest of the district to finance a facilities project on an interim basis in anticipation of the sale of bonds that has been approved by voters. The note may only be issued in accordance with law and subject to terms and conditions prescribed by the Board.

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be

used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

CSBA NOTE: Education Code 15150 clarifies that interest on a bond anticipation note may be paid at maturity from the proceeds of the sale of the bond in anticipation of which it was issued or paid periodically from a property tax levied for that purpose if certain conditions are satisfied.

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose

2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

Deposit of Bond Proceeds

CSBA NOTE: Pursuant to Education Code 15146, the proceeds of the sale of bonds, exclusive of any premium received, ~~must~~is required to be deposited in the county treasury to the credit of the building fund of the district. Education Code 15146 prohibits districts from withdrawing proceeds from the sale of bonds at any time for purposes of making investments outside the county treasury.

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

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

State	Description
CA Constitution Article 13A, Section 1	Tax limitation
CA Constitution Article 16, Section 18	Debt limit
Ed. Code 15100-15254	Bonds for school districts and community college districts
Ed. Code 15264-15288	Strict Accountability in Local School Construction Bonds Act of 2000
Ed. Code 17577	Sewers and drains
Ed. Code 47614	Charter school facilities

Ed. Code 5322	Resolution calling election
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 15307	Timeline to count ballots and release ballot count (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=15307.&lawCode=ELEC)
Elec. Code 13119	Forms of Ballots; ballot order
Elec. Code 15372	Elections official certificate
Elec. Code 15400	Announcement of election results (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=15400.)
Elec. Code 324	General election
Elec. Code 328	Local election
Elec. Code 341	Primary election
Elec. Code 348	Regular election
Elec. Code 356	Special election
Elec. Code 357	Statewide election
~~Elec. Code 53506-53509.5~~	~~General obligation bonds~~
~~Elec. Code 53580-53595.5~~	~~Bonds~~
~~Elec. Code 54952~~	~~Definition of legislative body; Brown Act~~
Elec. Code 9160-9170	Ballot label; support and opposition listings
Elec. Code 9400-9405	Bond issues
Gov. Code 1090-1099	Prohibitions applicable to specified officers (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=1.&lawCode=GOV&title=1.&article=4.)
Gov. Code 1125-1129	Incompatible activities (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=1.&lawCode=GOV&title=1.&article=4.7.)
Gov. Code 53506-53509.5	General obligation bonds (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=3.&part=1.&lawCode=GOV&title=5.&article=4.5.)
Gov. Code 53580-53595.5	Bonds (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=3.&part=1.&lawCode=GOV&title=5.&article=11.)

Gov. Code 54952	Definition of legislative body; Brown Act (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=54952.&lawCode=GOV)
Gov. Code 6500-6539.9	Joint powers agreements
Gov. Code 8855	California Debt and Investment Advisory Commission

Federal	**Description**
17 CFR 240.10b-5	Prohibition against fraud or deceit
17 CFR 240.15c2-12	Municipal securities disclosure

Management Resources	**Description**
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 157 (2004)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 46 (2005)
Attorney General Opinion	99 Ops.Cal.Atty.Gen. 18 (2016)
Court Decision	Taxpayers for Accountable School Bond Spending v. San Diego Unified School District (2013) 215 Cal.App.4th 1013
Court Decision	San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
Court Decision	Foothill-De Anza Community College Dist. v. Emerich (2007) 158 Cal.App.4th 11 (https://advance.lexis.com/container?config=014DJAAzMGJkMTZjMi03MDVlLTQ5MWQtOTUyYi01Y2YyYjBjN2IzZmUKAFBvZENhdGFsb2dd3XfL66WtUcULK93oXtRU&crid=6e3419d5-53e9-4ab0-899b-c7ba86208de6&prid=155f58ed-87f6-41ad-9df1-4ec56eab5725)
CSBA Publication	California's Challenge: Adequately Funding Education in the 21st Century, December 2015
CSBA Publication	Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
CSBA Publication	Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012
Debt & Investment Advisory Commission Publication	California Debt Financing Guide, rev. March 2022
Gov. Finance Officers Association Publication	Types of Legal Counsel, Best Practice, September 2018
Gov. Finance Officers Association Publication	Selecting and Managing the Method of Sale of Bonds, Best Practice, March 2021
Gov. Finance Officers Association Publication	Debt Management Policy, Best Practice, March 2020
Gov. Finance Officers Association Publication	Investment and Management of Bond Proceeds, Best Practice, March 2022

Gov. Finance Officers Association Publication	Selecting and Managing Municipal Advisors, Best Practice, February 2014
Gov. Finance Officers Association Publication	Understanding Your Continuing Disclosure Responsibilities, Best Practice, March 2020
Gov. Finance Officers Association Publication	Refunding Municipal Bonds, Best Practice, March 2019
Gov. Finance Officers Association Publication	An Elected Official's Guide to Debt Issuance, 3rd Ed., 2008
Website	CSBA District and County Office of Education Legal Services
Website	Government Finance Officers Association
Website	Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA)
Website	California Debt and Investment Advisory Commission
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1230	School-Connected Organizations
1230	School-Connected Organizations
1330.1	Joint Use Agreements
1340	Access To District Records

1340	Access To District Records
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3580	District Records
3580	District Records
6151	Class Size
7110	Facilities Master Plan
7210	Facilities Financing
7213	School Facilities Improvement Districts
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

Regulation 7214: General Obligation Bonds

Status: ADOPTED

Original Adopted Date: 03/01/2012 **| Last Revised Date:** ~~06~~08/01/~~2024~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2024~~2026

Election Notice

CSBA NOTE: Notice and ballot requirements for bond elections are specified in Education Code 15120-15126. Additional requirements for bond measures with a 55 percent (Proposition 39) threshold are contained in Education Code 15272. Due to the complexity of bond elections, it is recommended that districts ~~are advised to~~ consult ~~with CSBA~~CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.

Whenever the Governing Board orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that the election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable, and the section "Ballot Materials" below.

CSBA NOTE: Since certain election officials may require delivery of the bond measure more than 88 days prior to the date of the election, districts should check with their county election officials for when the documents specified below should be delivered to the officer conducting the election.

At least 88 days prior to the date of the election, the Superintendent or designee shall deliver to the officer conducting the election the resolution calling the election, including the date and purpose of the election~~,~~; the authority for ordering the election and the specification of the election order~~,~~; the signature of the officer or the clerk of the Board authorized to make such designations~~,~~; and all other applicable ballot materials. (Education Code 5322)

Ballot Materials

The ballot question to appear on the ballot shall not exceed 75 words and shall appear in the form specified in Elections Code 13119. (Education Code 5322)

The Superintendent or designee shall ensure that the ballot materials comply with applicable laws including a brief statement of the measure setting forth the amount of the bonds to be voted upon, the maximum rate of interest, and the purposes for which the proceeds of the sale of the bonds are to be used. (Education Code 15122)

In addition to the 75 word ballot question, a separate statement shall be included with the sample ballot, which includes the best estimate from official sources of all of the following: (Elections Code 9401)

CSBA NOTE: Pursuant to Elections Code 9401, ~~as amended by SB 798 (Ch. 720, Statutes of 2023),~~ "tax rate" means tax rate per $100,000 of assessed valuation on all property to be taxed to fund a bond issue.

1. The average annual tax rate that would be required to be levied to fund the bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors

   ~~The~~ Additionally, the estimate shall ~~also~~ identify the final fiscal year in which the tax is anticipated to be collected.

2. The highest tax rate that would be required to be levied to fund the bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors

3. The total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold

   The estimate may include information about the assumptions used to determine the estimate.

For bond measures requiring 55 percent majority of the voters, the Superintendent or designee shall ensure that the text of the ballot measure includes a statement that the Board will appoint a citizens' oversight committee and that annual independent audits will be conducted to assure that funds are spent only on school and classroom improvements and for no other purposes. (Education Code 15272)

For bond funded projects that require state matching funds, the Superintendent or designee shall ensure the sample ballot contains a statement advising the voters that the project is subject to the approval of state matching funds and, therefore, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

CSBA NOTE: Elections Code 9170 requires the ballot label or similar description of a school district measure on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as ~~board~~Governing Board members, who have signed the ballot argument or are listed in the text of the argument for or against the measure, unless the county board of supervisors elects not to list such supporters and opponents. For more information about ballot measures, see BP 1160 - Political Processes.

Arguments in support or in opposition of the bond measure shall be submitted in accordance with Elections Code 9160-9170.

Citizens' Oversight Committee

CSBA NOTE: The following ~~optional~~ section is for use by districts that have appointed an independent citizens' oversight committee, as required by Education Code 15278 for districts that have had a general obligation bond approved ~~under~~pursuant to the 55 percent threshold. The section may also be adapted for use by districts that have had approval of a bond with ~~66.67 percent~~two-thirds majority vote that choose to appoint an oversight committee at their discretion~~;~~. For more information regarding required and permissive appointments of citizens' oversight committees, see the accompanying Board policy.

If a bond is approved ~~under~~pursuant to the 55 percent majority threshold ~~pursuant to~~in accordance with Proposition 39 to the California Constitution, Article 13A, Section 1(b)(3) and Article 16, Section 18(b), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district

2. One member active in a senior citizens' organization

3. One member active in a bona fide taxpayers' organization

4. One member who is a parent/guardian of a district student

5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee may serve for no more than three consecutive terms of two years each. They shall serve without compensation. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in California Constitution, Article 13A, Section 1(b)(3), including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities

2. Ensuring that, as prohibited by California Constitution, Article 13A, Section 1(b)(3)(A), no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by California Constitution, Article 13A, Section 1(b)(3)(C) and (D)

2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of California Constitution, Article 13(A), Section 1(b)(3)

3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district

4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, the following:

    a. Mechanisms designed to reduce the costs of professional fees

    b. Mechanisms designed to reduce the costs of site preparation

    c. Recommendations regarding the joint use of core facilities

    d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design

    e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. ~~The~~Additionally, the district shall ~~also~~ provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual independent financial and performance audits within three months of receiving the audits. (Education Code 15280)

CSBA NOTE: Pursuant to Government Code 54952, the Brown Act open meeting laws apply to any commission, committee, board, or other body created by formal action of the ~~Governing~~ Board, regardless of whether that body is permanent or temporary, decision-making or advisory.

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's website. (Education Code 15280)

CSBA NOTE: The following paragraph, although not required by law, reflects the authorization for a citizens' oversight committee to establish bylaws for its operation, and may be revised to reflect district practice.

The citizens' oversight committee may create bylaws for its operations consistent with this regulation, subject to the approval of the Board or Superintendent.

Reports

CSBA NOTE: The following section applies to all bond elections.

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved

2. The percentage of registered electors who voted at the election

3. The results of the election, with the percentage of votes cast for and against the proposition

By each January 31 following a bond issuance, the district shall submit an annual report to the California Debt Investment and Advisory Commission in accordance with Government Code 8855 and as specified in ~~BP~~Board Policy 3470 - Debt Issuance and Management.

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

State	Description
CA Constitution Article 13A, Section 1	Tax limitation
CA Constitution Article 16, Section 18	Debt limit
Ed. Code 15100-15254	Bonds for school districts and community college districts
Ed. Code 15264-15288	Strict Accountability in Local School Construction Bonds Act of 2000
Ed. Code 17577	Sewers and drains
Ed. Code 47614	Charter school facilities
Ed. Code 5322	Resolution calling election
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 15307	Timeline to count ballots and release ballot count (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=15307.&lawCode=ELEC)
Elec. Code 13119	Forms of Ballots; ballot order
Elec. Code 15372	Elections official certificate

Elec. Code 15400	Announcement of election results (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=15400.)
Elec. Code 324	General election
Elec. Code 328	Local election
Elec. Code 341	Primary election
Elec. Code 348	Regular election
Elec. Code 356	Special election
Elec. Code 357	Statewide election
~~Elec. Code 53506-53509.5~~	~~General obligation bonds~~
~~Elec. Code 53580-53595.5~~	~~Bonds~~
~~Elec. Code 54952~~	~~Definition of legislative body; Brown Act~~
Elec. Code 9160-9170	Ballot label; support and opposition listings
Elec. Code 9400-9405	Bond issues
Gov. Code 1090-1099	Prohibitions applicable to specified officers (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=1.&lawCode=GOV&title=1.&article=4.)
Gov. Code 1125-1129	Incompatible activities (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=1.&lawCode=GOV&title=1.&article=4.7.)
Gov. Code 53506-53509.5	General obligation bonds (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=3.&part=1.&lawCode=GOV&title=5.&article=4.5.)
Gov. Code 53580-53595.5	Bonds (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=3.&part=1.&lawCode=GOV&title=5.&article=11.)
Gov. Code 54952	Definition of legislative body; Brown Act (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=54952.&lawCode=GOV)
Gov. Code 6500-6539.9	Joint powers agreements
Gov. Code 8855	California Debt and Investment Advisory Commission

Federal	**Description**
17 CFR 240.10b-5	Prohibition against fraud or deceit

17 CFR 240.15c2-12	Municipal securities disclosure

Management Resources	Description
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 157 (2004)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 46 (2005)
Attorney General Opinion	99 Ops.Cal.Atty.Gen. 18 (2016)
Court Decision	Taxpayers for Accountable School Bond Spending v. San Diego Unified School District (2013) 215 Cal.App.4th 1013
Court Decision	San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
Court Decision	Foothill-De Anza Community College Dist. v. Emerich (2007) 158 Cal.App.4th 11 (https://advance.lexis.com/container?config=014DJAAzMGJkMTZjMi03MDVlLTQ5MWQtOTUyYi01Y2YyYjBjN2IzZmUKAFBvZENhdGFsb2dd3XfL66WtUcULK93oXtRU&crid=6e3419d5-53e9-4ab0-899b-c7ba86208de6&prid=155f58ed-87f6-41ad-9df1-4ec56eab5725)
CSBA Publication	California's Challenge: Adequately Funding Education in the 21st Century, December 2015
CSBA Publication	Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
CSBA Publication	Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012
Debt & Investment Advisory Commission Publication	California Debt Financing Guide, rev. March 2022
Gov. Finance Officers Association Publication	Types of Legal Counsel, Best Practice, September 2018
Gov. Finance Officers Association Publication	Selecting and Managing the Method of Sale of Bonds, Best Practice, March 2021
Gov. Finance Officers Association Publication	Debt Management Policy, Best Practice, March 2020
Gov. Finance Officers Association Publication	Investment and Management of Bond Proceeds, Best Practice, March 2022
Gov. Finance Officers Association Publication	Selecting and Managing Municipal Advisors, Best Practice, February 2014
Gov. Finance Officers Association Publication	Understanding Your Continuing Disclosure Responsibilities, Best Practice, March 2020
Gov. Finance Officers Association Publication	Refunding Municipal Bonds, Best Practice, March 2019
Gov. Finance Officers Association Publication	An Elected Official's Guide to Debt Issuance, 3rd Ed., 2008

Website	CSBA District and County Office of Education Legal Services
Website	Government Finance Officers Association
Website	Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA)
Website	California Debt and Investment Advisory Commission
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1230	School-Connected Organizations
1230	School-Connected Organizations
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3580	District Records
3580	District Records

6151	Class Size
7110	Facilities Master Plan
7210	Facilities Financing
7213	School Facilities Improvement Districts
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

Bylaw 9220: Governing Board Elections

Status: ADOPTED

Original Adopted Date: 06/01/2006 **| Last Revised Date:** ~~06~~08/01/~~2024~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2024~~2026

~~CSBA NOTE: The following bylaw is optional and should be revised to reflect district practice.~~CSBA NOTE: While many district elections are governed by state law, some district elections are governed by the applicable city or county charter, or both. This bylaw is written based on state law but should be modified to the extent a city or county charter applies.

~~The~~Because the filling of elective offices involves serious issues of constitutional and statutory concerns~~. Any district~~, it is recommended that districts with questions related to local elections ~~should~~ consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Board Member Qualifications

CSBA NOTE: Education Code 35107 details eligibility for Governing Board membership as specified below, including the requirement to be registered to vote. Elections Code 2201 lists the causes for cancelling an individual's voter registration, including, but not limited to, legally established mental incompetency, proof that the person is presently imprisoned or on parole for conviction of a felony, or official notification that the voter is registered to vote in another country or state.

Additionally, pursuant to certain provisions of the California Constitution and various state laws, the conviction of certain offenses makes a person ineligible to be a Board member, except when the person has been granted a pardon in accordance with law. For ~~example, Article VII, Section 8 of the California Constitution prohibits anyone from holding public office if convicted of giving or offering a bribe to procure personal election or appointment. See the accompanying exhibit for~~ a non-exhaustive list of such offenses, see the accompanying exhibit.

Any person is eligible to be a member of the Governing Board, without further qualifications, if the person is: 18 years of age or older; a citizen of California; a resident of the school district or, if ~~applicable~~required, the trustee area; a registered voter; and not legally disqualified from holding civil office. (Education Code 35107)

A person is not eligible to be a member of the Board if they have been convicted of an offense(s) as specified in law ~~and the accompanying Exhibit~~, except when the person has been granted a pardon in accordance with law.

A district employee duly elected to the Board shall resign from district employment, or shall otherwise cease being a district employee, before being sworn in. If a district employee duly elected to the Board is sworn in and remains a district employee, then the district's employment of the employee shall automatically terminate upon being sworn into office. (Education Code 35107)

CSBA NOTE: Pursuant to Government Code 1099, an individual is prohibited from simultaneously holding two public offices that are incompatible.

In 109 Ops.Cal.Atty.Gen. 106 (2026), the Attorney General granted a request to sue an individual serving both as a county board of education member and as a school board member of a district within the jurisdiction of the county board on the grounds that there was a substantial legal question that the two offices were incompatible pursuant to Government Code 1099.

Additionally, a person duly appointed or elected to the Board who holds an incompatible office at the time the Board member is sworn in to office as a Board member may not continue to serve in the incompatible office, and shall be deemed to have forfeited the incompatible office in accordance with Government Code 1099.

CSBA NOTE: See CSBA's website for information about governing board services that may be ~~shared with~~provided to candidates.

The Board encourages all candidates to become knowledgeable about the role of board members. ~~The~~Upon request by a Board candidate, the Superintendent or designee shall provide ~~a Board candidate, upon request by~~ the candidate~~,~~ with ~~information that will enable them to understand~~ :

1. Information regarding the responsibilities and expectations of ~~being~~ a Board member, including information regarding available workshops, seminars, and/or training~~. Additionally, the Superintendent or designee shall provide a Board candidate, upon request by the candidate, the~~

2. The county election official's contact information and general information about school programs, district operations, and Board responsibilities~~.~~

~~**Recalling a Board Member**~~

~~A Board member may be recalled as permitted by Elections Code 11000-11386.~~

CSBA NOTE: Pursuant to Elections Code 2166.9, as added by AB 1392 (Ch. 300, Statutes of 2025), the residence address, telephone number, and email address of a Board candidate appearing on the affidavit of registration is required to be kept confidential except as provided by state law.

A candidate's residence address, telephone number, and email address recorded with the applicable county election official shall be kept confidential in accordance with state law. (Elections Code 2166.9)

Recalling a Board Member

To commence a recall of a Board member, proponents shall serve, file, and publish or post a notice of intention to circulate the recall petition as specified by law and any applicable ~~county~~ elections official directives. Additionally, the recall petition shall be in the format provided by the Secretary of State and include, among other things, an estimate of the cost of conducting the special election, as determined by the ~~county~~ elections official, in consultation with the district. (Elections Code 11000-11386)

CSBA NOTE: Pursuant to Elections Code 11240, within 14 days after the regular Board meeting at which the Board received a certificate of sufficiency to recall a Board member, the Board is required to order a recall election and set a date for the recall election in accordance with law. Pursuant to Elections Code 11241, if the Board fails to do so, the elections official of the county which has jurisdiction over the district is required to set the date for the recall election within five days after the expiration of the 14-day window.

Within 14 days after the regular meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from a ~~county~~an elections official, the Board shall order an election to be held to determine whether the Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election. (Elections Code 11240-11242)

A recall election of a Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a Board member is successful, that Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-~~95~~5095 and Board Bylaw 9223 - Filling Vacancies.

~~**Consolidation of Elections**~~

CSBA Note: Pursuant to Elections Code 11382, as amended by AB 94 (Ch. 251, Statutes of 2025), a recalled Board member may not be appointed to the seat that was vacated by the recall. For information on filling vacancies, see BB 9223 – Filing Vacancies.

However, a recalled Board member may not be appointed to the seat that was vacated by the recall. (Elections Code 11382)

Consolidation of Elections

CSBA NOTE: The following ~~optional~~ section is for districts that currently hold their Board elections at a time that is not concurrent with municipal or statewide elections.

In general, Education Code 5000 and Elections Code 1302 require the regular election of Board members to be held on the first Tuesday after the first Monday in November of each odd-numbered year. However, in accordance with Elections Code 1302 and 10404.5, districts are authorized to request consolidation of their Board elections with the local municipal or state primary or general election by adopting a Board resolution and submitting it to the County Board of Supervisors for approval. Most districts choose to consolidate their Board elections with the local municipal or state primary or general election.

Pursuant to Elections Code 14051-14052, districts are required to hold elections concurrent with statewide elections if holding nonconcurrent elections has previously resulted in a "significant decrease" in voter turnout, as defined. Districts consolidating their elections due to low voter turnout should follow the procedures specified in Elections Code 1302, including the adoption of a Board resolution. For further analysis, see CSBA's, "Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections."

The Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302. Additionally, if a regularly scheduled Board election held other than on a statewide election date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the Board shall take action to consolidate Board elections with statewide elections in accordance with Elections Code 14051-14052.

In order to consolidate elections, the Board shall adopt a resolution and submit it to the County Board of Supervisors for approval not later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Board election is changed due to consolidation of elections, the terms of office of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

Elections Process and Procedures

CSBA NOTE: Pursuant to ~~Election~~Elections Code 15307, as added by AB 5 (Ch. 250, Statutes of 2025), county elections officials are required to finish counting all ballots, with certain exceptions, and release a vote count for those ballots by the 13th day following an election. Pursuant to Elections Code 15400, after each election and the counting of the ballots has been completed, the Board is required to declare who has been elected to the Board.

For each election, upon ~~certification by the County Board of Supervisors~~receipt of the certified statement of the results of the election from the applicable county elections officials, the Board shall declare ~~who has~~which individuals have been elected to the Board in accordance with law. (~~Election~~Elections Code 15372, 15400)

CSBA NOTE: The following paragraph is for districts with board elections that have voters in more than one county and should be deleted by all other districts.

The declaration shall be transmitted to the county elections official with primary jurisdiction for the district, who shall then issue and deliver a certificate of election to each person elected. (Elections Code 15400-15401)

A Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

~~CSBA NOTE: Any district with questions regarding the election process and procedures, particularly the California Voting Rights Act (Elections Code 14025-14032) should consult CSBA's District and County Office of Education Legal Services or district legal counsel.~~

CSBA NOTE: Option #1 below is for use where Board members are elected by trustee area. Option #2 below is for use where Board members are elected "at large." Option #3 below is for use where Board members are elected using a "hybrid" method.

OPTION 1: (Election by trustee area)

Each Board member shall reside in the trustee area they represent and shall be elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

CSBA NOTE: Elections Code 21100-21180~~, as added by AB 764 (Ch. 343, Statutes of 2023), create the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act of 2023 which~~ establishes a comprehensive set of rules that local governments ~~must~~are required to follow during the redistricting process.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

OPTION 1 ENDS HERE

CSBA NOTE: Any district that selects Option 2 or 3 should ensure that its decision is consistent with ~~Elections Code 14025-14032 (the California Voting Rights Act (CVRA)) which prohibits the use of the "at-large" voting method for elections within jurisdictions with a history of "racially polarized voting" (i.e., difference between voters of a protected class and voters in the rest of the jurisdiction in the choice of candidates preferred).~~law.

OPTION 2: (Election using "at-large" voting method)

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

OPTION 2 ENDS HERE

CSBA NOTE: In addition to the methods described in Option 1 and Option 2, a district may use a "hybrid" method, which requires each Board member to reside within the trustee area that the Board member represents but be elected by all voters in the district. The extent, if any, to which a district using this "hybrid" method is required to balance its trustee areas by population is unclear.

OPTION 3: (Election using hybrid method)

Each Board member shall reside within the trustee area that the Board member represents but shall be elected by all voters in the district. Trustee areas shall be balanced by population as required by state and federal law.

CSBA NOTE: Elections Code 21100-21180~~, as added by AB 764, create the FAIR MAPS Act of 2023 which~~ establishes a comprehensive set of rules that local governments ~~must~~are required to follow during the redistricting process.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

OPTIONS 3 ENDS HERE

CSBA NOTE: The following paragraph may be revised to reflect district practice. Districts using Option 2 or 3 above should periodically monitor the demographics within their geographical boundaries to ensure that no violation of ~~the CVRA occurs. Any district found in violation of the CVRA could be held liable for attorneys' fees and legal costs. Elections Code 10010 requires that a prospective plaintiff send written notice to the district prior to filing a complaint alleging that the method of election violates the CVRA so that the district will have the chance to cure any potential violations before the commencement of litigation. Even if the district cures the alleged violations, it may be required to pay reasonable costs incurred in supporting the written notice~~law occurs.

The Board may review the district's Board election method to determine whether any modification is necessary.

CSBA NOTE: Converting from an "at-large" (Option 2~~)~~ above) or a "hybrid" (Option 3 above) voting method to a "by trustee area" (Option 1 above) voting method involves complex issues of law regarding matters such as the redrawing of maps, required approvals, and transition dates. Elections Code 10010 and 21100-21150 require the Board to follow ~~procedural requirements~~certain procedures and hold hearings before and after drawing maps of the proposed district boundaries to allow for public input. ~~If Board members will be elected at different times for staggered terms of office, hearings held after publishing the draft map(s) are required to include an opportunity for public input regarding the proposed sequence of elections.~~One such procedure is found in Elections Code 10010, which requires hearings to solicit input regarding the composition of the district, the content of the draft map(s), and the proposed sequence of elections, if applicable. Each such hearing is required to be publicly noticed and begin at a fixed time if it is held as part of a Board meeting that also includes other substantive agenda items.

The following paragraph may be deleted by districts that have already adopted the "by-trustee" election method (Option 1 above).

If the district seeks to change its election method, the Board shall follow procedural requirements and hold public hearings in accordance with Elections Code 10010 and 21100-21150 before adopting a resolution at an open meeting specifying the change and ~~obtain~~obtaining approval from the county committee on school district organization ~~having~~with primary jurisdiction ~~over~~for the district in accordance with Education Code 5019.

CSBA NOTE: ~~The remainder of this section is for all districts.~~ The Attorney General opined in 105 Ops.Cal.Atty.Gen. 182 (2022) that when the boundaries of a district's trustee areas are adjusted or the district changes from "at-large elections" to "by-trustee area elections," and a vacancy then arises in a seat held by a Board member whose term of office began prior to the change in boundaries or election method, the vacancy should be filled using the boundaries or election method by which the incumbent Board member was elected. Any district that has already adopted a "by-trustee" election method should revise the following paragraph accordingly.

The election method or trustee-area boundaries in effect at the beginning of a Board member's term shall be used when any vacancy that occurs during that term is to be filled, even if, during the term, the district has adopted "by-trustee area" election method or trustee area boundaries have been adjusted.

Campaign ~~Conduct~~Finance

~~CSBA NOTE:~~CSBA NOTE: The Political Reform Act and its associated regulations establish campaign finance rules for school board elections. Additionally, Education Code 35177 authorizes boards, by resolution, to limit campaign expenditures and/or contributions for candidates in board elections. The following paragraph may be modified to reflect district practice.

Based on the First Amendment, however, courts have imposed constraints on limitations on campaign expenditures and/or contributions limits. It is strongly recommended that, before adopting any campaign expenditures and/or contribution limits, the Board consult CSBA's District and County Office of Education Legal Services or district legal counsel, in order to ensure that the district's limits satisfy legal restrictions.

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign contributions, funding, and expenditures.

CSBA NOTE: Government Code 85300 generally prohibits the expenditure of public funds for the purpose of seeking elective office. However, Government Code 85300 permits a candidate to expend or accept public funds for the purpose of seeking elective office if the Board establishes a dedicated fund for that purpose, provided that both (1) the public funds are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference~~,~~ and (2) the Board has established criteria for determining a candidate's qualifications. For school board elections, candidate qualifications are governed by state law as specified in ~~state law (see section~~ "Board Member Qualifications"~~,~~" above~~), and districts should not establish additional qualification requirements~~.

A Board ~~member shall not expend, and a~~ candidate shall not expend or accept~~,~~ any public money for the purpose of seeking elective office. However, the district may establish a dedicated fund for those seeking election to the Board, provided that the funds are available to all candidates who are qualified pursuant to Education Code 35107 without regard to incumbency or political preference. (Government Code 85300)

CSBA NOTE: Pursuant to Elections Code 20440, county election officials are required to present each candidate running for public office with a voluntary Code of Fair Campaign Practices for the candidate to sign. However, neither the district nor ~~opposing~~ candidates have authority to enforce the pledge if it is violated. The following ~~optional~~ paragraph expresses the Board's desire that candidates for Board membership sign and abide by the terms of the pledge.

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

On the 125th day prior to the day fixed for the general district election, the Board secretary or designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the ~~general~~applicable election and which offices, if any, are for the balance of an unexpired term

2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

CSBA NOTE: Pursuant to Elections Code 13307, the candidate statement is limited to 200 words (Option 1 below), unless the Board chooses to authorize a 400-word maximum (Option 2 below).

OPTION 1: (200 Words Limit)

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

OPTION 1 ENDS HERE

OPTION 2: (400 Words Limit)

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

OPTION 2 ENDS HERE

CSBA NOTE: Pursuant to Elections Code 13307, a voter may receive by mail a voter's pamphlet that contains candidate statements or, when authorized by the elections official, may opt to obtain the voter's pamphlet and related materials electronically ~~(i.e.,~~such as from the elections official's ~~web site~~website or via email~~).~~. When electronic distribution is authorized by the elections official, districts may choose, pursuant to Elections Code 13307, whether to permit Board candidates to prepare a statement for electronic distribution. If a candidate chooses to submit a statement for electronic distribution only, it will not appear in the mailed voter's pamphlet.

The following paragraph, which may be revised to reflect district practice, is for use by any district that authorizes electronic distribution of candidate statements in addition to or instead of the mailed voter's pamphlet.

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution. (Elections Code 13307)

CSBA NOTE: Prior to the beginning of the nominating period, Elections Code 13307 requires the Board to determine whether to have the district assume the costs of producing candidate statements or to charge candidates for the costs, regardless of whether the statements are for hard copy or electronic distribution. In 85 Ops.Cal.Atty.Gen. 49 (2002), the Attorney General opined that Elections Code 13307, which authorizes the district to pay for ~~the distribution of~~distributing candidate statements for nonpartisan elective offices, does not conflict with Education Code 7054, which prohibits the use of district resources for campaign purposes.

Option 1 below is for districts that assume the costs associated with producing candidate statements, and Option 2 is for districts that charge candidates for the costs. The following options may be revised to reflect the method of distribution (i.e., electronic and/or hard copy) used by the district.

OPTION 1: (Candidate Statement Paid by District)

The district shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.

OPTION 1 ENDS HERE

OPTION 2: (Candidate Statement Paid by Candidate)

The district shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a

condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

OPTION 2 ENDS HERE

Tie Votes in Board Member Elections

CSBA NOTE: Education Code 5016 requires the Board to decide, before conducting any election, whether a potential tie will be resolved by lot or by a runoff election. Option 1 provides for the use of lots to determine the winner in case of a tie in every election and Option 2 provides for a runoff election in every election.

Education Code 5016 requires the County Superintendent of Schools to provide certification of a tie vote in an election to the district Board.

OPTION 1: (Tie Decided by Lot)

Whenever the County Superintendent of Schools with primary jurisdiction for the district certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time and place shall determine the winner by lot. (Education Code 5016)

OPTION 1 ENDS HERE

OPTION 2: (Tie Decided by Runoff Election)

Whenever the County Superintendent of Schools with primary jurisdiction for the district certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

OPTION 2 ENDS HERE

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Policy Reference Disclaimer:
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State	Description
CA Constitution Article 2, Section 2	Voters; qualifications
CA Constitution Article 7, Section 7	Conflicting offices
CA Constitution Article 7, Section 8	Disqualification from office
Ed. Code 1006	Prohibition against school district employees serving on county board of education

Ed. Code 35107	School district employees
Ed. Code 35177	Campaign expenditures or contributions
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5090-5095	Vacancies
Ed. Code 5091	Vacancies; petition for special election
Ed. Code 5220-5231	Elections
Ed. Code 5300-5304	General provisions; conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5380	Compensation; election officer
Ed. Code 5390	Qualifications of voters
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 10010	District boundaries
Elec. Code 10400-10418	Consolidation of elections
Elec. Code 10509	Notice of election by secretary
Elec. Code 10600-10604	School district elections
Elec. Code 11000-11386	Recall elections
Elec. Code 11000	Recall of officers
Elec. Code 11382	Vacancy due to recall
Elec. Code 1302	Local elections; school district election
Elec. Code 13307	Candidate's statement
Elec. Code 13308	Candidate's statement contents
Elec. Code 13309	Candidate's statement; indigence
Elec. Code 14025-14032	California Voting Rights Act
Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 15307	Timeline to count ballots and release ballot count
Elec. Code 15370-15377	Ballot security and reporting of results

Elec. Code 15400-15402	Announcement of election results
Elec. Code 18501	Election fraud
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 21100-21180	FAIR MAPS Act
Elec. Code 2166.9	Candidate confidentiality
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	~~Elections conducted wholly by mail~~Elections conducted entirely by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract
Gov. Code 1099	Incompatible offices
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 1770	Vacancy of office
Gov. Code 81000-91014	Political Reform Act
Gov. Code 9055	Committing crimes against legislative power
Gov. Code 9412	Refusing to appear
Pen. Code 165	Bribes to members of city council
Pen. Code 2772	Interfering with the work of prisoners
Pen. Code 2790	Interrupting the work of prisoners
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Pen. Code 661	Removal for neglect or violation of official duty
Pen. Code 67	Giving bribes
Pen. Code 68	Receiving bribes
Pen. Code 74	Acceptance of gratuity
Pen. Code 88	Crimes against legislative power
Pen. Code 98	Crimes against public justice

Federal	**Description**
52 USC 10301-10508	Voting Rights Act

Management Resources	**Description**
Attorney General Opinion	105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion	109 Ops.Cal.Atty.Gen. 106 (2026)

Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 98 (1998)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 181 (2000)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 49 (2002)
Court Decision	Dusch v. Davis (1967) 387 U.S. 112
Court Decision	Randall v. Sorrell (2006) 126 S.Ct. 2479
Court Decision	Rey v. Madera Unified School District (2012) 203 Cal. App. 4th 1223
Court Decision	Sanchez v. City of Modesto (2006) 145 Cal. App. 4th 660
CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	California Secretary of State's Office
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
9005	Governance Standards
9110	Terms Of Office
9223	Filling Vacancies
9224	Oath Or Affirmation
9230	Orientation
9240	Board Training
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices

Exhibit 9220-E(1): Governing Board Elections

Status: ADOPTED

Original Adopted Date: 06/01/2024 **| Last Revised Date:** 08/01/2026 **| Last Reviewed Date:** ~~06~~08/01/~~2024~~2026

This exhibit is a non-exhaustive list of offenses the conviction of which disqualifies a person from holding public office, including as a Governing Board member of a school district, in the State of California.

1. California Constitution, Article VII, Section 8: Giving or offering a bribe to procure personal election or appointment

2. California Constitution, Article VII, Section 8: Committing bribery, perjury, forgery, malfeasance in office, or other high crimes

3. Penal Code ~~section~~ 67: Giving or offering a bribe to any executive officer in the state to influence any decision made by that officer in their official capacity

4. Penal Code ~~section~~ 68: While an executive or ministerial officer, employee, or appointee of the state, a county, a city, or another political subdivision of the state, asking for, receiving, or agreeing to receive any bribe to influence any decision made by that person in their official capacity

5. Penal Code ~~section~~ 74: As a public officer, for gratuity or reward, appointing another person to public office, or permitting another person to exercise or discharge the duties of their office

6. Penal Code ~~section~~ 88: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling

7. Penal Code ~~section~~ 98: While an officer, committing any of various bribery and corruption crimes against the public justice as specified in Penal Code 92-100, including bribing or threatening judges or jurors

8. Penal Code ~~section~~ 165: Giving or offering a bribe to a member of a city council or a board of supervisors to influence any decision made by that member in their official capacity

9. Penal Code ~~section~~ 424: While an officer of the state or of any county, city, town, or district of the state, or while otherwise charged with the receipt, safekeeping, transfer, or disbursement of public moneys, appropriating such moneys for personal use, or refusing to

pay any public moneys as required by law

10. Penal Code ~~section~~ 2772: Interfering with the work of prisoners employed at a road camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind

11. Penal Code ~~section~~ 2790: Interrupting the work of prisoners employed at a public park or camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind

12. Government Code ~~section~~ 1021: Committing designated crimes as specified in the California Constitution or state law

13. Government Code ~~section~~ 1097: While a public official, being financially interested in a contract made in their official capacity, or by any body or board of which ~~he~~ ~~or~~ ~~she~~the public official is a member, or aiding or abetting a public official in committing such a violation

14. Government Code ~~section~~ 9055: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling

15. Government Code ~~section~~ 9412: While a member of the Legislature, refusing to appear before the Senate, Assembly, or any committee of the Legislature after being summoned to testify, or while appearing before the Senate, Assembly, or any committee, refusing to be sworn or to answer any material and proper question, or refusing to produce, upon reasonable notice, any material and proper books, papers, or documents in their possession and under their control

16. Elections Code ~~section~~ 20: Committing a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes

17. Elections Code ~~section~~ 18501: While a public official, aiding the illegal casting of a vote at an election or otherwise facilitating the perpetration of election fraud

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

State	Description
CA Constitution Article 2, Section 2	Voters; qualifications
CA Constitution Article 7, Section 7	Conflicting offices

CA Constitution Article 7, Section 8	Disqualification from office
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35177	Campaign expenditures or contributions
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5090-5095	Vacancies
Ed. Code 5091	Vacancies; petition for special election
Ed. Code 5220-5231	Elections
Ed. Code 5300-5304	General provisions; conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5380	Compensation; election officer
Ed. Code 5390	Qualifications of voters
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 10010	District boundaries
Elec. Code 10400-10418	Consolidation of elections
Elec. Code 10509	Notice of election by secretary
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Elec. Code 11000	Recall of officers
Elec. Code 11382	Vacancy due to recall
Elec. Code 1302	Local elections; school district election
Elec. Code 13307	Candidate's statement
Elec. Code 13308	Candidate's statement contents
Elec. Code 13309	Candidate's statement; indigence
Elec. Code 14025-14032	California Voting Rights Act

Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 15307	Timeline to count ballots and release ballot count
Elec. Code 15370-15377	Ballot security and reporting of results
Elec. Code 15400-15402	~~Announcement of election results~~Announcement of election results
Elec. Code 18501	Election fraud
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 21100-21180	FAIR MAPS Act
Elec. Code 2166.9	Candidate confidentiality
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	~~Elections conducted wholly by mail~~Elections conducted entirely by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract
Gov. Code 1099	Incompatible offices
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Gov. Code 9055	Committing crimes against legislative power
Gov. Code 9412	Refusing to appear
Pen. Code 165	Bribes to members of city council
Pen. Code 2772	Interfering with the work of prisoners
Pen. Code 2790	Interrupting the work of prisoners
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Pen. Code 661	Removal for neglect or violation of official duty
Pen. Code 67	Giving bribes
Pen. Code 68	Receiving bribes
Pen. Code 74	Acceptance of gratuity
Pen. Code 88	Crimes against legislative power
Pen. Code 98	Crimes against public justice
Federal	**Description**

52 USC 10301-10508	Voting Rights Act

Management Resources	Description
Attorney General Opinion	105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion	109 Ops.Cal.Atty.Gen. 106 (2026)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 98 (1998)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 181 (2000)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 49 (2002)
Court Decision	Dusch v. Davis (1967) 387 U.S. 112
Court Decision	Randall v. Sorrell (2006) 126 S.Ct. 2479
Court Decision	Rey v. Madera Unified School District (2012) 203 Cal. App. 4th 1223
Court Decision	Sanchez v. City of Modesto (2006) 145 Cal. App. 4th 660
CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	California Secretary of State's Office
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
9005	Governance Standards
9110	Terms Of Office
9223	Filling Vacancies
9224	Oath Or Affirmation
9230	Orientation
9240	Board Training
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices

Bylaw 9240: Board Training

Status: ADOPTED

Original Adopted Date: 12/01/1987 **| Last Revised Date:** ~~12~~08/01/~~2024~~2026 **| Last Reviewed Date:** ~~12~~08/01/~~2024~~2026

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

CSBA NOTE: CSBA's Professional Governance Standards include expectations that each Governing Board member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's website for education opportunities, including, but not limited to, the Institute for New and First-Term Board Members, Masters in Governance (MIG) Program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Policy Update Webinars, and Ethics Trainings, as well as other workshops and webinars on specific topics, and in-district governance consulting services.

The Governing Board believes that ~~the Board's~~its ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall participate in ~~mandatory~~trainings on school district finance, ethics ~~training,~~, and mandated reporting as ~~outlined below, and~~required by this Bylaw. Additionally, Board members 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 their governance skills.

CSBA NOTE: Education Code 35220-35223, as added by AB 640 (Ch. 618, Statutes of 2025), requires a Board member to receive training on school district finance based on curricula to be developed by the Fiscal Crisis and Management Assistance Team (FCMAT), in consultation with the California Department of Education, and for the district to maintain records of such trainings. In lieu of the training based on the FCMAT curricula, Board members may satisfy the training requirement by successfully completing CSBA's MIG Program.

Each Board member shall complete a training in district finance in accordance with Education Code 35220-35223. For Board members in office as of April 1, 2027, the deadline to complete the training is April 1, 2028, unless their term of office ends before April 1, 2028. For Board members elected or appointed to office after April 1, 2027, including a Board member newly elected or appointed to a nonconsecutive term, the deadline to complete the training is one year from the first day of serving as a Board member. Completion of CSBA's Masters in Governance (MIG) Program shall be deemed to satisfy the district finance training requirement.

CSBA NOTE: Government Code 53234-53235.2 requires a local agency official, including a Board member, ~~except for a member whose term of office ends before January 1, 2026,~~ to receive ~~specified training~~recurring trainings in ethics ~~by January 1, 2026, and at least once every two years thereafter~~, and for the district to maintain records of such ~~training.~~trainings. CSBA offers ethics trainings to satisfy this requirement. Additionally, pursuant to Government Code 53235, ~~as amended by AB 2631 (Ch. 201, Statutes of 2024), requires~~ the Fair Political Practices Commission, in consultation with the Attorney General, ~~to create, maintain, and make an~~is required to offer a free

online ethics training course ~~available to local agency officials, including Board members~~.

In addition, Government Code 53234-53235.2, as amended by SB 827 (Ch. 661, Statutes of 2025), imposes a similar requirement on Superintendents. For more information on required trainings for the Superintendent, see BP 2110 – Superintendent Responsibilities and Duties.

~~Unless a Board member's term expires prior to January 1, 2026~~Additionally, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 ~~by January 1, 2026,~~within six months from the first day of serving as a Board member and at least once every two years thereafter. (Government Code 53235)

CSBA NOTE: The Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3) identifies persons who are mandated to report known or suspected child abuse or neglect and establishes procedures for filing a report. Pursuant to Penal Code 11165.7, as amended by SB 848 (Ch. 460, Statutes of 2025), a mandated reporter includes a Board member. Additionally, Education Code 44691, as added by SB 848, requires districts to provide annual training to employees, volunteers, and persons working on their behalf who are mandated reporters. Although not explicitly required by law, a Board member, as a mandated reporter, may receive appropriate training. The remainder of this Bylaw is written to require such training for Board members and should be modified to reflect district practice.

For more information on mandated reporter training, see BP/AR 5141.4 - Child Abuse Prevention and Reporting. Additionally, it is recommended that districts with questions regarding mandated reporter training requirements consult CSBA's District and County Office of Education Legal Services or district legal counsel.

In addition, each Board member shall receive annual mandated reporter training in accordance with Board Policy/Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting. (Education Code 44691; Penal Code 11165.7)

~~Once completed, the~~ Each Board member shall inform the Board president and Superintendent~~, who~~ or designee of the completion of any training required by this Bylaw, and the Superintendent or designee shall ensure that records of participation and completion are retained for each Board ~~member's participation in the required ethics training.~~member. (Education Code 35222; Government Code 44691, 53235.2)

CSBA NOTE: Pursuant to Government Code 54952.7, as amended by SB 707 (Ch. 327, Statutes of 2025), the district is required to provide a copy of the Brown Act to each elected or appointed Board member.

Upon each Board member's election or appointment, the district shall provide the Board member with a copy of the Brown Act. (Government Code 54952.7)

The Board president and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members consistent with Board Bylaw 9230 - Orientation.

The Board president shall work with the Superintendent or designee to include funds in the district's proposed annual budget for professional development, and associated reasonable travel expenses, for the Board as a whole and for each individual Board member ~~in the district's proposed~~

~~annual budget~~.

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

CSBA NOTE: The following paragraph ~~permits~~, which may be modified to reflect district practice, authorizes individual Board members to identify and participate in additional professional development opportunities~~, with the only condition that~~ so long as there are funds available in the district's adopted annual budget for such purpose~~. It may be revised to reflect district practice~~.

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

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

Individual Board members are encouraged to share the knowledge or skills acquired from individual professional development opportunities with the full Board, thereby benefiting the Board as a whole and the district.

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

Consistent with Board Bylaw 9320 - Meetings ~~And~~and Notices, Board members may attend a professional development opportunity as part of a conference or similar public gathering, such as the Annual Education Conference and Trade Show hosted by CSBA, so long as a majority of the Board members do not discuss among themselves, other than as part of the scheduled program, business of a ~~specified~~specific nature that is within the district's jurisdiction.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:

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State	Description
Ed. Code 35222	Record retention
Ed. Code 35220-35223	School district finance training
Ed. Code 44691	Mandated reporting
Gov. Code 53234-53235.2	Ethics training
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.2	Meeting; defined
Gov. Code 54952.7	Copy of the Brown Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

Management Resources	Description
CSBA Publication	Our Commitment to Board Professional Learning and Training
CSBA Publication	~~CSBA Research and Policy Fact Sheet -~~ Board Bylaw 9240: Why board training and professional development matter, Research and Policy Fact Sheet, February 2026
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
CSBA Publication	Professional Governance Standards for School Boards, November 2021
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	Fiscal Crisis and Management Assistance Team

Cross References

Code	Description
0000	Vision
0100	Philosophy
0200	Goals For The School District
1112	Media Relations
2110	Superintendent Responsibilities and Duties
2111	Superintendent Governance Standards
2140	Evaluation Of The Superintendent
3100	Budget

3100	Budget
5141.4	Child Abuse Prevention And Reporting
6000	Concepts And Roles
9000	Role Of The Board
9005	Governance Standards
9100	Organization
9121	President
9150	Student Board Members
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9230	Orientation
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9250-E(2)	Remuneration, Reimbursement And Other Benefits
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices
9320.1	Remote Meetings and Attendance
9400	Board Self-Evaluation

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY

As of October 9, 2026

For the School Year of:	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026	2026/ 2027
August	505	528	509	499	548	526	484	443	470	490	498	476	469	436
September	496	529	497	499	525	508	477	456	474	482	501	468	462	439
October	492	535	502	500	522	511	480	465	470	487	496	471	461	439
November	497	538	502	494	528	512	483	469	468	490	496	470	454	
December	493	538	498	493	528	505	481	462	458	502	497	477	461	
January	498	532	503	496	530	500	491	460	462	505	500	492	460	
February	501	539	504	498	533	494	492	460	459	504	497	493	456	
March	511	536	501	503	530	494	493	462	458	502	500	502	449	
April	516	538	498	500	531	493	491	467	470	505	501	509	442	
May	512	537	499	507	541	500	490	476	464	510	495	505	448	
June	511	535	495	504	535	497	490	472	466	510	495	505	448	

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - ELEMENTARY

As of October 9, 2026

For the School Year of:	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026	2026/ 2027
August	284	263	248	237	254	252	246	251	260
September	279	266	205	237	245	252	245	249	259
October	281	263	212	229	247	242	242	248	256
November	282	264	215	224	246	240	239	244	
December	282	266	215	223	251	239	242	249	
January	285 as of 1/16	275	215	222	252	245	247	249	
February	285	275	214	223	254	244	247	246	
March	284	276	216	228	246	245	249	244	
April	284	275	221	226	246	244	246	243	
May	284	274	226	226	248	239	245	245	
June	283	274	224	226	245	240	244	246	

Happy Valley Elementary School

10/09/2026
02:28 PM

2026-2027

Enrollment by Teacher and Grade

Teacher	------- 4 -------			------- 5 -------			------- 6 -------			------- 7 -------			------- 8 -------			--------- ALL ---------		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
172 Baldwin 3	-	-	-	-	-	-	-	-	-	9	14	23	-	-	-	9	14	23
164 Goodman 19	-	-	-	17	11	28	-	-	-	-	-	-	-	-	-	17	11	28
124 Hammons 10	-	-	-	-	-	-	8	15	23	-	-	-	-	-	-	8	15	23
111 Hutchison 17	-	-	-	16	13	29	-	-	-	-	-	-	-	-	-	16	13	29
141 Keown 8	-	-	-	-	-	-	-	-	-	-	-	-	12	12	25*	12	12	25*
114 Kinsey 20	14	12	26	-	-	-	-	-	-	-	-	-	-	-	-	14	12	26
119 McDonald 21	16	11	27	-	-	-	-	-	-	-	-	-	-	-	-	16	11	27
173 Morgan 2	-	-	-	-	-	-	-	-	-	1	1	2	-	1	1	1	2	3
113 Price 11	-	-	-	-	-	-	14	11	25	-	-	-	-	-	-	14	11	25
110 Sanford 4	-	-	-	-	-	-	-	-	-	11	11	22	-	-	-	11	11	22
153 Youman 7	-	-	-	-	-	-	-	-	-	-	-	-	13	12	25	13	12	25
School Total:	**30**	**23**	**53**	**33**	**24**	**57**	**22**	**26**	**48**	**21**	**26**	**47**	**25**	**25**	**51***	**131**	**124**	**256***

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - PRIMARY

As of October 9, 2026

For the School Year of:	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026	2026/ 2027
August	207	215	198	185	216	224	231	214	208	176
September	213	217	205	165	216	224	232	215	213	180
October	210	217	207	172	212	227	235	218	210	183
November	216	210	209	179	215	230	235	218	205	
December	218	206	207	186	210	235	234	219	208	
January	219	203	210	188	213	235	233	227	208	
February	226	205	209	191	210	231	230	227	207	
March	228	202	208	196	208	228	230	232	202	
April	238	205	208	195	211	235	229	231	197	
May	237	208	208	200	208	240	229	227	200	
June	238	205	208	200	207	239	229	227	200	

Happy Valley Primary School

10/09/2026
02:29 PM

2026-2027

Enrollment by Teacher and Grade

Teacher	------- TK -------			------- K -------			------- 1 -------			------- 2 -------			------- 3 -------			--------- ALL ---------		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
141 Collver 7	1	-	1	-	-	-	-	-	-	3	-	3	-	1	1	4	1	5
135 Jaramillo 2	-	-	-	-	-	-	10	9	19	-	-	-	-	-	-	10	9	19
007 Kimball 8	-	-	-	2	-	2	-	2	2	1	-	1	2	-	2	5	2	7
118 Nibert 20	-	-	-	10	9	19	-	-	-	-	-	-	-	-	-	10	9	19
121 Piazza 3	-	-	-	-	-	-	12	9	21	-	-	-	-	-	-	12	9	21
126 Roach 13	-	-	-	-	-	-	-	-	-	10	8	18	-	-	-	10	8	18
134 Salcido 16	-	-	-	-	-	-	-	-	-	-	-	-	12	9	21	12	9	21
136 Sanders 12	-	-	-	-	-	-	-	-	-	10	8	18	-	-	-	10	8	18
120 Spencer 15	-	-	-	-	-	-	-	-	-	-	-	-	8	12	20	8	12	20
132 Stacey 21	9	7	16	-	-	-	-	-	-	-	-	-	-	-	-	9	7	16
129 Stotka 22	-	-	-	11	8	19	-	-	-	-	-	-	-	-	-	11	8	19
School Total:	**10**	**7**	**17**	**23**	**17**	**40**	**22**	**20**	**42**	**24**	**16**	**40**	**22**	**22**	**44**	**101**	**82**	**183**