# Siskiyou County Board of Education
# Wednesday, October 21, 2026 – 2 p.m.

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

## AGENDA

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

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

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

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

**Public Comments:** Persons who wish to address the Board must complete the Speaker Card provided and hand it to the Board of Trustees' secretary. Individual speakers will be allowed three minutes to address the County Board on each agenda or nonagenda item, and the total time for public input on each item will be limited to 20 minutes. The County Board president may, with County Board consent, adjust the amount of time allowed for public input.

The Board is prohibited by law from taking action on any item presented if it is not listed on the agenda.

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**Meeting Schedule**

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

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**Item 01**
**Subject: Approval of Minutes**
Approval of October 8, 2026, meeting minutes.

**Type of Action:** Action

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**Item 02**
**Subject: Quarterly Report on Williams Uniform Complaints**
The Quarterly Report on Williams Uniform Complaints for October, 2026 will be submitted as an information item.

**Type of Action:** Information

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**Item 03**
**Subject: Siskiyou COE Expanded Learning Plans**
Ms. Kerry Criss, Expanded Learning Program Director will provide a review of the Siskiyou Expanded Learning After School Education and Safety (ASES) Program Plan as part of the Federal Program Monitoring (FPM) audit process.

**Type of Action:** Information

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**Item 04**
**Subject: Siskiyou COE Expanded Learning Plans**
Ms. Kerry Criss, Expanded Learning Program Director will provide a review of the After School Safety and Enrichment for Teens (ASSETs) Program Plan as part of the Federal Program Monitoring (FPM) audit process.

**Type of Action:** Information

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**Item 05**
**Subject: Expanded Learning Program**
Ms. Kerry Criss, Expanded Learning Program Director, will provide an overview of the SCOE Expanded Learning Program.

**Type of Action:** Information

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**Item 06**
**Subject: 19th Annual "Read Across Siskiyou" 2026 Event**
Mrs. Harris will provide information on the 19th Annual "Read Across Siskiyou" 2026 Event sponsored by First 5 Siskiyou Children and Families Commission and present the 19th Annual "Read Across Siskiyou" 2026 Event Proclamation for adoption approval.

**Type of Action:** Information/Action

**Item 07**
**Subject: Resolution 26-27-04**
Request for approval of Resolution 26-27-04 Five-Year School Facilities Master Plan Requirement For School Facility Program Small School District Program Funding Applications

**Type of Action:** Action

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**Item 08**
**Subject: Second Reading of SCOE Board Policy Updates**
Second Reading and Request for Approval of SCOE Board Policy Updates:

- County Board Policy 5145.2: Freedom Of Speech/Expression
- County Office Regulation 5145.2: Freedom Of Speech/Expression
- County Board Policy 6146.1: High School Graduation Requirements
- County Office Regulation 6146.3: Reciprocity Of Academic Credit
- County Board Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities
- County Board Policy 6173: Education For Homeless Children
- County Office Regulation 6173: Education For Homeless Children
- Exhibit 6173-E(1): Education For Homeless Children
- Exhibit 6173-E(2): Education For Homeless Children
- Board Bylaw 9250: Remuneration, Reimbursement And Other Benefits
- Exhibit 9250-E(1): Remuneration, Reimbursement And Other Benefits
- Exhibit 9250-E(2): Remuneration, Reimbursement And Other Benefits
- Board Bylaw 9320: Meetings And Notices
- Board Bylaw 9320.1: Remote Meetings and Attendance
- Board Bylaw 9322: Agenda/Meeting Materials
- Board Bylaw 9323: Meeting Conduct
- County Board Policy 1312.4: Williams Uniform Complaint Procedures
- County Office Regulation 1312.4: Williams Uniform Complaint Procedures
- Exhibit 1312.4-E(1): Williams Uniform Complaint Procedures
- Exhibit 1312.4-E(2): Williams Uniform Complaint Procedures
- Board Bylaw 9200: Limits Of Board Member Authority
- County Board Policy 0410: Nondiscrimination In County Office Programs And Activities
- County Board Policy 1312.3: Uniform Complaint Procedures
- Exhibit 1312.3-E(1): Uniform Complaint Procedures
- Exhibit 1312.3-E(2): Uniform Complaint Procedures
- Exhibit 1312.3-E(3): Uniform Complaint Procedures
- County Board Policy 5022: Student And Family Privacy Rights
- County Board Policy 5125: Student Records
- County Board Policy 5131.8: Mobile Communication Devices
- County Board Policy 5145.3: Nondiscrimination/Harassment
- County Office Regulation 5145.3: Nondiscrimination/Harassment
- Board Bylaw 9220: Governing Board Elections

- Exhibit 9220-E(1): Governing Board Elections
- Board Bylaw 9240: Board Training

**Type of Action:** Discussion/Action

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**Item 09**
**Subject: Superintendent's Report**

**Type of Action:** Information, Discussion

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**Item 10**
**Subject: Board Comments**

**Type of Action:** Information, Discussion

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**Item 11**
**Subject: Items for Next Agenda**

**Type of Action:** Discussion

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**ADJOURNMENT OF MEETING**

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

Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an email to siskiyoucbe@siskiyoucoe.net with the item number clearly marked in the subject line no later than noon on Tuesday, October 20, 2026. The following information should be included in the body of the email:

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

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

Posted: Friday, October 16, 2026

**Siskiyou County Board of Education Meeting**
**Regular Meeting, Thursday October 8, 2026, 6 p.m.**
**(Rescheduled from Wednesday, September 16 due to lack of quorum)**
**Siskiyou County Office of Education**
**609 S. Gold Street, Yreka CA 96097**

**Meeting Minutes**

**Members Present**
John Bennett, President
Michelle O'Gorman, Vice President
Karen Derry
Michelle Harris

**Call to Order**
President Bennett called the meeting to order at approximately 6:00 p.m.

**Public Comment**

- Ms. Sarah Engen, who was employed by Siskiyou COE until July 31, 2026, addressed concerns regarding SCOE's demand for repayment of tuition, her resignation, and working conditions in her former classroom. She stated that she did not receive COBRA information before receiving the repayment demand and expressed concerns regarding the workload, lack of appropriate mentorship and administrative support.
- Ms. Leslie Cole, who served on the Mount Shasta Elementary School Board for 24 years, commented on the Civil Grand Jury Report and asked what actions the Board planned to take in response to its recommendations. Drawing on her experience as a school board member, Mrs. Cole emphasized the importance of establishing annual goals and clear expectations for the Superintendent.

**AGENDA ITEMS**

**Item 01**
**Public Hearing**
Mr. Bennett opened the public hearing at 6:09 pm. There were no public comments. The public hearing was closed at 6:10 pm.

**Item 02**
**Approval of Minutes**
Mrs. O'Gorman moved to approve the minutes of the August 19, 2026, meeting. Ms. Derry seconded. Motion carried unanimously.

**Item 03**
**Resolution 26-27-01**
Mrs. Harris moved to approve the Resolution 26-27-01 for Sufficiency or Insufficiency of Instructional Materials. Mrs. O'Gorman seconded. Motion carried unanimously.

**Item 04**
**Resolution 26-27-02**
Ms. Derry moved to approve Resolution 26-27-02 to establish the 2025-2026 Gann Limits for the Siskiyou County Office of Education, pursuant to Article XIIIB of the California Constitution. Mrs. O'Gorman seconded. Motion carried unanimously.

**Item 05**
**Resolution 26-27-03**
Mrs. O'Gorman moved to approve Resolution 26-27-03 to establish the estimated 2026-2027 Gann Limits for the Siskiyou County Office of Education, pursuant to Article XIIIB of the California Constitution. Mrs. Harris seconded. Motion carried unanimously.

**Item 06**
**SCOE Unaudited Actuals and Related Budget Transfers**
Mrs. Harris moved to approve the 2025-2026 SCOE Unaudited Actuals and Related Budget Transfers. Ms. Derry seconded. Motion carried unanimously.

**Item 07**
**First reading of SCOE Board Policy Updates**
The board discussed the first reading of SCOE Board Policy Updates:

- County Board Policy 5145.2: Freedom Of Speech/Expression
- County Office Regulation 5145.2: Freedom Of Speech/Expression
- County Board Policy 6146.1: High School Graduation Requirements
- County Office Regulation 6146.3: Reciprocity Of Academic Credit
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- Exhibit 9220-E(1): Governing Board Elections
- Board Bylaw 9240: Board Training

**Item 08**
**Civil Grand Jury Response**
Ms. Derry moved to Board of Education's response to the June 2026 Siskiyou County Grand Jury Report and direct transmittal pursuant to Penal Code section 933. Mrs. Harris seconded. Motion carried unanimously.

**Item 09**
**Superintendent's Report**
- Mr. Carver provided information regarding the SASI (Supporting America's School Infrastructure) grant and support for small school districts to utilize the school facility program.
- Mr. Carver shared information about Assemblymember Heather Hadwick's recent visit to Siskiyou COE to meet with Mr. Carver, SCOE's Director of Emergency Preparedness Mr. Wes Dunkin, and other emergency management colleagues from neighboring counties to talk about school safety. During her visit, Assemblymember Heather Hadwick also had the opportunity to meet the First 5 Siskiyou Children and Families Commissioners and present them a Certificate of Recognition for Shaping the Future.
- Mr. Carver shared information on the ACSA Siskiyou Charter's (Association of California School Administrators) process to nominate District and SCOE employees every two years for various leadership positions. Mr. Carver recognized seven Siskiyou COE employees who were nominated and awarded by colleagues around Siskiyou County.
- Mr. Carver shared information on a new bill clarifying Proposition 28. There is an added statutory calculation that will clarify supplement versus supplant requirements. SCOE has hired Arts Specialist, Ms. Andrea Marchyok, as many of our schools are using these funds to contract with Andrea.
- Mr. Carver provided an update on recent legislation increasing the maximum number of days a substitute permit holder may serve in the same classroom.
- Mr. Carver provided a Halloween themed woodshop project to each board member completed by students in a Siskiyou COE Special Day Class. The activity/fundraiser was organized by Teacher's Assistant/Bus Driver Ms. Wendy Wallace.

**Item 09**
**Board Comments**
- Mrs. Harris provided information on the Annual "Read Across Siskiyou" 2026 Event on November 18, sponsored by First 5 Siskiyou Children and Families Commission.
- Ms. Derry asked for clarification on the process to fill county board vacancies.

**Item 10**
**Items for Next Agenda**

- Mrs. Harris requested to present the 19th Annual "Read Across Siskiyou" 2026 Event Proclamation for adoption approval.

**Adjournment**
The meeting was adjourned at approximately 6:46 p.m. The next county board meeting will be held on October 21, 2026, at 2 p.m.



Allan S. Carver, County Superintendent

# Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

District: Siskiyou County Office of Education

Person completing this form: Tana Piersall Title: SELPA Executive Director

Quarterly Report Submission Date: (*check one*)

- ❑ April 2027
- ❑ July 2026
- ☒ October 2026
- ❑ January 2027

Date for information to be reported publicly at governing board meeting: October 21, 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 Misassignment** | 0 | 0 | 0 |
| **Facilities Conditions** | 0 | 0 | 0 |
| **TOTALS** | 0 | 0 | 0 |

Tana Piersall

Print Name of SELPA Executive Director

Signature of SELPA Executive Director

10/13/26

Date

# Siskiyou County Office of Education
# Expanded Learning

# Siskiyou Afterschool For Everyone
# SAFE
# Program Plan
# 2026 - 2029

Prepared by:
SCOE Expanded Learning

609 South Gold Street
Yreka, CA 96097

530-842-8439

**This Program Plan Guide is required by California *Education Code* (*EC*) 8482.3(g) (1). It must be completed in its entirety and submitted as part of the After School Education and Safety (ASES) Grant Renewal application process.**

After School Education and Safety (ASES) Program Plan
Revised 1/2026 for Grant Renewal Cycle

Grantee/Local Educational Agency (LEA):

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

Grant Identification Number:

47-23939-1047-EZ

County District School (CDS) Code:

47104700000000

Authorized Signatory – LEA Program Administrator:

Name: Allan S. Carver
Title: Superintendent of Schools
Telephone: 530-842-8440
Email: acarver@siskiyoucoe.net

LEA ASES Grant Administrator:

Name: Barry Barnhart
Title: Deputy Superintendent
Telephone: 530-842-8461
Email: bbarnhart@siskiyoucoe.net

LEA ASES Fiscal Agent:

Name: Sarah Applegate
Title: Associate Superintendent of Business Services
Telephone: 530-842-8424
Email: sapplegate@siskiyoucoe.net

LEA ASES Program Director:

Name: Kerry Criss
Title: Director of Expanded Learning
Phone: 530-842-8442
Email: kcriss@siskiyoucoe.net

# Siskiyou County Expanded Learning
# SAFE Program Plan

## Purpose

Mission

**S**iskiyou **A**fterschool **F**or **E**veryone (SAFE) programs provide academic support, high-quality expanded learning opportunities, and fitness promotion for Siskiyou County students in a positive, safe environment.

Vision

Our goal is to foster a thriving mindset by cultivating an enthusiastic, creative community of learners and positively impacting the lives of Siskiyou County youth.

Operating Principles

SAFE programs will strive to implement high-quality SAFE programs by adhering to the following Operating Principles to guide the quality of their sites:

- Employ and train high-quality staff.
- Host SAFE services at a high-quality facility.
- Implement high-quality after-school programming.
- Connect with and collaborate with high-quality partnerships in the community.
- Foster high-quality engagement for student attendees.

Universal Program Requirements

SAFE programs must comply with the mandated program requirements listed in the table to receive funding for an ASES program. To ensure all universal program requirements are met, the director of Expanded Learning works with school administrators, and program specialists visit SAFE sites and work with SAFE site coordinators at least once per month. Program Specialists assist with program support, observe programs in action, and, when appropriate, provide technical assistance, resources, and professional learning training. Program Specialists are not evaluators; they provide the support needed to ensure all SAFE site staff are equipped to meet the Universal and LEA program requirements. Each Program Specialist's site visit is documented on the Site Visit Observation form.

Program Administration

As the Local Education Agency (LEA) of SAFE programs, SCOE - Expanded Learning currently oversees twenty-two (22) (twenty (20) on-site and two (2) off-site) individual afterschool programs throughout Siskiyou County. The SAFE set-up is unique because, although the funding to operate this program is administered by SCOE, each site is allowed flexibility to manage and operate its own program, provided SCOE - Expanded Learning and California Education Code guidelines are followed.

Each SAFE site is administered by its own superintendent and/or principal. SCOE - Expanded Learning works collaboratively with each site administrator during site visits and monthly SCOE administrators' meetings. A monthly update (Expanded Learning Update) is posted on the administrator's monthly meeting agenda as an accessible PDF link and sent to administrators and site coordinators via email.

SCOE is the grantee and fiscal agent of SAFE programs, which are funded entirely with ASES dollars. As the fiscal agent, SCOE is responsible for all financial aspects of the grant and for ensuring compliance with grant requirements, guaranteeing that no less than 85% of the grant award is expended on direct services to students.

# Siskiyou County Expanded Learning
# SAFE Program Plan

## Purpose

| Mandated Program Requirements | |
|---|---|
| Fiscal Accuracy | Ensure all SAFE funds are in accordance with grant guidelines and complete fiscal paperwork monthly |
| Attendance Accuracy | Signature or PIN, time, and Early Release documented, target number percentage is met, and daily entry into the EZReports electronic attendance system |
| Program Hours | Minimum of 15 hours per week and operational every school day until 6:00 PM. Frontier Sites have a board-reviewed alternate hours schedule |
| Parent Communication Board | All items listed are posted: enrichment and snack calendar, daily schedule of hours and activities, Quality Standards for Expanded Learning, and Justice for All poster |
| Educational and Literacy Element | Homework assistance in one or more of the following areas: language arts, mathematics, history, social science, science, and computer science |
| Educational Enrichment Element | Enrichment that may include fine arts, career technical education/awareness, recreation, physical activity, health promotion, or technology |
| Safe Physical and Emotional Environment | Provide a safe physical and emotional environment and opportunities for relationship building |
| Staff Training and Development | Professional learning will be offered at the SAFE Site, School District, SCOE, Expanded Learning, State, and National levels |
| Integration with Regular School Day | SAFE sites will integrate into the regular school day to align with schoolwide educational offerings. The regular school day will support SAFE programs when needed |
| Community Collaboration | SAFE sites will find ways to collaborate with a variety of community partners that demonstrate support of the school site's needs |
| Snack Requirements | Offer a nutritional snack, meal, or both that conforms to the nutrition standards in California Education Code, Part 27, Chapter 9, Article 2.5, commencing with Section 49430 |
| Physical Activity | Provide opportunities for planned and organized physical activity for students on a weekly basis |

# Siskiyou County Expanded Learning SAFE Program Plan

## Target Population, Sites, and Target Number

| Site Name | Daily Attendance Target Number | Grades Served |
|---|---|---|
| 1. Big Springs Elementary - Frontier | 75 | K-8th |
| 2. Bogus Elementary - Frontier | 20 | K-8th |
| 3. Butte Valley Elementary - Frontier | 50 | K-8th |
| 4. Butteville | 111 | K-8 |
| 5. Delphic Elementary | 51 | K-8th |
| 6. Dunsmuir Elementary | 46 | K-8th |
| 7. Etna Elementary - Frontier<br>Off-Site at Fort Jones Elm. form on File | 75<br>35 | 3rd- 5th |
| 8. Evergreen Elementary | 84 | K-3rd |
| 9. Fort Jones Elementary - Frontier<br>Off-Site at Etna Elm. form on File | 72<br>20 | TK-2nd |
| 10. Gazelle Elementary | 29 | K-8th |
| 11. Grenada Elementary | 70 | K-8th |
| 12. Happy Camp Elementary - Frontier | 54 | K-8th |
| 13. Hornbrook Elementary - Frontier | 31 | K-8th |
| 14. Jackson Street Elementary<br>Off-Site at Evergreen Elm. for 4th Grade, form on file. | 112<br>67 | 5th- 8th<br>4th |
| 15. Junction Elementary - Frontier | 20 | TK-8th |
| 16. Gold Street | 84 | TK-K |
| 17. Little Shasta | 20 | K-8th |
| 18. Montague Elementary - Frontier | 81 | K-8th |
| 19. Scott Valley Jr. High - Frontier | 53 | 6th-8th |
| 20. Seiad Elementary - Frontier | 20 | K-8th |
| 21. Weed Elementary | 93 | K-8th |
| 22. Willow Creek Elementary - Frontier | 20 | K-8th |

# Siskiyou County Expanded Learning
# SAFE Program Plan

### Target Population and Students Served

| SAFE School Site | Foster | Homeless | English Learners | Free and Reduced |
|---|---|---|---|---|
| Big Springs Elementary | 2.6% | 1.3% | 11.9% | 61.6% |
| Bogus Elementary | 0% | 5% | 0% | 80% |
| Butte Valley Elementary | 0% | 0.9% | 25.1% | 87.2% |
| Butteville Union Elementary | 0% | 0% | <1% | 43.2% |
| Delphic Elementary | 1.6% | 0% | 1.6% | 65.6% |
| Dunsmuir Elementary | 0% | 7.7% | 1.5% | 83.1% |
| Etna Elementary | 2.4% | 4% | 1.6% | 66.4% |
| Evergreen Elementary | 1.1% | 4.2% | 26.5% | 97.1% |
| Fort Jones Elementary | 2.4% | 4.8% | <1% | 60.5% |
| Gazelle Elementary | 0% | 2% | 0% | 70.6% |
| Grenada Elementary | <1% | 0% | 0% | 48.1% |
| Gold Street Elementary | 4.3% | 2.4% | 4.3% | 78% |
| Happy Camp Elementary | 0% | 8.9% | 0% | 45.6% |
| Hornbrook Elementary | 0% | 27.3% | 0% | 100% |
| Jackson Street Elementary | 1.4% | 2.5% | 4.3% | 72.69% |
| Junction Elementary | 5.9% | 0% | 0% | 76.5% |
| Little Shasta Elementary | 0% | 0% | 0% | 55.6% |
| Montague Elementary | 2.2% | 4.5% | 4.2% | 66.9% |
| Scott Valley Jr. High | 1.3% | 8.5% | 0% | 66% |
| Seiad Elementary | 0% | 0% | 0% | 63.6% |
| Weed Elementary | <1% | 5.1% | 10.3% | 78.7% |
| Willow Creek Elementary | 0% | 0% | 1.3% | 63.6% |
| Total average for all ASES-funded sites. | 1.3% | 4% | 3% | 69.6% |

# Siskiyou County Expanded Learning
# SAFE Program Plan

### Target Population Recruitment

SCOE – Expanded Learning staff work collaboratively with all twenty-two (22) sites (twenty (20) on-site and two (2) off-site SAFE sites) to recruit and retain students to achieve and maintain attendance requirements of the afterschool programs. An emphasis for recruitment efforts will be placed on sites that are “at risk” for not meeting expected attendance requirements.

**Recruiting Plan to increase enrollment in SAFE programs**

**1.** Each site will offer registration for SAFE programs as follows:

- Back-to-School Night, offered by each site at the beginning of the school year, will provide information packets for their SAFE program and include registration information
- Allow for open registration for new student enrollment throughout the year
- Encourage pre-registration in the spring for the following school year

**2.** SCOE - Expanded Learning and SAFE sites will collaboratively advertise programs using at a minimum one of the following:

- Monthly School Newsletter which outlines what is taking place in individual SAFE sites
- Websites
- SCOE - Expanded Learning Monthly Update
- Attendance at community events throughout Siskiyou County
- Positive Word of Mouth

On average, many of the school SAFE sites serve more than their funded amount. With waiting lists at some sites, annual recruitment is not an issue. It will be the focus to have continual recruitment activities throughout the year to communicate the positive impact SAFE programs have on the students and families in Siskiyou County.

**3.** The site coordinators will collaborate with their SAFE site administration and teaching staff to identify students with low academic performance to determine their need for homework assistance in afterschool programs as a recruitment option. Each site will determine a student’s need for homework assistance per the district benchmarks.

**4.** Additional recruitment criteria to consider for additional student populations:

- Student Safety – no one home, transportation, etc.
- Waitlist – Every student attending a school operating a SAFE site is eligible to participate in the program subject to program capacity. If a wait list is established, students are enrolled according to the date their enrollment application was received, unless identified as a priority group as described in bullet C
    - Recruitment efforts will focus on homeless and foster youth students, who hold priority enrollment status. Site coordinators will work with SCOE - Expanded Learning, Specialists, and the Foster and Homeless Youth Director to identify and invite students to the program
- Attendance and enrollment are tracked through the EZReports electronic attendance system. This is monitored monthly to evaluate a site's need for additional recruiting efforts throughout the year

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 1 - Safe and Supportive Environment

All twenty-two (22) (twenty (20) on-site and two (2) off-site) of the afterschool programs throughout Siskiyou County are located on their designated school campuses. To provide a safe physical and emotional environment during SAFE, each program must intentionally engage students, families, school staff, and community members as stakeholders. Based on information from annual surveys, the data collected will be used to inform the implementation of best practices and establish systems that evidence shows will enhance the quality of the learning environment in after-school.

**Programmatic Level:**

| | |
|---|---|
| **SCOE - Expanded Learning** | SCOE - Expanded Learning is expected to guide each SAFE site on best practices that promote safe and supportive environments. Suggestions will be documented on the SAFE Site Visit Observation form to support districts in developing policies and procedures that ensure students are in a safe, nurturing environment that meets the developmental, social-emotional, and physical needs of all. This includes but is not limited to:<br>● When a need arises for social-emotional support, SCOE - Expanded Learning will connect and/or refer a school district to appropriate SCOE, county, or regional services<br>● Annual training on topics that cover safe and supportive environments will be provided to all SAFE staff, including superintendents, principals, site coordinators, SAFE aides, and volunteers<br>● SCOE will sponsor two scheduled trainings per year:<br>○ County-Wide Office of Education Symposium<br>○ Mid-Year Refresher<br>○ Individual training and technical assistance to all SAFE sites as needed |
| **School District Administration** | The school district is expected to develop its own procedures that establish protocols regarding how students will be kept emotionally and physically safe, align regular day to after-school, and have clearly defined systems for:<br>● Transitioning from a regular school day to after-school<br>● Providing facilities and associated resources for on-site and off-site SAFE programs that have physically and emotionally safe environments for students<br>● Meeting the health and medical needs of students<br>● Behavior management<br>● Emergency preparedness:<br>○ Families, staff, and students know how to contact the SAFE program<br>○ Establish an emergency contact process for staff in the event of an emergency<br>○ Staff are trained in safety, child abuse reporting, first aid, and CPR<br>○ Ensure staff and volunteers are subject to the health screening and fingerprint clearance per current law and district policy<br>○ Straightforward documentation process for any injuries/incidents<br>○ How to connect families to service resources; i.e., food, health, mental health services, parent education, etc. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

**Staff Level:**

| | |
|---|---|
| **Site Coordinator SAFE Aides** | It is expected that all SAFE staff will provide a welcoming environment for students, creating an atmosphere where students want to participate in the SAFE program. SAFE staff will offer a physical and emotional environment that supports the developmental, social-emotional, and physical needs of all students. Staff will provide high-interest experiences in which students feel secure, confident in taking risks, are challenged, supported in expressing emotions, and are excited to try something new. Given such, SAFE staff will abide by the following:<br><br>● The environment will be free from discrimination, intimidation, taunting, harassment, and bullying from others<br>● Site coordinators will use the Universal EZReports electronic attendance system to accurately document the approved entry and exit process from SAFE, including how the student is transported home and the reason for leaving via the early release code established at the beginning of every school year<br>● Site coordinators will provide orientation to SAFE Aides and volunteers on roles and responsibilities, and the use of program technology<br>● Maintain a student-to-staff overall ratio of no more than 20:1, TK-K 10:1<br>○ Non-school staff volunteers are not to be used in the required ratio<br>● Site coordinators will collaborate with school district administration to establish emergency protocols specific to their SAFE site's needs<br>○ In addition, staff must periodically conduct safety and/or emergency drills (e.g., fire drills) during SAFE hours with students. |
| **Development** | Development of students will consist of:<br>● Collaboration with regular school day for a smooth transition and support of continued student academic learning in the SAFE program through homework assistance<br>● Adult support is given to promote academic development with homework during a specific designated time, documented on the SAFE daily schedule<br>● Homework assistance is a time that provides a non-pressured environment for students to work on homework and better understand concepts taught during the regular school day.<br>○ It is encouraged that homework be completed; however, it is not expected to be completed during this time<br>● Homework assistance that supports one of the following content areas: language arts, mathematics, history, social science, science, and computer training<br>○ Alternate activities in these content areas are welcomed in the event students do not have homework assignments; i.e., no homework on Friday<br>● SAFE staff are encouraged to introduce students to new ideas, develop skills, and incorporate student interests through enrichment activities that engage student exploration and creative thinking |
| **Social-Emotional** | Social-emotional needs of students will consist of:<br>● SAFE staff taking time to build positive relationships with students<br>● Addressing each student by their preferred name<br>● Implementing positive behavior management systems that focus on prevention versus punishment |

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| | ● Aligning and following regular school day behavioral management systems<br>● Enrichment activities that promote students learning to listen, communicate, empathize, accept, and support others<br>● Team building or collaborative enrichment opportunities where students learn how to work as a group<br>● SAFE staff communicating with each other to strategize best practices to help students who show signs of trauma related behaviors and implement trauma informed practices<br>● SAFE staff utilizing resources from Siskiyou County community partners with resources that promote the social emotional wellbeing of students and families |
| **Physical** | Physical needs of students will consist of:<br>● SAFE staff offering physical activity opportunities to students in the form of outside recess, planned physical enrichment, community programs, "No-Cut" policy sport participation through SAFE, or physical fitness clubs<br>○ SAFE staff should plan ahead on the activity calendar, at a minimum one time per week, a physical fitness enrichment.<br>● Nutritious snacks and/or meals provided to every student each day in attendance.<br>○ The school district will ensure that the nutritious snacks and/or meals meet all state guidelines and requirements. |

**Participant Level:**

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| **Students and Families** | Are expected to contribute to the safe and supportive environment while attending SAFE programs, which includes but is not limited to:<br>● Students and family will interact with all participants, including staff, while attending the SAFE program using positive communication to build a community of acceptance and encouragement.<br>● Students and families provide input through their engagement while on site with staff, electronic communication, and in responses to annual surveys. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 2 - Active and Engaged Learning

Students who are actively engaged during SAFE will support the SCOE Expanded Learning vision statement, which signifies a high-quality program. Experiential, student-centered after-school learning includes “doing” activities that keep them physically active, stimulate their innate curiosity, value their interests, and keep them hands-on. SAFE site staff will plan activities and enrichment calendars that enable students to engage in active learning rather than adult-focused instruction.

All levels will continually use research and evidence-based practices to guide and plan their educational literacy and enrichment activities, streamline daily schedules, and develop training and meetings to support SAFE students' learning focus.

**Programmatic Level:**

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| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site on best practices for active, engaged after-school learning. Suggestions will be documented on the SAFE site visit form each month to support districts in developing systems that ensure students participate in an active, engaged learning environment for all. This includes but is not limited to:<br>● Sponsor engaged learning activities for all twenty-two (22) SAFE sites (twenty (20) on-site and two (2) off-site sites)<br>● A calendar of SCOE - Expanded Learning sponsored activities will be provided to all sites at the Back-to-School Conference<br>● Collaborate with local community-based organizations, enrichment vendors when funds allow, and volunteers to bring high-quality and interactive experiences to Siskiyou County that will foster community collaboration, student growth and confidence, and increased engagement<br>● STEM checkout library is available that offers curricula for Neuro Maker Robot Hands and BCI Headbands, Piper computer build kits, and Wonder Robots<br>● Each spring, an evaluation designed by SCOE - Expanded Learning will be provided to obtain feedback on participant engagement in their SAFE program activities |
| **School District Administration** | Each school district is expected to develop procedures that establish protocols for providing students with an environment that promotes opportunities for culturally relevant and high-interest activities. This includes but is not limited to:<br>● Each district will use its designated research and evidence-based best practices, district benchmarks, and data-driven feedback to guide the planning of educational literacy and educational enrichment activities that will align with the regular school day to enhance positive youth development.<br>● Support SAFE site coordinators to develop active and engaged learning enrichments for all students, which can include providing needed supplies, inviting community guests to do activities, or planning field trips.<br>● SAFE programmatic level staff will participate in disbursing student, parent, and staff surveys on an annual basis in the spring. |

**Staff Level:**

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| **Site Coordinator**<br>**SAFE Aides** | All SAFE staff are expected to research, plan, and implement culturally relevant, high-interest activities that encourage active student engagement:<br>● Each SAFE site provides SCOE - Expanded Learning with their monthly activity/enrichment calendar outlining high-interest, creative, and active engagement learning that has relevance to the students<br>● Use district research and evidence-based best practices, benchmarks, and data-driven feedback to plan enrichments and/or activities that allow students to have purposeful experiences using multiple senses to work independently and in groups<br>● Continually plan opportunities for students to be interactive with others in a larger community and even globally. In addition, offer students opportunities to engage in local service projects that support positive youth development<br>● Plan community events that invite SAFE site families to come take part in the after-school program and see what the program has to offer. Some planned events include Back-to-School Night presentations, Lights on Afterschool, carnivals, inviting parents to be activity presenters, and Siskiyou County Fair project displays |

**Participant Level:**

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| **Students and Families** | It is expected that students and families share their ideas for engaging activities to be offered in the SAFE program:<br>● Be open to participating in new hands-on, project-based experiences through group work, understanding others' perspectives, and accessing appropriate technology to be fully engaged in activities |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 3 - Skill Building

Active learning opportunities that develop new skills or create mastery of skills are a focus of SAFE programs. All SAFE participants will ensure that hands-on, project-based activities will focus on skill-building through the 21st Century Skills which include: creativity, collaboration, communication, information literacy, media literacy, technology literacy, critical thinking, and flexibility.

**Programmatic Level:**

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|---|---|
| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site on best practices for students being provided developmentally appropriate skill building for academic and social-emotional success in afterschool. Suggestions will be documented on the SAFE Site Visit form each month to support districts to implement systems that exhibit exemplary skill-building practices.<br>● Collaborate with community based organizations and high quality education vendors when appropriate to bring high-quality and interactive experiences to Siskiyou County that will foster enhancement of student 21st Century Skills<br>● Partner with community based organizations or high quality education vendors focused on literacy development to enhance skills in social-emotional learning and English language/literacy: writing, reading, speaking, and listening<br>● Sponsored activities or contests will be offered throughout the year covering such learning topics that will build skills in areas such as community impact, computer science, writing, and science<br>● Each year all SAFE sites will be encouraged to complete a display to present at the Siskiyou County Golden Fair. Collaboration with the CEO of Siskiyou Golden Fair will inform what the fair topic/theme will be so that programs can align their projects. The completed SAFE displays will culminate in a final presentation at the county fair where all Siskiyou County community members can view them |
| **School District Administration** | It is expected that each individual school district will develop its own procedures that establish protocols regarding how students will be provided opportunities to develop and demonstrate 21st century skills:<br>● Locate and offer tutoring support for students to achieve academic success<br>● Provide guidance to site coordinators on homework assistance and reading support<br>● Decide appropriate time length to ensure students are getting the help needed to align with regular day academic learning<br>● Support SAFE site coordinators to offer clubs related to student interests which can include providing needed supplies, finding a space to host the club, or collaborating with people and agencies that are specialized in the club theme<br>● No-cut policies for all to play sports are in place for schools utilizing sports through the SAFE program. Team sports are an excellent avenue for skill building |

# Siskiyou County Expanded Learning
# SAFE Program Plan

**Staff Level:**

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|---|---|
| **Site Coordinator**<br>**SAFE Aides** | It is expected that all SAFE staff will create relatable projects, specify and communicate goals, facilitate 21st Century skills, provide a sense of personal and social responsibility, build on previously learned skills, offer knowledge of life and career options, and allow for mistakes, feedback, and success for all students. This includes but is not limited to:<br>● Homework assistance and reading are offered daily to support students' academic and life skills<br>● Planning enrichment offerings, which are included weekly on the activity calendar for each site, based on student interests and current development levels to enhance students' 21st-century skills<br>● Incorporating clubs into the SAFE program to allow individualized skill building when appropriate, (e.g., Lego, robotics, podcasting, sports, makerspace, role play games, E-Sports, etc.)<br>● Encouraging projects and clubs to develop better conflict resolution skills as students work and play with their peers<br>● Align current learning and skills students are gaining by connecting with the regular day for educational literacy and enrichment activity planning |

**Participant Level:**

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| **Students and Families** | It is expected that students and families be encouraged to voice their preferences for projects, activities, clubs, program events, or enrichment opportunities that they would like offered in SAFE. By encouraging engagement in the program at all levels, students are enabled to work independently or in groups and become involved in projects, clubs, program events, or enrichments to practice 21st Century Skills. This results in students becoming collaborative members, effective communicators, and creative thinkers. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 4 - Youth Voice and Leadership

SAFE programs will provide and support intentional opportunities for students to play a meaningful role in program design and implementation, and provide ongoing access to authentic leadership roles. Students will be encouraged to take on leadership roles and responsibilities throughout SAFE.

**Programmatic Level:**

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| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will guide each SAFE site on best practices to ensure students have opportunities for youth voice and leadership in afterschool. Suggestions will be documented on the SAFE Site Visit form each month to support districts in implementing systems that exhibit exemplary youth voice and leadership practices.<br>● Each spring, an evaluation designed by SCOE - Expanded Learning will be provided to obtain feedback on student experiences in afterschool<br>● Student survey questions will include open-ended questions used to elicit their thoughts about the program<br>● Offer professional learning throughout the year to all SAFE site staff in addition to site-specific training based on community needs to facilitate youth voice and leadership |
| **School District Administration** | It is expected that each school district will develop its own systems that establish processes regarding how students will be provided opportunities to develop their voice and leadership. This includes but is not limited to:<br>● Providing spaces for programs to permit students to share their viewpoints, concerns, or interests to impact program practices by participating in program surveys, leadership programs, or student-led group discussions<br>● Encouraging programs to identify a need in their community where student voice and leadership can develop a solution<br>● Through student feedback, the needs and interests will be implemented, and adjustments to homework and enrichment will be made. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

**Staff Level:**

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| **Site Coordinator**<br>**SAFE Aides** | It is expected that all SAFE staff will create an environment that facilitates youth voice and leadership in ways that promote positive relationships within the program and empower students to have a positive impact on their peers and the program. This includes but is not limited to:<br>● Adjusting monthly activities from feedback provided by both younger and older students where they can communicate their viewpoints, concerns, or interests impacting their experience in the SAFE program<br>● Student choice will drive different clubs offered at SAFE<br>● Provide opportunities for "Buddy" programs, such as older students working with younger students during homework assistance, reading buddies, or during collaborative enrichment activities<br>● Allow for student helpers to participate in distributing snacks, choosing and leading activities, greeting to visitors, and planning and carrying out special events<br>● Coach and mentor students until they are confident to express their voice and carry out leadership activities on their own when given the chance<br>● Model leadership skills to students for them to learn what leadership means. Show action speaks louder than words by using quality leadership skills<br>● Service learning projects are offered to students to allow older students to actively exercise their leadership skills by addressing community and real world problems. Examples of service learning in SAFE:<br>○ Taking care of animals<br>○ Building gardens<br>○ Planning program events (e.g., holiday activities, reading to youth, carnivals, races, summer programs, etc)<br>● Connecting with other service-oriented organizations to better the community |

**Participant Level:**

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| **Students and Families** | It is expected that students and families are encouraged to engage in authentic and meaningful leadership roles by:<br>● Exercising their voice in making creative choices when applicable<br>● Participating in the annual survey, group discussions and creating impactful relationships by giving providing feedback and sharing opinions |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 5 - Healthy Choices and Behaviors

SAFE programs will promote student well-being through opportunities to learn about and practice balanced nutrition, physical activity, and other healthy choices in an environment that supports a healthy lifestyle.

**Programmatic Level:**

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| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will guide each SAFE site on best practices to ensure that the recommended guidelines for healthy snacks and meals are provided, and physical opportunities are being implemented each day. Suggestions will be documented on the SAFE Site Visit form each month to support districts in implementing systems that exhibit exemplary healthy choices and behaviors. Suggestions may include but are not limited to:<br>● Partnering with community-based organizations to provide training annually on healthy choices and behaviors<br>● Providing professional learning opportunities to explore the connections between health and academic performance and positive social-emotional interactions<br>● Providing healthy food options at training throughout the year, and modeling nutritious choices to implement in the program |
| **School District Administration** | It is expected that each school district will develop its own procedures to establish protocols regarding how students will be provided services promoting health education, physical education, health services, nutrition services and a healthy school environment. Procedures can include but are not limited to:<br>● Providing snacks and/or supper by following the districts designated food programs for the whole school<br>● Collaborating with district nurses to provide SAFE sites with training as needed to meet nutritional, health, and educational needs<br>● Incorporating sports programs to operate through SAFE by participating in the “No Cut Policy”<br>○ Allowing sports through SAFE means all students interested in the program will be allowed to participate. District must submit an updated “No-Cut Policy” annually to SCOE - Expanded Learning<br>● Fostering and maintaining a healthy culture for both staff and students by:<br>○ Eliminating the use of non-nutritious food as incentives<br>○ Providing nutritional education to parents or guardians to use at home<br>○ Partnering with community based organizations to provide healthful information to students and families |

# Siskiyou County Expanded Learning
# SAFE Program Plan

**Staff Level:**

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| **Site Coordinator**<br>**SAFE Aides** | All SAFE staff are expected to create an environment that supports healthy choices and behaviors, promotes overall student well-being, and encourages participation in activities that enhance students' knowledge and skills. Examples of this include:<br>● Modeling healthy behaviors by only consuming nutritious food and drinks while in direct supervision of students<br>● Meeting with school nurses to determine the needs of students and the training of front-line staff as needed<br>● Partnering with community-based organizations that offer educational opportunities to enhance student awareness of healthy choices and behaviors<br>● Provide planned physical fitness activities to encourage movement<br>● Ensuring daily that physical activity is taking place in the form of free play, planned and purposeful activities, guest presenters or programs, and/or “No Cut” sports activities<br>● Providing nutritious snacks to students during SAFE that will contribute to their physical and social-emotional well-being, following the national food requirements |

**Participant Level:**

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| **Students and Families** | It is expected that students and families will engage in physical enrichment and nutritional elements of the program. Participation in nutrition and physical activities that support knowledge, skills, and behaviors around health helps contribute to improving academic and social-emotional learning for students. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 6 - Diversity, Access, and Equity

SAFE programs will create an environment in which students embrace diversity and equity regardless of race, color, religion, sex, age, income level, national origin, physical ability, sexual orientation, and/or gender identity and expression. High quality SAFE programming will play a key role in offering a safe place for students to be their authentic selves in a space of acceptance to and from others.

**Programmatic Level:**

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| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site on best practices to ensure SAFE programs are offering an environment that welcomes all students to be their authentic selves. Suggestions will be documented on the SAFE site visit form each month to support districts to implement systems that promote positive atmospheres that honor diversity, access, and equity.<br>● Utilize SCOE resources to ensure any students who may have barriers are able to participate in SAFE with appropriate accommodations if needed<br>● Ensure communications provided to SAFE programs are offered in multiple languages per Siskiyou County populations in the varying districts<br>● Provide professional learning opportunities to increase SAFE staff knowledge and program development that focuses on implementation of diversity, access, and equity for all participants<br>● Share information to support all SAFE program needs including, but not limited to: assistance with seeking food and housing, medical assistance, community service programs, and strategies to provide equality through equity to promote understanding, compassion, and tolerance |
| **School District Administration** | It is expected that each school district will develop its own procedures to establish protocols regarding how students will be provided services to enhance understanding and engagement with diversity, access, and equity for all.<br>● Hire staff that are reflective of the student population<br>● Reach out to students and families who have potential barriers to participate in the program. Connect with the Foster and Homeless Youth department, nurses, Special Education, English Language Learning support, or LGBTQ staff<br>● Design the program to accommodate the needs of the students attending<br>● Each district has a different demographic; SAFE staff are provided information to better understand their learning community<br>● All students are eligible to join SAFE programs |

# Siskiyou County Expanded Learning
# SAFE Program Plan

**Staff Level:**

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|---|---|
| **Site Coordinator SAFE Aides** | It is expected that all SAFE staff will create an environment that facilitates students to be their authentic selves, where diversity, access, and equity are embraced. This may include but is not limited to the following:<br>● Ensuring communication is in support of a student's home language<br>● Creating an environment where all cultures are welcome and encouraged to share their holidays, foods, and traditions so students can learn from each other<br>● Giving opportunities for students to share from their diverse experiences and backgrounds<br>● Planning lessons, enrichments, and events to promote cultural awareness and acceptance<br>● Designing daily schedules and activities to accommodate the needs of students<br>● Planning programming around national cultural awareness<br>● Surveying the community to learn of guests who can provide enrichments that offer new or continued knowledge of and positive interaction with others |

**Participant Level:**

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| **Students and Families** | It is critical that students and families participate in creating an environment that supports diversity, access, and equity for all who attend SAFE programs. This can be facilitated by creating a culture where:<br>● Families and students feel comfortable sharing with one another and staff<br>● Using language that is encouraging of acceptance and curiosity<br>● Participating in activities to learn and celebrate differences |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 7 - Quality Staff

SAFE programs recruit and retain high-quality staff and volunteers who are focused on creating a positive learning environment and attend ongoing professional learning.

**Programmatic Level:**

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| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site on best practices to ensure SAFE programs have continuous professional learning opportunities. Examples of this include but are not limited to:<br><br>● For Staff Hired at the Siskiyou County Office of Education, Expanded Learning Department:<br>○ SCOE supports the Expanded Learning department with open positions, making sure positions are advertised in-house and posted on Edjoin.org<br>○ SCOE - Expanded Learning staff will be on-boarded through the Human Resources Department, conduct background checks and fingerprinting, and ensure a clear job title and job description are provided<br>○ Continuous staff learning methods consist of in-depth onboarding, individual progress meetings, monthly staff meetings, online safety training, and professional learning offerings<br><br>● For Staff Hired at the School District, SCOE - Expanded Learning will:<br>○ Provide informal conversations and annual surveys to students, families, and other stakeholders to gain feedback on staff and volunteer quality<br>○ Offer two county-wide professional learning offerings each school year:<br>■ Back-to-School Conference<br>■ Mid-year Refresher |
| **School District Administration** | Each school district is expected to develop its own procedures to establish protocols for recruiting, hiring, and retaining high-quality staff. Examples of procedures and protocols include but are not limited to:<br>● Recruiting and hiring SAFE staff while considering experience, knowledge, interest, ability to create a safe environment, diversity, and capacity for engaging children in age-appropriate and meaningful learning<br>● Collaborating with SCOE to conduct background checks and fingerprinting, and ensuring a clear job title and job description are available<br>● Administrators will collect and retain proof of staff qualifications for SAFE staff positions meeting the district-determined minimum qualifications<br>● Provide professional learning opportunities and guidance on expected SAFE program operation<br>● Support staff with information regarding grant requirements, budgets, and any information that affects the day-to-day operations of the program regularly and with transparency |

# Siskiyou County Expanded Learning
# SAFE Program Plan

**Staff Level:**

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| **Site Coordinator**<br>**SAFE Aides** | It is the expectation that all SAFE staff will embrace integrity, professionalism, caring, and competency as positive role models for SAFE aides as high-quality staff. This can be accomplished by by using some of the strategies outlined below:<br>● Building positive relationships with a culturally, linguistically, and socio-economically diverse community of students, staff, and parents<br>● Attend professional learning offerings.<br>● Provide professional learning to SAFE aides and volunteers |

**Participant Level:**

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|---|---|
| **Students and Families** | It is expected that students and families build relationships with SAFE staff and volunteers by:<br>● Providing feedback to site coordinators regarding concerns about staff through face-to-face interaction or surveys<br>● Voicing concerns brought forward by students or other families so that it can be reviewed by the appropriate chain of command, starting with the site coordinator and then delegated to the SCOE – Expanded Learning on a case-by-case basis |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 8 - Clear Vision, Mission, and Purpose

SAFE programs develop a vision, mission, and goal for their program, in conjunction with SCOE – Expanded Learning. The vision, mission, and goals derive from stakeholder input and drive program design, implementation, and improvement.

**Programmatic Level:**

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|---|---|
| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site on best practices to clearly define their vision, mission, and purpose within the guardrails of the SCOE – Expanded Learning's vision, mission, and purpose.<br><br>**SCOE – Expanded Learning Vision:**<br><br>**Vision**<br>Our goal is to foster a mindset of thriving by building an enthusiastic, creative community of learners and positively impacting the lives of Siskiyou County youth<br><br>**Mission**<br>**S**iskiyou **A**fterschool **F**or **E**veryone (SAFE) programs offer academic support, quality expanded learning opportunities, and fitness promotion to Siskiyou County students in a positive and safe environment<br><br>**Purpose**<br>Support SAFE programs to advance the continuous quality improvement cycle, with an emphasis on the 12 Quality Standards for Expanded Learning as the focus of improvement.<br><br>**Goals**<br>1. Average Daily Attendance<br>a. Monitor all monthly student attendance reports for accurate data entry<br>b. Track and monitor monthly program attendance percentages to inhibit funding reduction<br>2. Quality Staff<br>a. Provide quality professional learning within Siskiyou County at least two times a year which is available to all<br>b. Encourage SAFE staff to attend state and regional professional learning offerings<br>c. Program Specialists will provide individual professional learning on a case-by-case basis for specific topics<br>3. Engaging Activities<br>a. SAFE sites will be offered opportunities to engage in activities guided by student interests, countywide<br>b. After each site visit, Program Specialists will provide guidance and resources to build on current enrichment activities to increase student participation<br>c. Modeling of enrichment activities to site coordinators<br>d. Sponsor enrichment activities that highlight required program elements |

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| | Successful completion of goals is determined by analyzing attendance data for students at the SAFE program and for staff at professional learning days. There will be evidence documented on site visit observation forms of improvement with each Continuous Quality Improvement plan. Annual survey data will highlight successes and improvement needs from recipients of direct services |

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| **School District Administration** | Each school district is expected to develop its own procedures and policies to establish site-specific vision, mission, purpose, and goals. Examples of ways to facilitate this work include but are not limited to:<br><br>● Each site has its own unique, diverse population, geography, and culture(s). Districts can choose to create their own vision and mission statements to follow, or they can also choose to adopt the SCOE – Expanded Learning vision and mission as their own<br>● District-specific goals will be developed through collaborative efforts using annual surveys, activity and enrichment evaluations, site-visit observations, student attendance data, advisory committee input, and face-to-face communication with administration, staff, parents, and students to meet specific community needs<br>● Each SAFE site will establish an on-site SAFE Advisory Committee or use the School Site Council to keep partners informed about the program's implementation of its vision and mission. These people provide input on the local community's perspective of the SAFE program |

**Staff Level**

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| **Site Coordinator<br>SAFE Aides** | It is expected that all SAFE staff will embody the SCOE – Expanded Learning vision and mission and/or their own school district SAFE program vision and mission by:<br>● Participating in the process of the continuous quality improvement for each site<br>● Consistently strive to gain feedback from all areas of the SAFE program to ensure the program vision and mission remain the focus of each day<br>● Contributing information will contribute to the continuous quality improvement process for high-quality program services<br>● Goals should support continued encouragement for students' participation in SAFE through engaging activities and student interest |

**Participant Level:**

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| **Students and Families** | It is expected that students and families will contribute to the SAFE program's vision, mission, and goals:<br>● Families have students attend SAFE each day it is in operation<br>● Embodying the vision and mission of the afterschool programs |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 9 - Collaborative Partnerships

SAFE programs work in a collaborative process that includes parents, students, staff, community, region, and statewide representatives to develop the program plan for afterschool. Meetings to discuss and plan future enrichment, program needs, educational implementation, professional learning, and goals are held regularly each year. Through these collaborative partnerships, SAFE programs will strengthen school and community connections. Community support and involvement is an important component to SAFE programs. Each site is located in a unique community, including frontier sites, where staff are able to collaborate with a variety of partners.

**Programmatic Level:**

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| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site on best practices to build collaborative partnerships at the local, regional, state, and national levels:<br>● Establish a program-wide advisory committee that meets to collaborate at least three (3) times per year. Each meeting will host a community partner to share what can be offered in SAFE programs<br>● Seek out additional partners from both the public and private sectors to support all SAFE programs<br>● Evaluate feedback from stakeholders on an annual survey each spring |
| **School District Administration** | It is expected that each school district will develop its own procedures to establish protocols to ensure SAFE programs are connecting with community partners to support program success:<br>● Establish a school site-specific advisory committee or highlight SAFE at a School Site Council that meets at least one (1) time per year.<br>● Coordinate an integrated relationship with SAFE site coordinators and regular school day staff and offer active participation in school staff meetings. |

**Staff Level:**

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| **Site Coordinator SAFE Aides** | It is expected that all SAFE staff will connect with community partners to support students and their successes by:<br>● Utilizing local resources to enhance student learning<br>● Develop and maintain community partnerships to support unique community demographics |

**Participant Level:**

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|---|---|
| **Students and Families** | It is expected that students and families share their experiences with SAFE staff to inform program design and collaboration with partners by:<br>● Having adults from students' families volunteer time in the program, sharing their passion and/or skills<br>○ This is especially important at Frontier sites where partnerships can be difficult<br>● Volunteering their time in the program provides in-kind contribution |

# Siskiyou County Expanded Learning
# SAFE Program Plan

| SCOE – Expanded Learning Collaborative Partners | |
|---|---|
| **Partner** | **Expectation of Collaboration** |
| **Siskiyou County Office of Education (SCOE)** | **LEA:** Provides oversight of twenty-two (22) sites (twenty (20) on-site and two (2) off-site ASES-funded programs) named Siskiyou Afterschool for Everyone (SAFE). The internal departments and services of SCOE will support the diverse needs of afterschool programs.<br><br>**Expanded Learning:** Provides a director, two (2) Program Specialists, a program secretary, and oversight of program grant requirements, quality improvement, resource support, and professional learning.<br><br>**Education Services:** The department provides ongoing professional learning for all school staff in grades TK-12, hosting ongoing support that is designated to improve instruction for student learning.<br><br>**SCOE Internal Programs:** SCOE - Expanded Learning supports partnership with internal SCOE programs such as Science & Outdoor Education, Art Education, School-Based Mental Health and Wellness, or District Support Department. These departments can offer resources, professional learning, or on-site activities to support students in TK-12.<br><br>**Technology:** SCOE's technology department supports all technology purchased with grant funding and assists with networking, product repairs and support, product use, and staff learning. |
| **Butte County Region 2 Support** | **Region 2:** Provide training opportunities, technical assistance, and training support. Host program director meetings to provide updates, solicit input, and gather feedback, and visit SCOE SAFE programs to hold discussions with school administrators, staff, families, and students as needed. |

| | |
|---|---|
| **Approved Off-Site Services** | Etna Elementary, Fort Jones Elementary, and Evergreen Elementary have successfully submitted and obtained approval for off-site services from the California Department of Education - Expanded Learning Division. The following delineates the structure of these programs and justifies the necessity for off-site provision for each site:<br>1. **Etna Elementary:** Before the start of the 2023-2024 school year, Etna Elementary served students from Transitional Kindergarten (TK) to 5th grade. The district underwent a restructuring, altering the grade provision from 3rd grade to 5th grade. The integration of off-site services ensures that students can participate in the SAFE program located closest to their homes.<br>2. **Fort Jones Elementary:** Before the start of the 2023-2024 school year, Fort Jones Elementary served students from Transitional Kindergarten (TK) to 5th grade. The district underwent a restructuring, altering the grade provision to Transitional Kindergarten (TK) to 2nd grade. The integration of off-site services ensures that students can participate in the SAFE program located closest to their homes.<br>3. **Jackson Street School:** Starting School Year 2025-2026, Jackson Street School will have the 4th-grade students attend Evergreen Elementary. To facilitate seamless access to the SAFE program, an off-site arrangement has been established, allowing these students to partake in the SAFE program at the Evergreen Elementary site, eliminating the need for transportation back to the Jackson Street site and reducing the student-to-teacher ratio for after-school programming. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

| | |
|---|---|
| **4-H Siskiyou County Cooperative Extension Office** | Provides non-formal youth education programs conducted by the University of California Cooperative Extension. SAFE partnership with 4-H focuses on the development of life skills and strengthening youth, families, and communities through experiential education, bridging research and practice, and building partnerships for cross-age learning and teaching. |
| **The Karuk Tribe and Quartz Valley Tribe** | Provides sites with opportunities to learn about the traditions and culture of the native american tribes |
| **High School Students** | Provide enrichment activities to SAFE programs through their senior projects |
| **Retired Teachers** | Bring their passion and skills to support required program elements that enhance SAFE enrichments |
| **Siskiyou Arts Council** | Provides sites with art-focused enrichment activities using a variety of media formats. |
| **Local Service Agencies** | Provide on-site engagement with community service agencies to expose students to what different agencies do to support the community<br><br>Examples of local service agencies:<br>● Police departments<br>● K-9 Unit<br>● Fire Department<br>● Hospital<br>● Post Office |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 10 - Continuous Quality Improvement

SAFE programs are an integral part of a students' education, engaging them in learning opportunities that prepare them for college, career, and life. SAFE programs will encapsulate the Quality Standards for Expanded Learning in California through the continuous quality improvement cycle.

**Programmatic Level:**

| | |
|---|---|
| **SCOE - Expanded Learning** | It is expected that SCOE - Expanded Learning will provide guidance to each SAFE site through the Continuous Quality Improvement (CQI) cycle to move towards exemplary practices to implement the quality standards for Expanded Learning.<br><br>**<u>The CQI process</u>**<br>**➔ Assess**<br>Assessments can be obtained for SCOE - Expanded Learning CQI from the following:<br>● Data from annual program evaluations<br>● Attendance data<br>● Site visit observations<br>● Administration feedback<br>● Community feedback<br><br>**➔ Timeline:**<br>● *Fall* - Evaluate current CQI and update if needed<br>● *Winter* - Review current CQI and update if needed<br>● *Spring* - Annual survey completed with community partners, school teaching staff, SAFE aides, families, and/or students<br>● *All of School Year* – Complete evaluations after each professional learning offering<br><br>**➔ Planning:**<br>Program planning includes:<br>● Combining evaluation and assessment data to inform CQI goals for SCOE - Expanded Learning and SAFE sites<br>● SAFE site collaborating with SCOE - Expanded Learning to set SMART goals after analyzing relevant data<br>● Determining what resources will be needed to reach the goal that was set<br>● Securing agreement and sign-off from all relevant parties in acknowledgment of the CQI<br><br>**➔ Improve:**<br>The implementation of the CQI plan includes:<br>● The Director of Expanded Learning will monitor SCOE - Expanded Learning CQI.<br>● Program Specialists will monitor the SAFE site's progress of the CQI<br>● Each site visit will note how CQI is implemented and will update the action plan steps as needed<br>● Resources will be provided for continued improvement of the CQI<br>● As goals are achieved, reassess and update the CQI plan accordingly<br>● Use outcomes to prioritize program design, professional learning, and program practices |

| | |
|---|---|
| **School District Administration** | Each school district is expected to develop its own procedures and protocols to ensure SAFE programs continually improve toward high quality services to students. This can be done in collaboration with SCOE - Expanded Learning by:<br>● Providing input to identify areas for improvement of program quality standards<br>● Communicating who will support the SAFE program to meet CQI goals |

**Staff Level:**

| | |
|---|---|
| **Site Coordinator**<br>**SAFE Aides** | All SAFE staff are expected to participate in a continuous quality improvement cycle by:<br>● Collaborating with SCOE - Expanded Learning to develop quality improvement SMART goals using self-assessment, participant, and stakeholder feedback<br>● Providing progress updates at each site visit with the Program Specialist<br>● Using stakeholder feedback to inform program design, professional learning, and program practices |

**Participant Level:**

| | |
|---|---|
| **Students and Families** | It is expected that students and families will be actively engaged in assessing and providing input for the improvement of their SAFE program. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 11 - Program Management

SAFE programs use ASES funding through SCOE – Expanded Learning as the grantee. The focus and goal of program management is to leverage funding to ensure SAFE programs hire and supervise high-quality staff, provide appropriate spaces to house programs, provide materials for student engagement, and ensure proper fiscal documentation is completed.

**Programmatic Level:**

| | |
|---|---|
| **SCOE – Expanded Learning** | It is expected that SCOE - Expanded Learning oversees the majority of program management systems. SCOE is the grantee and fiscal agent of twenty (20) on-site and two (2) off-site SAFE programs, which are funded with the ASES grant. As the fiscal agent, SCOE is legally responsible for all budgetary aspects of the grant and ensuring compliance with the grant requirements. SCOE provides assurances that the program will comply with all applicable fiscal reporting and auditing standards.<br><br>To maintain program quality, the program plan will be reviewed annually at the SCOE – Expanded Learning spring Advisory Committee meeting. Any adjustments for the following program year will be made then. All persons involved in SAFE programs, including community partners and external stakeholders, are invited to this meeting. Updated program plans will be accessible to all, and revisions will be shared at the annual Back-to-School Conference in the fall. |
| **Approved Off-Sites** | Etna Elementary, Fort Jones Elementary, and Evergreen Elementary have successfully submitted and obtained approval for off-site services from the California Department of Education - Expanded Learning Division. The following delineates the structure of these programs and justifies the necessity for off-site provision for each site:<br>1. Etna Elementary: Before the start of the 2023-2024 school year, Etna Elementary served students from Transitional Kindergarten (TK) to 5th grade. The district underwent a restructuring, altering the grade provision from 3rd grade to 5th grade. The integration of off-site services ensures that students can participate in the SAFE program located closest to their homes.<br>2. Fort Jones Elementary: Before the start of the 2023-2024 school year, Fort Jones Elementary served students from Transitional Kindergarten (TK) to 5th grade. The district underwent a restructuring, altering the grade provision to Transitional Kindergarten (TK) to 2nd grade. The integration of off-site services ensures that students can participate in the SAFE program located closest to their homes.<br>3. Jackson Street School: Starting School Year 2025-2026, Jackson Street School will have the 4th-grade students attend Evergreen Elementary. To facilitate seamless access to the SAFE program, an off-site arrangement has been established, allowing these students to partake in the SAFE program at the Evergreen Elementary site, eliminating the need for transportation back to the Jackson Street site and reducing the student-to-teacher ratio for after-school programming. |
| **School District Administration** | Each school district is expected to develop its own procedures and protocols to ensure SAFE sites have effective program management systems in place to support the vision, mission, and goals of afterschool. |

**Staff Level:**

| | |
|---|---|
| Site Coordinator<br>SAFE Aides | It is expected that all SAFE staff regularly communicate with their site's administration to meet needs and provide quality programming. |

**Participant Level:**

| | |
|---|---|
| Students and Families | This standard is not applicable at the participant level. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

| Program Management Systems | | | |
|---|---|---|---|
| | **Programing** | **Staffing** | **Fiscal Responsibilities** |
| **SCOE - Expanded Learning** | No less than 85% grant funds are spent on direct services to students.<br><br>No more than 15% grant funds are spent on administration.<br><br>Monitor attendance monthly using the electronic attendance system EZReports.<br><br>Report attendance to CDE in the two (2) semiannual attendance reports and annually in the Outcome-Based data for Evaluation and Continuous Quality Improvement report.<br><br>Monitor monthly to ensure programs are adhering to all grant requirements.<br><br>Program handbook is reviewed annually by SCOE - Expanded Learning Program and SAFE staff. New handbooks are provided to each program in the fall.<br><br>SAFE Early Release Policy will be set with specific early release codes that all SAFE sites will use. The Countywide use of EZReports requires that Early Release codes must be the same for each school district. The Early Release Codes will be reviewed and approved by each school board. | SCOE - Expanded Learning staff consist of one (1) director, and two (2) area liaisons.<br><br>Offer professional learning opportunities to all SCOE - Expanded Learning Program staff, SAFE site staff, and SAFE site administration staff on an as needed basis.<br><br>SCOE - Human Resources ensures staff qualification and requirement compliance.<br><br>Keep SAFE sites updated on current Region 2 and state expanded learning division information.<br><br>Program Specialists provide needed resources, on-boarding, and professional learning to site coordinators to improve quality programming.<br><br>The Director of Expanded learning provides information and guidance to superintendents and principals to ensure the programs meet grant requirements. | Complete all financial accounting and reporting requirements for the grant.<br><br>Track and audit all twenty-two (22) (twenty (20) on-site and two (2) off-site) SAFE sites' purchases through monthly expenditure documentation to make sure expenditures are in accordance with grant and budget guidelines.<br><br>Track all twenty-two (22) (twenty (20) on-site and two (2) off-site) SAFE sites' in-kind contributions on a monthly basis to make sure in-kind match is at 33% or greater. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

| Program Management Systems | | | |
|---|---|---|---|
| | **Programing** | **Staffing** | **Fiscal Responsibilities** |
| **District Administration** | Ensure 0% of grant allocations are spent on administration. SCOE provides administrative services.<br><br>If needed, frontier sites will obtain approval from the local school board for early closure and submit evidence to SCOE - Expanded Learning.<br><br>Submit an updated Early Release policy annually, as laid out for each site by SCOE - Expanded Learning per EZReports, for students picked up before the end of the program time. The Early Release policy will be reviewed by the District School Board one (1) time per year as an informational item and submit evidence to the SCOE - Expanded Learning.<br><br>Submit each year to SCOE - Expanded Learning, a “No Cut” policy approved by the site Principal and/or Superintendent when the school chooses to run sports programs through SAFE.<br><br>Provide SCOE - Expanded Learning student SSID numbers for all students enrolled in school and SAFE the prior year annually in the fall. This information is included in the CDE Outcome-Based data for Evaluation and Continuous Quality Improvement Report. | Ensure staff members who directly supervise students meet the minimum qualifications for instructional aides, pursuant to each school district's policies.<br><br>Provide direct supervision to the SAFE site coordinator and aides.<br><br>At least monthly, meet with the SAFE site coordinator and/or SAFE aides to stay up-to-date on the program process, needs, or guidance for Continuous Quality Improvement. | Administrative tasks contribute in-kind.<br><br>Assign on-site fiscal personnel to complete expenditure and in-kind reporting to SCOE - Expanded Learning no later than the 15th of each month.<br><br>Approve purchases that qualify under the grant requirements and send requests over $1,500.00 to SCOE - Expanded Learning for approval before purchase of item(s).<br><br>Use the removal request form to request removal of outdated, broken, or lost materials where the acquisition price was over $1,.500.00, and submit it to SCOE – Expanded Learning Program for approval before removal of the item(s).<br><br>Complete the SAFE site budget narrative in collaboration with district or site fiscal staff, and the site coordinator, and revise as needed at interim reporting.<br><br>Narratives are submitted to the SCOE - Expanded Learning by September 15 each school year. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

| Program Management Systems | | | |
|---|---|---|---|
| | **Programing** | **Staffing** | **Fiscal Responsibilities** |
| **SAFE Site Staff** | Commence each SAFE program upon the conclusion of the regular school day.<br><br>Operate a minimum of fifteen (15) hours each week.<br><br>Operate until 6:00 PM, unless a frontier site.<br><br>Submit monthly activity calendars to SCOE - Expanded learning the month before implementation and no later than the 15th of the month before implementation.<br><br>Maintain registration information for each student on site. No student may attend SAFE without a registration form on file.<br><br>Complete daily attendance through the universal electronic attendance system, EZReports.<br><br>Communicate to SCOE - Expanded Learning Program any issues using EZReports, unscheduled closures, professional learning closures, and provide documents as back-up. Documents to submit are:<br>1. Parent Notice<br>2. Documentation of the unusual circumstance for unscheduled closure, i.e. power outage<br>3. Agenda for professional learning<br>4. SAFE staff attendance sign-in | Site coordinators provide oversight of SAFE aides.<br><br>Site coordinators provide resources and training of program operations to SAFE aides and volunteers when needed.<br><br>All staff will be trained to follow the attendance entry process as follows:<br>1. Use the designated electronic device or scanner to enter students into the SAFE program each day using EZReports.<br>2. Use the SAFE site designated exit process using EZReports upon a student leaving the SAFE program each day.<br>3. Verify the exit of each student whether by an approved adult, walker, busser, etc.<br>4. Select an Early Release code for any student leaving prior to thirty (30) minutes to the end of the scheduled program close time.<br><br>All SAFE staff will strive to attend as many professional learning opportunities as possible. | Collaborate with the school-site fiscal department to complete a SAFE site budget narrative in accordance with both grant and budget guidelines.<br><br>Complete in-kind timesheets for all qualified in-kind contributions.<br><br>Submit in-kind timesheets to your school's fiscal personnel monthly for submission to SCOE - Expanded Learning.<br><br>Collaborate with the school site fiscal department to purchase SAFE supplies following the set budget narrative. |

# Siskiyou County Expanded Learning
# SAFE Program Plan

## 12 - Sustainability

SAFE programs build long-lasting partnerships with the community and volunteers to secure commitments of In-kind and monetary contributions for the sustainability and longevity of services provided in after-school. Each year, when the program plan is reviewed at the spring Advisory Committee meeting, the list of sustainable resources will be updated.

**Programmatic Level:**

| | |
|---|---|
| **SCOE - Expanded Learning** | It is expected that SCOE – Expanded Learning will guide each SAFE site on best practices to build strong community partnerships at the county and school site levels. This includes but is not limited to:<br>● Creating an awareness of SAFE programs throughout our rural and frontier communities<br>● Highlight program enrichments and the lives it touches through social media outlets, word of mouth, administration meetings, SCOE - Expanded Learning Updates, utilize the Band App, communicate the importance of SAFE to the communities across the county, and at regional/state level opportunities<br>○ Word of mouth is a key driver of sustainability in a small, rural, frontier county<br>● Attend and contribute to community events around Siskiyou County to bring awareness of SAFE programs to a larger audience<br>● Partner with agencies with grant funds to contribute to SAFE programming success |
| **School District Administration** | Each school district is expected to develop its own procedures to build partnerships within its community and ensure the sustainability of the SAFE program. This includes but is not limited to:<br>● Monitoring trends and making changes to adapt to opportunities and conditions that contribute to sustainability<br>● Leveraging Expanded Learning Opportunities - Program (ELO-P) funding to increase high-quality programs and additional services to more students<br>● Build broad-based community support to enhance high-quality services during SAFE hours |

**Staff Level:**

| | |
|---|---|
| **Site Coordinator SAFE Aides** | It is expected that all SAFE staff will consistently seek out volunteers, community support, and include families in sustainability efforts to continue high-quality services that are valued by the students, families, school, and community. |

**Participant Level:**

| | |
|---|---|
| **Students and Families** | It is expected that students and families share their experiences with prospective enrollees, stakeholders, and program staff to support continued growth and sustainability. |

# Siskiyou County Office of Education
# Expanded Learning

## Siskiyou After School Safety and Enrichments For Teens

## ASSETs Program Plan
## 2025 - 2029

Prepared by:
SCOE Expanded Learning

609 South Gold Street
Yreka, CA 96097

530-842-8442

**This Program Plan Guide is required by California *Education Code* (*EC*) 8482.3(g) (1). It must be completed in its entirety and submitted as part of the After School Education and ASSETsty (ASES) Grant application process.**

Grant Cycle 2024-2029, Nov. 1, 2025

**Grantee/Local Educational Agency (LEA):**

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

**Grant Identification Number:**

47-14535-1047-5A

**County District School (CDS) Code:**

47104700000000

**Authorized Signatory – LEA Program Administrator**

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**LEA ASES Program Director:**

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# Siskiyou County Expanded Learning
# ASSETs Program Plan

## Purpose

Mission

Siskiyou **A**fter **S**chool **S**afety and **E**nrichments for **T**eens (ASSETs) programs offer academic support; quality expanded learning opportunities and fitness promotion to Siskiyou County students in a positive and ASSETs environment.

Vision

Our goal is to facilitate a mindset to thrive by fostering an enthusiastic, creative community of learners and by positively impacting the lives of Siskiyou County youth.

Operating Principles

ASSETs programs will strive to implement high quality programs by fostering the below Operating Principles to guide the quality of their site.

- Employ and train high-quality staff.
- Host ASSETs services at a high-quality facility.
- Implement high-quality afterschool programming.
- Connect with and collaborate with high-quality partnerships in the community.
- Foster high-quality engagement for student attendees.

Universal Program Requirements

ASSETs programs are to follow the mandated program requirements listed in the table in order to receive funding to run an ASES program. To ensure all Universal Program Requirements are being met, the Director of Expanded Learning works with school administrators while the Program Specialists visit ASSETs sites at a minimum of one time per month and work with ASSETs site coordinators. Program Specialists assist with providing program support; observe programs in action; and provide technical assistance, resources, and professional development training when appropriate. Program Specialists are not evaluators but provide needed support to make sure all ASSETs site staff are equipped to meet the Universal and LEA program requirements. Each Program Specialist visit to a site is documented on the Site Visit Observation form.

Program Administration

As the Local Education Agency (LEA) of ASSETs programs, SCOE – Expanded Learning currently oversees twenty (20) individual afterschool programs throughout Siskiyou County. The ASSETs set-up is unique because although the funding to operate this program is administered by SCOE, each site is allowed flexibility to operate its own program, provided SCOE – Expanded Learning and California Education Code guidelines are followed.

SCOE is the grantee and fiscal agent of ASSETs programs, which are funded entirely with ASES dollars. As the fiscal agent, SCOE is responsible for all financial aspects of the grant and ensuring compliance with the grant requirements, guaranteeing no less than 85% of the grant award is expended on direct services to students.

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## Purpose

| Mandated Program Requirements | |
|---|---|
| Fiscal Accuracy | Ensure all ASSETs funds are in accordance with grant guidelines and complete fiscal paperwork monthly. |
| Attendance Accuracy | Signature or PIN, time, and Early Release documented, target number percentage is met, and daily entry into EZReports electronic attendance system. |
| Program Hours | Min. of 15 hours per week and operational every school day until 6:00 p.m. Frontier Sites have a board reviewed alternate hours schedule. |
| Parent Communication Board | All items listed are posted: enrichment and snack calendar, daily schedule of hours and activities, Quality Standards for Expanded Learning, and Justice for All poster. |
| Educational and Literacy Element | Homework assistance in one or more of the following areas: language arts, mathematics, history, social science, science, and computer science. |
| Educational Enrichment Element | Enrichment that may include fine arts, career technical education/awareness, recreation, physical activity, health promotion, or technology. |
| Safe Physical and Emotional Environment | Provide a safe physical and emotional environment and opportunities for relationship building. |
| Staff Training and Development | Professional development will be offered from ASSETs Site, School District, SCOE, Expanded Learning, State, and National levels. |
| Integration with Regular School Day | ASSETs sites will integrate with the regular school day to align with educational offerings school-wide. The regular school day will support ASSETs programs when needed. |
| Community Collaboration | ASSETs sites will find ways to collaborate with a variety of community partners that demonstrate support of the school site's needs. |
| Snack Requirements | Offer a nutritional snack, meal, or both that conforms to the nutrition standards in California Education Code, Part 27, Chapter 9, Article 2.5, commencing with Section 49430. |
| Physical Activity | Provide opportunities for planned and organized physical activity for students weekly. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## Target Population
## Sites and Target Number

| Site Name | Daily Attendance Target Number | Grades Served |
|---|---|---|
| 1. Butte Valley High School | 35 | 9-12th |
| 2. Dunsmuir High School | 28 | 9-12th |
| 3. Etna High School | 81 | 9-12th |

# Siskiyou County Expanded Learning
# ASSETs Program Plan
## Target Population
## Students Served

All students in Transitional Kindergarten through eighth grade are eligible and welcome to participate in ASSETs programs, as the LEA, in collaboration with each school district, can determine the grades to be served at each ASSETs site (EC Section 8482.3(a)).

| ASSETs School Site | Foster | Homeless | English Learners | Free and Reduced |
|---|---|---|---|---|
| Butte Valley High School | 0% | 6.8% | 15.9% | 47.7% |
| Dunsmuir High School | 1.5% | 7.7% | 1.5% | 75.4% |
| Etna High School | 1.1% | 2.6% | 2.1% | 37% |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## Target Population
## Recruitment

SCOE – Expanded Learning staff work collaboratively with all three (3) ASSETs sites to recruit and retain students to achieve and maintain attendance requirements of the afterschool programs. An emphasis for recruitment efforts will be placed on sites that are “at risk” for not meeting expected attendance requirements.

| Recruiting Plan to increase enrollment in ASSETs programs |
|---|
| 1. Each site will offer registration for ASSETs programs as follows:<br>A. Back-to-School Night offered by each site in the beginning of the school year will provide information packets for their ASSETs program and include registration information.<br>B. Allow for open registration for new student enrollment throughout the year.<br>C. Encourage pre-registration in the spring for the following school year. |
| 2. SCOE – Expanded Learning and ASSETs sites will collaboratively advertise programs using at a minimum one of the following:<br>A. Monthly School Newsletter – outlining what is taking place in individual ASSETs sites.<br>B. Websites<br>C. Attendance at community events throughout Siskiyou County.<br>D. Positive Word of Mouth.<br><br>On average, many of the school ASSETs sites serve more than their funded amount. The focus is to have continual recruitment activities throughout the year to communicate the positive impact ASSETs programs have on the students and families in Siskiyou County. |
| 3. The site coordinators will collaborate with their ASSETs site administration and teaching staff to identify students with low academic performance to determine their need for homework assistance in afterschool programs as a recruitment option. Each site will determine a student’s need for homework assistance per the district benchmarks. |
| 4. Additional recruitment criteria to consider for additional student populations.<br>● Student ASSETs – no one home, transportation, etc.<br>● Waitlist – Every student attending a school operating a ASSETs site is eligible to participate in the program subject to program capacity. If a wait list is established, students are enrolled according to the date their enrollment application was received, unless identified as a priority group as described in bullet **C**. below.<br>● Recruitment efforts will focus on homeless and foster youth students, who hold priority enrollment status. Site coordinators will work with SCOE – Expanded Learning, Specialists, and the Foster and Homeless Youth Director to identify and invite students.<br>● Attendance and enrollment are tracked through the EZReports electronic attendance system. This is monitored monthly to evaluate a site's need for additional recruiting efforts throughout the year. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 1 - ASSETs and Supportive Environment

All three (3) of the afterschool programs throughout Siskiyou County are located on their designated school campuses. In order to provide a ASSETs physical and emotional environment during ASSETs, each program must intentionally involve students, families, school staff, and community members as stakeholders. Based on information from annual surveys, the data collected will be used to inform implementation of best practices and establish systems that evidence shows will enhance the quality of the learning environment in afterschool.

**Programmatic Level:**

| | |
|---|---|
| SCOE Expanded Learning | Is expected to provide guidance to each ASSETs site on best practices that promote ASSETs and supportive environments. Suggestions will be documented on the ASSETs Site Visit Observation form to support districts to develop policies and procedures that will ensure students are in a safe and nurturing environment that supports the developmental, social-emotional, and physical needs of all.<br>➔ When a need arises for social-emotional support, SCOE – Expanded Learning will connect and/or refer a school district to appropriate SCOE, county, or regional services.<br>➔ Annual training on topics that cover safe and supportive environments will be provided to all ASSETs staff including superintendents, principals, site coordinators, ASSETs aides, and volunteers.<br>➔ Two scheduled trainings per year will be sponsored by SCOE – Expanded Learning:<br>◆ Back-to-School Conference<br>◆ Mid-Year Refresher<br>◆ Individual training and technical assistance to all ASSETs sites as needed |
| School District | Is expected that each school district will develop its own procedures that establish protocols regarding how students will be kept emotionally and physically safe, align regular day to after school, and have clearly defined systems for:<br>➔ Transitioning from regular school day to after school.<br>➔ Providing facilities and associated resources for on-site ASSETs programs that have physically and emotionally safe environments for students.<br>➔ Meeting the health and medical needs of students.<br>➔ Behavior management.<br>➔ Emergency preparedness:<br>◆ Families, staff, and students know how to contact the ASSETs program.<br>◆ Establish an emergency contact process for staff in the event of an emergency.<br>◆ Staff are trained in safety, child abuse reporting, first aid, and CPR.<br>◆ Ensure staff and volunteers are subject to the health screening and fingerprint clearance per current law and district policy.<br>◆ Clear documentation process for any injuries/incidents.<br>◆ How to connect families to service resources; i.e. food, health, mental health services, parent education, etc. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will provide a welcoming environment for students creating an atmosphere where students want to be in ASSETs. The environment will offer a physical and emotional environment that supports the developmental, social-emotional, and physical needs of all students. Staff will provide experiences in which students feel ASSETs to express emotions, feel secure, feel confident in taking risks, are challenged, and feel excited to try something new.<br>➔ The environment will be free from discrimination, intimidation, taunting, harassment, and bullying from others.<br>➔ Site coordinators will use the Universal EZReports electronic attendance system to accurately document the approved entry and exit process from ASSETs including how the student is transported home and the reason for leaving via the Early Release Code established at the beginning of every school year.<br>➔ Site coordinators will provide orientation to ASSETs Aides and volunteers on roles and responsibilities and the use of program technology.<br>➔ Maintain a student-to-staff overall ratio of no more than 20:1. Non-school staff volunteers are not to be used in the required ratio.<br>➔ Site coordinators will collaborate with school district administration to establish emergency protocols specific to their ASSETs site's needs. In addition, periodically host ASSETsty and/or emergency drills, i.e. fire drills, during ASSETs hours with students. |
| Development | Development of students will consist of:<br><br>➔ Collaboration with regular school day for a smooth transition and support of continued student academic learning in the ASSETs program through homework assistance.<br>➔ Adult support given to promote academic development with homework during specific designated time documented on the ASSETs Daily Schedule.<br>➔ Homework Assistance is a time that provides space for students to work on homework in a non-pressured environment to better understand concepts being taught during the regular school day. It is encouraged that homework be completed; however, it is not the expectation that homework will be completed during this time.<br>➔ Homework Assistance that supports one of the following content areas: language arts, mathematics, history, social science, science, and computer training. Alternate activities in these content areas are welcomed in the event students do not have homework assignments; i.e. no homework Friday.<br>➔ ASSETs staff are encouraged to introduce students to new ideas, develop skills, and incorporate student interests through enrichment activities that engage student exploration and creative thinking. |

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| Social-Emotional | Social-emotional needs of students will consist of:<br><br>➔ ASSETs staff take time to build positive relationships with students.<br>➔ Address each student by their preferred name.<br>➔ Implementing positive behavior management systems that focus on prevention versus punishment. |

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| | ➔ Aligning and following regular school day behavioral management systems.<br>➔ Enrichment activities that promote students learning to listen, communicate, empathize, accept, and support others.<br>➔ Team building or collaborative enrichment opportunities where students learn how to work as a group.<br>➔ ASSETs staff communicate with each other to strategize best practices to help students who show signs of trauma related behaviors and implement trauma informed practices.<br>➔ ASSETs staff utilize resources from Siskiyou County community partners with resources that promote the social emotional wellbeing of students and families. |
| Physical | Physical needs of students will consist of:<br><br>➔ ASSETs staff will offer physical activity opportunities to students in the form of outside recess, planned physical enrichment, community programs, “No-Cut” policy sport participation through ASSETs, or physical fitness clubs.<br>➔ ASSETs staff should plan ahead on the activity calendar, at a minimum one time per week, a physical fitness enrichment.<br>➔ Nutritious snacks and/or meals provided to every student each day in attendance. The school district will ensure that the nutritious snacks and/or meals meet all state guidelines and requirements. |

**Participant Level:**

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|---|---|
| Students and Families | Is expected to contribute to the ASSETs and supportive environment while attending ASSETs programs.<br><br>➔ Students and family will interact with all participants, including staff, while attending the ASSETs program using positive communication to build a community of acceptance and encouragement.<br>➔ Students and families provide input through their engagement while on site with staff, electronic communication, and in responses to annual surveys. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 2 - Active and Engaged Learning

Students who are actively engaged during ASSETs will support the vision statement of the SCOE - Expanded Learning and signifies a quality program. Experiential student-centered learning in afterschool includes “doing” activities that allow them to be physically active, stimulate their innate curiosity, value their topics of interest, and allow them to be hands-on. ASSETs site staff will engage in planning activity/enrichment calendars that facilitate students to participate in active learning as opposed to adult-focused instruction.

All levels will continually use research and evidence-based practices to guide and plan their educational literacy and enrichment activities, streamline daily schedules, and develop training and meetings to support the learning focus of ASSETs students.

**Programmatic Level:**

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|---|---|
| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to provide active and engaged learning in afterschool. Suggestions will be documented on the ASSETs Site Visit form each month to support districts to develop systems that will ensure students are participating in an active and engaged learning environment for all.<br><br>➔ Sponsor engaged learning activities to all three (3) ASSETs sites.<br>➔ A calendar of SCOE - Expanded Learning sponsored activities will be provided to all sites at the Back-to-School Conference.<br>➔ Collaborate with local community based organizations, enrichment vendors when funds allow, and volunteers to bring high-quality and interactive experiences to Siskiyou County that will foster community collaboration, student growth and confidence, and increased engagement.<br>➔ Each spring, an evaluation designed by SCOE – Expanded Learning will be provided to obtain feedback on participant engagement in their ASSETs program activities. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures that establish protocols regarding how students will be provided an environment that promotes opportunities for culturally relevant and high-interest activities.<br><br>➔ Each District will use its designated research and evidence-based best practices, district benchmarks, and data-driven feedback to guide the planning of educational literacy and educational enrichment activities that will align with the regular school day to enhance positive youth development.<br>➔ Support ASSETs site coordinators to develop active and engaged learning enrichments for all students which can include providing needed supplies, inviting community guests to do activities, or planning field trips.<br>➔ ASSETs programmatic level staff will participate in disbursing student, parent, and staff surveys on an annual basis in the spring. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will research, plan, and implement culturally relevant, high-interest activities where students are encouraged to be actively engaged.<br><br>➔ Each ASSETs site provides SCOE – Expanded Learning with their monthly activity/enrichment calendar outlining high-interest, creative, and active engagement learning that has relevance to the students.<br>➔ Use district research and evidence-based best practices, benchmarks, and data-driven feedback to plan enrichments and/or activities that allow students to have purposeful experiences using multiple senses to work independently and in groups.<br>➔ Continually plan opportunities for students to be interactive with others in a larger community and even globally. In addition, offer students a time to engage in local service projects that build positive youth development.<br>➔ Plan community events that invite ASSETs site families to come take part in the afterschool program and see what the program has to offer. Some events sites have planned are Back-to-School Night presentations, Lights on Afterschool, carnivals, inviting parents to be activity presenters, or Siskiyou County Fair project displays. |

**Participant Level:**

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| Students and Families | It is expected that students and families share their ideas for engaging activities to be offered.<br><br>➔ Be open to participate in new hands-on, project based experiences through group work, understanding others perspectives, and accessing appropriate technology to be fully engaged. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 3 - Skill Building

Active learning opportunities that develop new skills or create mastery of skills are a focus of ASSETs programs. All ASSETs participants will ensure hands-on, project-based activities will focus on skill-building through 21st Century Skills: creativity, collaboration, communication, information literacy, media literacy, technology literacy, critical thinking, and flexibility.

**Programmatic Level:**

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|---|---|
| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices for students being provided developmentally appropriate skill building for academic and social-emotional success in afterschool. Suggestions will be documented on the ASSETs Site Visit form each month to support districts to implement systems that exhibit exemplary skill-building practices.<br><br>➔ Collaborate with community based organizations and high quality education vendors when appropriate to bring high-quality and interactive experiences to Siskiyou County that will foster enhancement of student 21st Century Skills.<br>➔ Partner with community based organizations or high quality education vendors focused on literacy development to enhance skills in social-emotional learning and English language/literacy: writing, reading, speaking, and listening.<br>➔ Sponsored activities or contests will be offered throughout the year covering such learning topics that will build skills in areas such as community impact, computer science, writing, and science. |
| School District Superintendent and/or Principal | It is expected that each individual school district will develop its own procedures that establish protocols regarding how students will be provided opportunities to develop and demonstrate 21st century skills.<br><br>➔ Locate and offer tutoring support for students to achieve academic success.<br>➔ Provide guidance to site coordinators on homework assistance and reading support.<br>➔ Decide appropriate time length to ensure students are getting the help needed to align with regular day academic learning.<br>➔ Support ASSETs site coordinators to offer clubs and enrichment activities related to student interests which can include providing needed supplies, finding a space to host the club, or collaborating with people and agencies that are specialized in the club theme. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will create projects that are relatable, have a specific goal communicated, facilitate 21st Century skills, provide a sense of personal and social responsibility, build on previously learned skills, offer knowledge of life and career options, and allow for mistakes, feedback, and success for all students.<br><br>➔ Homework assistance and reading are offered daily to support student academic and life skills.<br>➔ Enrichment offerings are included weekly on the activity calendar for each site. Site coordinators will plan according to student interest and current development levels to enhance their 21st Century Skills.<br>➔ Incorporate clubs into the ASSETs program to allow individualized skill building when appropriate. Possible clubs that could be offered: Lego, Robotic, Podcast, Sports, Makerspace, Role Play Games, E-Sports, etc.<br>➔ Staff will encourage projects and clubs to develop better conflict resolution skills as students work and play with their peers.<br>➔ Site coordinators will connect with regular day for educational literacy and enrichment activities to align with current learning and skills students are gaining. |

**Participant Level**

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|---|---|
| Students and Families | It is expected that students and families are encouraged to exercise their voice in making creative choices of projects, activities, clubs, program events, or enrichments they would like to have offered in ASSETs.<br><br>➔ Students work independently or in groups and become involved in projects, clubs, program events, or enrichments to practice 21st Century Skills and become collaborative members, effective communicators, and creative thinkers. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 4 - Youth Voice and Leadership

ASSETs programs will provide and support intentional opportunities for students to play a meaningful role in program design and implementation and provide ongoing access to authentic leadership roles. Students will be encouraged to take on leadership roles and responsibilities during the course of ASSETs.

**Programmatic Level:**

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|---|---|
| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices for students to have opportunities for youth voice and leadership in afterschool. Suggestions will be documented on the ASSETs Site Visit form each month to support districts to implement systems that exhibit exemplary youth voice and leadership practices.<br>➔ Each spring an evaluation designed by SCOE-Expanded Learning will be provided to obtain feedback on student experiences in afterschool.<br>➔ Student survey questions will include open-ended questions used to elicit their thoughts about the program.<br>➔ Offer professional development throughout the year to all ASSETs site staff in addition to site specific training based on community need to facilitate youth voice and leadership. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own systems that establish processes regarding how students will be provided opportunities to develop youth voice and leadership.<br>➔ Provide spaces for programs to permit students to share their viewpoints, concerns, or interests in order to impact program practices by participating in program surveys, leadership programs, or student-lead group discussion.<br>➔ Encourage programs to identify a need in their community where student voice and leadership can develop a solution.<br>➔ Through student feedback, the needs and interests will be implemented and adjustments to homework and enrichments will be made. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will create an environment that facilitates youth voice and leadership in ways that promote positive relationships within the program and empower students to have a positive impact on their peers and the program.<br><br>➔ Adjust monthly activities from feedback provided by both younger and older students where they can communicate their viewpoints, concerns, or interests impacting their experience in the ASSETs program.<br>➔ Student choice will drive different clubs offered at ASSETs.<br>➔ Provide opportunities for "Buddy" programs, such as older students working with younger students during homework assistance, reading buddies, or during collaborative enrichment activities.<br>➔ Allow for student helpers to participate in distributing snacks, choosing and leading activities, greeting to visitors, and planning and carrying out special events.<br>➔ Coach and mentor students until they are confident to express their voice and carry out leadership activities on their own when given the chance.<br>➔ Model leadership skills to students for them to learn what leadership means. Show action speaks louder than words by using quality leadership skills.<br>➔ Service learning projects are offered to students to allow older students to actively exercise their leadership skills by addressing community and real world problems. Examples of service learning in ASSETs:<br>◆ Taking care of animals<br>◆ Building gardens<br>◆ Planning program events like a carnival<br>➔ Connecting with other service-oriented organizations to better the community |

**Participant Level:**

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|---|---|
| Students and Families | It is expected that students and families are encouraged to engage in authentic and meaningful leadership roles.<br><br>➔ Exercise their voice in making creative choices when applicable.<br>➔ Be empowered to give opinions on the annual survey, during group discussion, and through impactful relationships. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 5 - Healthy Choices and Behaviors

ASSETs programs will promote student well-being through opportunities to learn about and practice balanced nutrition, physical activity, and other healthy choices in an environment that supports a healthy lifestyle.

**Programmatic Level:**

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| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to ensure recommended guidelines for healthy snacks and meals are provided and physical opportunities are being implemented each day. Suggestions will be documented on the ASSETs Site Visit form each month to support districts to implement systems that exhibit exemplary healthy choices and behaviors.<br><br>➔ Partner with community based organizations to provide training annually on healthy choices and behaviors.<br>➔ Provide professional development opportunities to explore the connections between health and academic performance and positive social emotional interactions.<br>➔ Provide healthy food options at training throughout the year, modeling nutritious choices to implement in programming. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to establish protocols regarding how students will be provided services promoting health education, physical education, health services, nutrition services and a healthy school environment.<br><br>➔ Snacks and/or supper is provided by each school district following their designated food programs for the whole school.<br>➔ Collaborate with district nurses to provide ASSETs sites with training as needed to meet nutritional, health, and educational needs.<br>➔ Programs can participate in the “No Cut Policy” and allow sports programs to operate through ASSETs. Allowing sports through ASSETs means all students interested in the program will be allowed to participate. The district will submit an updated “No-Cut Policy” annually to SCOE – Expanded Learning.<br>➔ Create and maintain a healthy culture:<br>◆ Use of non-nutritious food as incentives is strongly discouraged;<br>◆ Provide nutrition education to parents/guardians to use at home;<br>◆ Partner with community based organizations to support healthful information to students and families. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will create an environment that facilitates healthy choices and behaviors in ways that promote overall student well-being and encourage participation in activities to enhance student knowledge and skills.<br><br>➔ Model healthy behaviors by only consuming healthy food and drinks while in direct supervision of students.<br>➔ Meet with school nurses to determine needs of students and training of front-line staff as needed.<br>➔ Partner with community based organizations that offer educational opportunities to enhance student awareness of healthy choices and behaviors.<br>➔ Provide planned physical fitness activities to encourage movement.<br>➔ Ensure on a daily basis physical activity is taking place in the form of free play, planned and purposeful activities, guest presenters or programs activities.<br>➔ Provide nutritious snacks to students during ASSETs that will contribute to their physical and social-emotional well-being following the national food requirements. |

**Participant Level:**

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| Students and Families | It is expected that students and families will engage in physical enrichments and nutritional elements of the program.<br><br>➔ Participate in nutrition and physical activities that support knowledge, skills, and behaviors around health that contribute to improving academic and social-emotional learning. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 6 - Diversity, Access, and Equity

ASSETs programs will create an environment in which students embrace diversity and equity regardless of race, color, religion, sex, age, income level, national origin, physical ability, sexual orientation, and/or gender identity and expression. High quality ASSETs programming will play a key role in offering a ASSETs place for students to be their authentic selves in a space of acceptance to and from others.

**Programmatic Level:**

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| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to ensure ASSETs programs are offering an environment that welcomes all students to be their authentic selves. Suggestions will be documented on the ASSETs Site Visit form each month to support districts to implement systems that promote positive atmospheres that honor diversity, access, and equity.<br><br>➔ Utilize SCOE resources to ensure any students who may have barriers are able to participate in ASSETs with appropriate accommodations if needed.<br>➔ Ensure communications provided to ASSETs programs are offered in multiple languages per Siskiyou County populations in the varying districts.<br>➔ Provide professional development opportunities to increase ASSETs staff knowledge and program development that focuses on implementation of diversity, access, and equity for all participants.<br>➔ Share information to support all ASSETs program needs including, but not limited to: assistance with seeking food and housing, medical assistance, community service programs, and strategies to provide equality through equity to promote understanding, compassion, and tolerance. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to establish protocols regarding how students will be provided services to enhance understanding and engagement with diversity, access, and equity for all.<br><br>➔ Hire staff that are reflective of the student population.<br>➔ Reach out to students and families who have potential barriers to participate in the program. Connect with the Foster and Homeless Youth department, nurses, Special Education, English Language Learning support, or LGBTQ staff.<br>➔ Design the program to accommodate the needs of the students attending.<br>➔ Each district has a different demographic; ASSETs staff are provided information to better understand their learning community.<br>➔ All students are eligible to join ASSETs programs. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will create an environment that facilitates students to all to be their authentic selves where diversity, access, and equity is embraced.<br><br>➔ Ensure communication supports a student's home language.<br>➔ All cultures are welcome and encouraged to share their holidays, foods, and traditions so students can learn from each other.<br>➔ Give opportunities for students to share from their diverse experiences and backgrounds.<br>➔ Plan lessons, enrichments, and events to promote cultural awareness and acceptance.<br>➔ Design daily schedules and activities to accommodate the needs of students.<br>➔ Plan programming around national cultural awareness.<br>➔ Survey the community to learn of guests that can come and provide enrichments that offer new or continued knowledge of and positive interaction with others. |

**Participant Level:**

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|---|---|
| Students and Families | It is expected that students and families are encouraged to participate in creating an environment that supports diversity, access, and equity for all who attend ASSETs programs.<br><br>➔ Feel comfortable sharing with each other and staff.<br>➔ Use language that is encouraging of acceptance.<br>➔ Participate in activities to learn and celebrate the differences everyone has. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

# 7 - Quality Staff

ASSETs programs recruit and retain high quality staff and volunteers who are focused on creating a positive learning environment and attend ongoing professional development.

**Programmatic Level:**

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| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to ensure ASSETs programs have continuous professional development opportunities.<br><br>For Staff Hired at SCOE - Expanded Learning county office:<br>➔ SCOE supports the Expanded Learning department with open positions, making sure positions are advertised in-house and posted on Edjoin.org.<br>➔ SCOE – Expanded Learning staff will be on-boarded through the Human Resources Department, conduct background checks and fingerprinting, and ensure a clear job title and job description is provided.<br>➔ Continuous staff development methods consist of in-depth onboarding, individual progress meetings, monthly staff meetings, online ASSETsty training, and professional development offerings.<br><br>For Staff Hired at the School District, SCOE - Expanded Learning will:<br>➔ Provide informal conversations and annual surveys to students, families, and other stakeholders to gain feedback on staff and volunteer quality.<br>➔ Offer two (2) county-wide professional development offerings each school year.<br>◆ Back – to – School Conference<br>◆ Mid-year Refresher |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to establish protocols regarding the recruitment, hiring, and retention of high-quality staff.<br><br>➔ Recruit and hire ASSETs staff while considering experience, knowledge, interest, ability to create an ASSETs environment, diversity, and capacity for engaging children in age-appropriate and meaningful learning.<br>➔ Collaborate with SCOE to conduct background checks and fingerprinting and ensure a clear job title and job description is available.<br>➔ Administrators will collect and retain proof of staff qualifications for ASSETs staff positions meeting the district-determined minimum qualifications.<br>➔ Provide professional development opportunities and guidance on expected ASSETs program operation.<br>➔ Support staff with information regarding grant requirements, budgets, and any information that affects the day-to-day operations of the program regularly and is transparent. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

**Staff Level:**

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| Site Coordinator<br>ASSETs Aides | It is the expectation that all ASSETs staff will embrace integrity, professionalism, caring, and competency as positive role models for ASSETs aides as high-quality staff.<br><br>➔ Build positive relationships with a culturally, linguistically, and socio-economically diverse community of students, staff, and parents.<br>➔ Attend professional development offerings.<br>➔ Provide professional learning to ASSETs aides and volunteers. |

**Participant Level:**

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| Students and Families | It is expected that students and families are encouraged to build trusting relationships with high-quality ASSETs staff.<br><br>➔ Provide feedback to site coordinators regarding concerns about staff through face-to-face interaction or surveys.<br>➔ Concerns voiced by students or families will be reviewed by the appropriate level, starting with the site coordinator on up the chain to SCOE – Expanded Learning on a case-by-case basis to address concerns with staff. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 8 - Clear Vision, Mission, and Purpose

ASSETs programs develop a vision, mission, and goal for their program, in conjunction with SCOE – Expanded Learning. The vision, mission, and goals derive from stakeholder input and drive program design, implementation, and improvement.

**Programmatic Level:**

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|---|---|
| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to have a clear vision, mission, and purpose through the lens of the SCOE – Expanded Learning.<br><br>SCOE – Expanded Learning Vision:<br><br><u>Vision</u><br>Our goal is to facilitate a mindset to thrive by fostering an enthusiastic, creative community of learners and by positively impacting the lives of Siskiyou County youth.<br><br><u>Mission</u><br>**S**iskiyou **A**fterschool **F**or **Ev**eryone (ASSETs) programs offer academic support; quality expanded learning opportunities and fitness promotion to Siskiyou County students in a positive and ASSETs environment.<br><br><u>Purpose</u><br>Support ASSETs programs to move forward in the continuous quality improvement cycle with an emphasis on the 12 Quality Standards for Expanded Learning being the focus of improvement.<br><br><u>Goals</u><br>1. Average Daily Attendance<br>a. Monitor all monthly student attendance reports for accurate data entry.<br>b. Track and monitor monthly program attendance percentages to inhibit funding reduction.<br>2. Quality Staff<br>a. Two (2) times per year, provide quality professional development within Siskiyou County available to all.<br>b. Encourage ASSETs staff to attend state and regional professional development offerings.<br>c. Program Specialists will provide individual professional development on a case-by-case need of specific topics. |

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| | 3. Engaging activities –<br>a. ASSETs sites will be offered opportunities to engage in activities guided by student interests countywide.<br>b. After each site visit, Program Specialists will provide guidance and resources to build on current enrichment activities to increase student participation.<br>c. Offer modeling of enrichment activities to site coordinators.<br>d. Sponsor enrichment activities highlighting required program elements.<br><br>Successful completion of goals is determined by analyzing attendance data for students at the ASSETs program and for staff at professional development days. There will be evidence documented on site visit observation forms of improvement with each Continuous Quality Improvement plan. Annual survey data will highlight successes and improvement needs from recipients of direct services. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures and policies to establish site-specific vision, mission, purpose, and goals.<br><br>Each site has its own unique diverse population, geography, and culture. Districts can choose to create their own vision and mission statements to follow or they can also choose to adopt the SCOE – Expanded Learning vision and mission as their own.<br><br>District-specific goals will be a collaborative effort using annual surveys, activity and enrichment evaluation, site visit observations, student attendance, advisory committee, and face-to-face communication with administration, staff, parents, and students to meet their specific community needs.<br><br>Each ASSETs site will establish an on-site ASSETs Advisory Committee or use the School Site Council to keep partners current on the implementation of the vision and mission of the program. These people provide input on the local community's perspective of the ASSETs program. |

**Staff Level:**

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|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will embody the SCOE – Expanded Learning vision and mission and/or their own school district ASSETs program vision and mission.<br><br>➔ Participate in the process of the Continuous Quality Improvement for each site.<br>➔ Consistently strive to gain feedback from all areas of the ASSETs program to ensure the program vision and mission are the focus of each day.<br>➔ The information will contribute to the Continuous Quality Improvement process for high quality program services.<br>➔ Goal should support continued encouragement for students' participation in ASSETs through engaging activities and student interest. |

**Participant Level:**

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| Students and Families | It is expected that students and families will contribute to the vision, mission, and goals of the ASSETs program.<br><br>➔ Families have students participate every-day ASSETs operates.<br>➔ Families and students are encouraged to embody the vision and mission |

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| | of the afterschool programs. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 9 - Collaborative Partnerships

ASSETs programs work in a collaborative process that includes parents, students, staff, community, region, and statewide representatives to develop the program plan for afterschool. Meetings to discuss and plan future enrichment, program needs, educational implementation, professional learning, and goals are held regularly each year. Through these collaborative partnerships, ASSETs programs will strengthen school and community connections. Community support and involvement is an important component to ASSETs programs. Each site is located in a unique community, including frontier sites, where staff are able to collaborate with a variety of partners.

**Programmatic Level:**

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| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to build collaborative partnerships at the local, regional, state, and national levels.<br><br>➔ Establish a program-wide advisory committee that meets to collaborate at least three (3) times per year. Each meeting will host a community partner to share what can be offered in ASSETs programs.<br>➔ Seek out additional partners from both the public and private sectors to support all ASSETs programs.<br>➔ Evaluate feedback from stakeholders on an annual survey each spring. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to establish protocols to ensure ASSETs programs are connecting with community partners to support program success.<br><br>➔ Establish a school site-specific advisory committee or highlight ASSETs at a School Site Council that meets at least one (1) time per year.<br>➔ Coordinate an integrated relationship with ASSETs site coordinators and regular school day staff and offer active participation in school staff meetings. |

**Staff Level:**

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| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will connect with community partners to support students and their successes.<br><br>➔ Utilize local resources to enhance student learning.<br>➔ Develop and maintain community partnerships to support unique community demographics. |

**Participant Level:**

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|---|---|
| Students and Families | It is expected that students and families share their experiences with ASSETs staff to inform program design and collaboration with partners.<br>➔ Adults from student's families volunteer time in the program, sharing their passion and/or skills. This is especially important at Frontier sites where |

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| | partnerships can be difficult.<br>➔ Volunteer time in the program provides in-kind contribution. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

| SCOE – Expanded Learning Collaborative Partners | |
|---|---|
| Partner | Expectation of Collaboration |
| Siskiyou County Office of Education (SCOE) | **LEA:** Provides oversight of twenty (3) ASES funded programs named Siskiyou Afterschool for Everyone (ASSETs). The internal departments and services of SCOE will support the diverse needs of afterschool programs.<br><br>**Expanded Learning:** Provides a director, one (1) Program Specialist, a program secretary, and oversight of program grant requirements, quality improvement, resource support, and professional development.<br><br>**Education Services:** Department provides ongoing professional development for all school staff in grades 9 – 12, hosting on-going support that is designated to improve instruction to student learning.<br><br>**SCOE Internal Programs:** SCOE - Expanded Learning supports partnership with internal SCOE programs such as Science & Outdoor Education, Art Education, School Based Mental Health and Wellness, or District Support Department. These departments can offer resources, professional development, or on-site activities to support students 9 – 12.<br><br>**Technology:** SCOE technology department supports all technology purchased with grant funding and provides assistance with networking, product repairs, product use, and staff development. |
| Butte County Region 2 Support | **Region 2:** Provide training opportunities, technical assistance, and support with training. Host program director meetings to provide updates, input, and feedback, and visit SCOE ASSETs programs to hold discussions with school administrators, staff, families, and students when needed. |
| Expanded Learning Academy Ron Robinson | Works monthly with SCOE – Expanded Learning to coach the team in Quality Standards for Expanded Learning for ASSETs site growth, provides professional development to ASSETs sites and SCOE office, develops continuous quality improvement systems, and provides access to staff engagement support materials. Contracted through July 2029. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

| | |
|---|---|
| 4-H Siskiyou County Cooperative Extension Office | Provides non-formal educational youth programming conducted by the University of California Cooperative Extension. ASSETs partnership with 4-H focuses on the development of life skills and strengthening youth, families, and communities through experiential education, bridging research and practice, building partnerships for cross-age learning and teaching. |
| Karuk Tribe / Quartz Valley Tribe | Provides sites with opportunities to learn about traditions and culture of the native american tribes. |
| High School Students | Provide enrichment activities to ASSETs programs through their Senior Projects. |
| Retired Teachers | Bring their passion and skills to support required program elements that enhance ASSETs enrichments. |
| Siskiyou Arts Council | Provides sites with art-focused enrichment activities using a variety of media formats. |
| Local Service Agencies | Provide on-site engagement with community service agencies to expose students to what different agencies do to support the community.<br><br>Examples of service agencies:<br>Police departments, K-9 Unit, Fire Department, Hospital, Post Office, Etc. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 10 - Continuous Quality Improvement

ASSETs programs are an integral part of a students' education, engaging them in learning opportunities that prepare them for college, career, and life. ASSETs programs will encapsulate the Quality Standards for Expanded Learning in California through the continuous quality improvement cycle.

### Programmatic Level:

| | |
|---|---|
| SCOE - Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site through the Continuous Quality Improvement (CQI) cycle to move towards exemplary practices to implement the Quality Standards for Expanded Learning.<br>**<u>The CQI process</u>**<br>➔ **Assess**<br>Assessments can be obtained for SCOE - Expanded Learning CQI from:<br>● Data from annual program evaluations<br>● Attendance data<br>● Site visit observations<br>● Administration feedback<br>● **Community feedback**<br>➔ **Timeline:**<br>● Fall - Evaluate current CQI and update if needed.<br>● Winter - Review current CQI and update if needed.<br>● Spring - Annual survey completed with community partners, school teaching staff, ASSETs aides, families, and/or students. Throughout the School Year – Evaluations after each professional development offering.<br>➔ **Planning**<br>Program planning:<br>● Combine evaluation and assessment data to inform CQI goals for SCOE Expanded Learning and for ASSETs sites.<br>● After analyzing the data, SCOE - Expanded Learning and ASSETs sites set goals using the SMART goal process.<br>● Determine what resources will be needed to reach the goal that was set.<br>● All parties agree and sign in acknowledgment of the CQI.<br>➔ **Improve**<br>Implement CQI Plan:<br>● The Director of Expanded Learning will monitor SCOE - Expanded Learning CQI.<br>● Program Specialists will monitor the ASSETs site progress of the CQI.<br>● Each site visit will note how CQI is implemented and update action plan steps as needed.<br>● Resources will be provided for continued improvement of the CQI.<br>● As goals are achieved, re-assess and update the CQI plan accordingly.<br>● Use outcomes to prioritize program design, professional development, and program practices. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

| | |
|---|---|
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to establish protocols to ensure ASSETs programs are continually improving the program towards high quality. This can be done in collaboration with SCOE - Expanded Learning.<br><br>➔ Provide input to identify areas for improvement of program quality standards.<br>➔ Communicate who will support the ASSETs program to meet CQI goals. |

**Staff Level:**

| | |
|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will participate in a continuous quality improvement cycle.<br><br>➔ Collaborate with SCOE – Expanded Learning to develop quality improvement SMART goals using self-assessment, participant, and stakeholder feedback.<br>➔ Provide progress updates at each site visit with the Program Specialist.<br>➔ Use stakeholder feedback to inform program design, professional development, and program practices. |

**Participant Level:**

| | |
|---|---|
| Students and Families | It is expected that students and families will be actively engaged in assessing and providing input for improvement of their ASSETs program. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 11 - Program Management

ASSETs programs utilize ASES funding for their program through SCOE – Expanded Learning as the grantee. The focus and goal for program management is leverage funding to ensure ASSETs programs hire and supervise quality staff, provide appropriate spaces to house programs, provide materials for student engagement, and ensure proper fiscal documentation is completed.

**Programmatic Level:**

| | |
|---|---|
| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning oversees the majority of program management systems. SCOE is the grantee and fiscal agent of three (3)ASSETs programs which are funded with the ASES grant. As the fiscal agent, SCOE is legally responsible for all fiscal aspects of the grant and ensuring compliance with the grant requirements. SCOE provides assurances that the program will follow all fiscal reporting and auditing standards.<br><br>To maintain quality programs, the program plan will be reviewed one time per year at the SCOE – Expanded Learning spring Advisory Committee meeting. Any adjustments for the following program year will be made at that time. All persons involved in ASSETs programs,<br>including community partners and external stakeholders, are invited to this meeting. Updated program plans will be accessible to all, and revisions will be shared at the annual Back-to-School Conference in the fall. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to establish protocols to ensure ASSETs sites have effective program management systems in place to support the vision, mission, and goals of afterschool. |

**Staff Level:**

| | |
|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff regularly communicate with their site's administration to meet needs and provide quality programing. |

**Participant Level:**

| | |
|---|---|
| Students and Families | This standard is not applicable at the participant level. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

| Program Management Systems | | | |
|---|---|---|---|
| **Program Management** | **Programing** | **Staffing** | **Fiscal Responsibilities** |
| **SCOE - Expanded Learning** | No less than 85% grant funds are spent on direct services to students<br><br>No more than 15% grant funds are spent on administration.<br><br>Monitor attendance monthly using the electronic attendance system EZReports.<br><br>Report attendance to CDE in the two (2) semiannual attendance reports, the annually Outcome-Based data for Evaluation and Continuous Quality Improvement report, the APR Data Entry (Activities, Staffing, and Participation) Data, APR Data Entry (Outcomes), and quarterly expenditure reports.<br><br>Monitor monthly to ensure programs are adhering to all grant requirements.<br><br>Program handbook is reviewed annually by SCOE – Expanded Learning Program and ASSETs staff. New handbooks are provided to each program in the fall.<br><br>ASSETs Early Release Policy will be set with specific early release codes that all | SCOE – Expanded Learning staff consist of one (1) director, two (2) area liaisons, and one (1) secretary.<br><br>Offer professional development opportunities to all SCOE – Expanded Learning Program staff, ASSETs site staff, and as needed ASSETs site administration staff.<br><br>SCOE – Human Resources ensures staff qualification and requirement compliance.<br><br>Keep ASSETs sites updated on current Region 2 and state expanded learning division information.<br><br>Program Specialists provide needed resources, on-boarding, and professional development to site coordinators to improve quality programming.<br><br>Director of Expanded learning provides information and guidance to superintendents and principals to ensure programs meet grant requirements. | Complete all financial accounting and reporting requirements for the grant.<br><br>Track and audit all three (3) ASSETs sites' purchases through monthly expenditure documentation to make sure expenditures are in accordance with grant and budget guidelines. |

| | | | |
|---|---|---|---|
| | ASSETs sites will use. The Countywide use of EZReports requires that Early Release codes must be the same for each school district. The Early Release Codes will be reviewed and approved by each school board. | | |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

| Program Management | Programing | Staffing | Fiscal Responsibilities |
|---|---|---|---|
| **District Administrator** | Ensure 0% of grant allocations are spent on administration. SCOE provides administrative services.<br><br>If needed, frontier sites will gain approval for early closure from the local school board and submit evidence to the SCOE – Expanded Learning.<br><br>Submit annually an updated Early Release policy as laid out for each site by SCOE – Expanded Learning per EZReports, for students picked up before the end of the program time. The Early Release policy will be reviewed by the District School Board one (1) time per year as an informational item and submit evidence to the SCOE - Expanded Learning.<br><br>Submit each year to SCOE - Expanded Learning a "No Cut" policy approved by the site administrator when the school chooses to run sports programs through ASSETs.<br><br>Provide SCOE - Expanded Learning student SSID numbers for all students enrolled in school and ASSETs the prior year annually in the fall. This is included in the CDE Outcome-Based data for Evaluation and Continuous Quality Improvement Report. | Ensure staff members who directly supervise students meet the minimum qualifications for instructional aides, pursuant to the policies of each school district.<br><br>Provide direct supervision to ASSETs site coordinator and aides.<br><br>At least monthly meet with the ASSETs site coordinator and/or ASSETs aides to stay up-to-date on program process, needs, or guidance for Continuous Quality Improvement. | Administrative tasks contribute in-kind.<br><br>Assign on-site fiscal personnel to complete expenditure and in-kind reporting to SCOE –Expanded Learning no later than the 15th of each month.<br><br>Approve purchases that qualify under grant requirements and send requests over $499.00 to SCOE – Expanded Learning for approval prior to purchase of item(s).<br><br>Use the removal request form to remove outdated, broken, or lost materials where the acquisition price was over $499.00 and submit to SCOE – Expanded Learning Program for approval prior to removal of item(s).<br><br>Complete ASSETs site Budget Narrative in collaboration with district or site fiscal staff, and site coordinator, and revise as needed at interim reporting.<br><br>Narratives are submitted to the SCOE – Expanded Learning by September 15 each school year. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

| Program Management | Programing | Staffing | Fiscal Responsibilities |
|---|---|---|---|
| **ASSETs Site Staff** | Commence each ASSETs program upon the conclusion of the regular school day.<br><br>Operate a minimum of fifteen (15) hours each week and until 6:00 p.m., unless a frontier site.<br><br>Submit monthly activity calendars to SCOE - Expanded learning the month prior to implementation and no later than the 15th of the month prior to implementation.<br><br>Maintain registration information for each student on site. No student can attend ASSETs without a registration form in place.<br><br>Complete attendance daily through the universal electronic attendance system, EZReports.<br><br>Communicate to SCOE – Expanded Learning Program any issues using EZReports, unscheduled closures, PD closures, and provide documents as back-up.<br><br>Documents to submit are:<br>1. Parent Notice<br>2. Documentation of the unusual circumstance for unscheduled closure, i.e. power outage.<br>3. Agenda for professional development.<br>4. ASSETs staff attendance sign-in. | Site coordinators provide oversight of ASSETs aides.<br><br>Site coordinators provide resources and training of program operations to ASSETs aides and volunteers when needed.<br><br>All staff will be trained and follow attendance entry process as follows:<br><br>1. Use the designated electronic device or scanner to enter students into the ASSETs program each day using EZReports.<br>2. Use the ASSETs site designated exit process using EZReports upon a student leaving the ASSETs program each day.<br>3. Verify the exit of each student whether by an approved adult, walker, busser, etc.<br>4. Select an Early Release code for any student leaving prior to thirty (30) minutes to the end of the scheduled program close time.<br><br>All ASSETs staff will strive to attend as many professional development opportunities offered as possible. | Collaborate with the school-site fiscal department to complete a ASSETs site Budget Narrative in accordance with grant and budget guidelines.<br><br>Complete in-kind timesheets for all qualified in-kind contributions.<br><br>Submit in-kind timesheets to your school fiscal personnel monthly for submission to SCOE - Expanded Learning.<br><br>Collaborate with the school site fiscal department to purchase ASSETs supplies following the set Budget Narrative. |

# Siskiyou County Expanded Learning
# ASSETs Program Plan

## 12 - Sustainability

ASSETs programs build long-lasting partnerships with the community and volunteers to secure commitments of In-kind and monetary contributions for sustainability and longevity of services provided in afterschool. Each year, when the program plan is reviewed at the spring Advisory Committee meeting, additional sustainable resources will be updated.

**Programmatic Level:**

| | |
|---|---|
| SCOE – Expanded Learning | It is expected that SCOE – Expanded Learning will provide guidance to each ASSETs site on best practices to build strong community partnerships at the county and school site levels.<br><br>➔ Create an awareness of ASSETs programs throughout our rural and frontier communities.<br>➔ Highlight program enrichments and the lives it touches through social media outlets, word of mouth, administration meetings, SCOE - Expanded Learning Updates, communicate the importance of ASSETs to the communities across the county, and at regional/state level opportunities. Word of mouth is a focus of achieving sustainability in a small, rural, frontier county.<br>➔ Attend and contribute to community events around Siskiyou County to bring awareness of ASSETs programs to a larger audience.<br>➔ Partner with agencies with grant funds to contribute to ASSETs programing success. |
| School District Superintendent and/or Principal | It is expected that each school district will develop its own procedures to build partnerships within its individual community to create sustainability for the ASSETs program.<br><br>➔ Monitor trends and make changes in order to adapt to opportunities and conditions that contribute to sustainability.<br>➔ Build broad-based community support to enhance high quality services during ASSETs hours. |

**Staff Level:**

| | |
|---|---|
| Site Coordinator<br>ASSETs Aides | It is expected that all ASSETs staff will consistently seek out volunteers, community support, and include families in sustainability efforts to continue providing high-quality programming.<br><br>➔ Provided high quality services that are valued by students, families, school, and community. |

**Participant Level:**

| | |
|---|---|
| Students and Families | It is expected that students and families share their experiences with potential future enrollees, stakeholders, and program staff for continued growth and sustainability. |

TALK, READ, SING, PLAY, EVERYDAY!
FIRST 5 Siskiyou
CHILDREN & FAMILIES COMMISSION

## Siskiyou County
# PROCLAMATION
## 19th ANNUAL "READ ACROSS SISKIYOU" 2026 EVENT

**Sponsored By First 5 Siskiyou Children and Families Commission**

**WHEREAS**, the ultimate goal of the First 5 Siskiyou Children and Families Commission is that all of Siskiyou's children from prenatal through 5 years of age will be healthy, ready to learn, and supported in safe, nurturing families and communities; and

**WHEREAS**, children in Siskiyou County from prenatal through 5 years of age have a successful start in life through daily reading with supportive and nurturing families, caregivers, educators and community leaders; and

**WHEREAS**, early literacy is the foundation for academic, social emotional, and economic success; and

**WHEREAS**, First 5 Siskiyou, in partnership with Siskiyou County Library, dedicates one day each year to promote early literacy by providing the same titled book to be read by guest readers to children in various preschools, kindergartens, child care settings, libraries and online events throughout Siskiyou County on the same day and provide each child with a copy of that book to take home.

**THEREFORE,** Siskiyou County Office of Education hereby proclaims November 18, 2026 as the 19th anniversary of "Read Across Siskiyou" and be it that this body enthusiastically endorses daily reading, singing and playing with children as a critical foundation for healthy development and life long success.

Signed: _____ Date:_____

John Bennett, President
Siskiyou County Office of Education

Siskiyou County Library

CAPC CHILD ABUSE PREVENTION COUNCIL OF SISKIYOU COUNTY

DKG International Society for Key Women Educators

RETURN TO AGENDA

**GOVERNING BOARD RESOLUTION ON THE FIVE-YEAR SCHOOL FACILITIES MASTER PLAN REQUIREMENT FOR SCHOOL FACILITY PROGRAM SMALL SCHOOL DISTRICT PROGRAM FUNDING APPLICATIONS**

RESOLUTION NO. 26-27-04

RESOLUTION AUTHORIZING FILING OF APPLICATION(S) FOR STATE ALLOCATION BOARD–ADMINISTERED SMALL SCHOOL DISTRICT PROGRAM FOR THE SISKIYOU COUNTY OFFICE OF EDUCATION ON OCTOBER 21, 2026.

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 Siskiyou County Office of Education intends to file applications for eligibility determination, file applications for funding, and/or certify information under the Small School District Program (SSDP), a program within the School Facility Program (SFP); and

WHEREAS, the Siskiyou County Office of Education is aware of the minimum requirements for the five-year school facilities master plan as outlined in Section 17070.54 of the Education Code and SFP Regulation Section 1859.18; and

NOW, THEREFORE BE IT RESOLVED THAT, as a condition of participating in the SSDP, as administered by the SAB, the Siskiyou County Office of Education shall submit to the DGS a five-year school facilities master plan, updated five-year school facilities master plan, or a governing board resolution updating the required components of the master plan that were materially affected and a description of what changed, approved by the governing board of the Siskiyou County Office of Education for all *Application for Funding* (Form SAB 50-04) submittals on or after October 31, 2024, of which are subject to Section 17070.54 of the Education Code and SFP Regulation Section 1859.18; and

NOW, THEREFORE BE IT RESOLVED THAT, pursuant to SFP Regulation Section 1859.18.1(f)(1), if the Siskiyou County Office of Education receives a Preliminary Small School District Apportionment on or after October 31, 2024, as a condition of SSDP participation, shall submit a complete and valid master plan with the Form SAB 50-04 request for Final Small School District Apportionment; and

NOW, THEREFORE BE IT RESOLVED THAT, pursuant to SFP Regulation Section 1859.18.1(f), the Siskiyou County Office of Education acknowledges that the

Apportionment may be rescinded for failure to submit a complete and valid master plan within the timeline specified in (f)(1).

PASSED AND ADOPTED on October 21, 2026, by the Siskiyou County Office of Education Board of Trustees by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

Date:_____

_____

John Bennett, Board President
Siskiyou County Office of Education

CERTIFICATION

I, Allan S. Carver, certify that the foregoing is a correct copy of a resolution passed and adopted by the Siskiyou County Office of Education on October 21, 2026.

Date:_____

_____

Allan S. Carver, Board Secretary/Clerk
Siskiyou County Office of Education

—END OF RESOLUTION—

**CSBA Sample Policies for COEs**
**CSBA Policy Management Console**

## County Board Policy 5145.2: Freedom Of Speech/Expression

**Status:** ADOPTED

**Original Adopted Date:** 0302/01/1993 | **Last Revised Date:** 11/01/20072026 | **Last Reviewed Date:** 1102/01/20072026

INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.

CSBA NOTE: The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution guarantee freedom of speech and of the press. Court cases and California law have addressed the application of these principles in a school setting and have established parameters for student expression. The following policy addresses rights and limitations related to student expression in a variety of forms, including off-campus as well as on-campus student expression.

CSBA NOTE: Education Code 48907 **mandates** that a county board of education establish a "written publications code" related to students' rights to freedom of speech and of the press. This code is required to include reasonable provisions for the time, place, and manner in which free expression may take place within the jurisdiction of the county office of education (COE). For further language implementing this mandate, see the accompanying administrative regulation.

The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution guarantee freedom of speech and of the press. Additionally, Education Code 48907 and 48950 provide even greater protection for student expression and official student publications. In addition, COEs are required to maintain a safe environment for students; protect students from certain types of expression, such as speech that is discriminatory, harassing, intimidating, and bullying; and prohibit expression that is obscene, libelous, or slanderous. However, the legal landscape in this area is complex and uncertain.

One of the biggest areas of uncertainty involves student expression that may be considered as offensive or harmful, or that may lead to substantial disruption. In *Dariano v. Morgan Hill Unified School District*, the Ninth Circuit Court of Appeals upheld the district's decision to direct students to

remove clothing bearing the American flag on Cinco de Mayo out of concern that it could lead to a substantial disruption to district activities due to the history of racial tension and threats of violence at the school. However, in *Chandler v. McMinnville School District*, the Ninth Circuit held that the district could not prohibit students from wearing buttons or stickers containing slogans like "I'm not listening scab" and "Do scabs bleed?" during a lawful teachers' strike as it was protected speech.

Additionally, the age of students exposed to the speech is relevant to a court's analysis. In both *Hazelwood School District v. Kuhlmeier* and *Bethel School District v. Fraser*, the U.S. Supreme Court found that the content of the speech at issue was inappropriate based on the age range of students in the school and could be prohibited based on "legitimate pedagogical concerns."

Given such complexity and uncertainty, it is recommended that county boards consult CSBA's District and County Office of Education Legal Services or other legal counsel when adopting and implementing rules related to student freedom of speech/expression.

~~The Governing~~The County Board of Education believes that free inquiry and exchange of ideas are essential parts of a democratic education. The County Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular. Additionally, the County Board is committed to providing a welcoming, safe, and supportive school environment that protects students from discrimination, harassment, intimidation, and bullying, or other types of expression prohibited by law.

**~~On-Campus Expression~~**

~~CSBA NOTE: Education Code 48907 mandates districts to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the district's jurisdiction. See the accompanying administrative regulation for further language implementing this mandate. It is recommended that districts consult legal counsel when adopting and implementing policy related to freedom of speech/expression.~~

CSBA NOTE: Pursuant to Education Code 48907, students generally have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official school publications. While Education Code 48907 does not explicitly list official COE or school websites or social media accounts identified and made available for such purposes, it is likely that a current interpretation of Education Code 48907 would include them. The following paragraph incorporates this interpretation but should be modified to reflect local practice.
Additionally, pursuant to the federal Equal Access Act (20 USC 4071-4074), if a COE creates a limited open forum that allows student groups to use school media to publicize meetings, it is required to provide equal access to all student groups.

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the use of official county office of education (COE) or school websites or social media accounts identified and made available for such purposes; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official school publications. (Education Code 48907)

~~Student~~Students' freedom of expression ~~on district or school Internet web sites and online media~~ shall ~~generally~~ be ~~afforded the same protections~~restricted only as ~~in print media.~~established by this County Board policy, the accompanying administration regulation, Education Code 234.1, 48907, and 48950, and other applicable state and federal laws. Such restrictions include, but are not limited to, prohibitions against students making any expressions or distributing or posting any materials that:

~~CSBA NOTE: Numerous court decisions have found that the First Amendment rights of public school students are not necessarily the same as the rights of adults in other settings and must be applied in light of the special circumstances of the school environment. In Hazelwood School District v. Kuhlmeier, the U.S. Supreme Court ruled that when a school has not, by policy or practice, opened up a school-sponsored activity for unrestricted use by students, the school may limit student expression as long as its decision is reasonably related to "legitimate pedagogical concerns." In California, Education Code 48907 grants students broader rights of freedom of press and provides that student content can be restrained only when it is obscene, libelous or slanderous, or incites students to commit unlawful acts, violate school rules, or substantially disrupt school operations.~~

~~Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.~~

~~Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)~~

~~CSBA NOTE: The U.S. Supreme Court has held that "fighting words," which by their very utterance can cause an immediate breach of the peace, are not constitutionally protected.~~

1. Are obscene, libelous, or slanderous

2. Are discriminatory, harassing, intimidating, or bullying

3. Are likely to immediately incite action on COE property or during COE-sponsored programs or activities that is unlawful or that violates County Board policies, administrative regulations, or other COE or school rules

4. Substantially disrupt the orderly operation of the COE

~~The~~Additionally, the use of "fighting words" or epithets is prohibited ~~in those instances~~ where ~~the speech is~~ they are abusive and insulting, rather than ~~a communication of ideas, and the speech is used in an abusive manner in a situation that presents~~ merely offensive or provocative, and they are likely to create an actual danger that ~~it~~ will cause a breach of the peace.

~~CSBA NOTE: Education Code 48907 and 48950 specify that an employee may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated solely for action to protect a student's free speech and press rights. See AR 4118 - Dismissal/Suspension/Disciplinary Action.~~

~~School officials shall not engage in prior restraint of material~~Material prepared for official school publications shall not be prohibited or prevented from being distributed, or otherwise censored, except insofar as the content of the material violates ~~the law.~~this County Board policy and the accompanying administrative regulation. (Education Code 48907)

~~CSBA NOTE: The following paragraph is for use by districts that maintain one or more high schools. Education Code 48950 provides that no district maintaining high schools shall make or enforce any rule 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. Students enrolled in a school that makes or enforces such a rule may take civil action for injunctive and declaratory relief.~~

~~The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)~~

**~~Off-Campus~~ Expression**

CSBA NOTE: Courts have ~~generally found that schools may impose discipline for~~emphasized that, although a COE's interest in regulating off-campus ~~conduct that~~student expression is less than for on-campus student expression, it may still regulate off-campus student expression if it poses a threat to the safety of other students, staff, or school property or disrupts the educational program, provided that the ~~district~~COE is able to document the impact or disruption that the conduct had, or could be expected to have~~, on campus. In addition~~. With respect to the type and level of discipline, courts have analyzed the reasonableness of the ~~district's~~COE's policy and whether the disciplinary action taken by the ~~district~~COE was in proportion to the student's misbehavior. ~~See also BP 5131 - Conduct.~~

~~In~~ In *Mahanoy Area School District v. B.L.*, the U.S. Supreme Court held that a student's profane social media post critical of the student's school that was posted off campus and outside of school hours was protected speech because it was not likely to cause "substantial disruption" to school activities. However, in *Lavine v. Blaine School District*, the Ninth Circuit ~~U.S.~~ Court of Appeals ~~applied Tinker v. Des Moines School District to conclude~~concluded that a ~~school~~ district ~~in Washington~~ was justified in expelling a student whose off-campus poetry, when considered in the totality of other relevant factors, indicated ~~he might pose a danger to himself or others. Similar standards have been applied with regard to students' off-campus Internet web sites. The federal courts in Beussink v. Woodland R-IV School District and Emmett v. Kirkland School District No. 415 confirmed that student off-campus Internet speech merits First Amendment protection and that disliking the content of a student's speech critical of the schools and staff is not an acceptable justification for limiting student speech.~~

~~Since this area of law is unclear and constantly evolving, it is strongly recommended that districts consult with legal counsel when developing policy and prior to applying discipline for off-campus speech~~the student might pose a danger to self or others. Similarly, in *Chen v. Albany Unified School District*, the Ninth Circuit ruled in favor of the school district when it imposed discipline on a

student for off-campus speech that led to harassment and severe bullying of other students on campus.

~~A~~Off-campus student ~~shall be~~ expression, such as electronic expression via a personal device or online expression via a personal social media account, may subject a student to discipline ~~for off-campus expression, including expression on off-campus Internet web sites,~~ when such expression poses a threat to the safety of other COE students, staff, or ~~school~~ property, or does or is likely to substantially ~~disrupts~~disrupt the COE's educational program. ~~The Superintendent or designee shall document~~ As necessary, the actual or expected impact of the expression ~~had or could be expected to have on~~shall be documented.

Student expression that violates this County Board policy or the ~~school program.~~ accompanying administrative regulation may be subject to discipline.

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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 2 | Freedom of speech and expression |
| Ed. Code 234-234.5 | Safe Place to Learn Act |
| Ed. Code 48205 | Excused absences |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 51520 | Prohibited solicitations on school premises |
| **Federal** | **Description** |
| 20 USC 4071-4074 | Equal Access Act |
| U.S. Constitution, First Amendment | Free exercise, free speech, and establishment clauses |
| **Management Resources** | **Description** |
| Court Decision | Beussink v. Woodland R-IV School District (1998) 30 F.Supp. 2d 1175 |
| Court Decision | Bright v. Los Angeles Unified School District (1976) 18 Cal.3d 350 |
| Court Decision | Chandler v. McMinnville School~~,~~ District (1992) 978 F. 2d 524 |

| | |
|---|---|
| Court Decision | Dariano v. Morgan Hill Unified School District (2014) 767 F.3d 764 |
| Court Decision | Emmett v. Kirkland School District No. 415 (2000) 92 F.Supp. 2d 1088 |
| Court Decision | Harper v. Poway Unified School District 2006) 445 F.3d 1166 |
| Court Decision | J.S. v. Bethlehem Area School District~~,~~ (2000) 757 A.2d 412 (Pa. Commw. 2000) |
| Court Decision | Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981 |
| Court Decision | Leeb v. DeLong (1988) 198 Cal.App.3d 47 |
| Court Decision | Lovell v. Poway Unified School District (1996) 90 F.3d 367 |
| Court Decision | Mahanoy Area School District v. B.L. (2021) 594 U.S. 180 |
| Court Decision | Muller v. Jefferson Lighthouse School (1996) 98 F.3d 1530 |
| Court Decision | Smith v. Novato Unified School District (2007) 150 Cal.App.4th 1439 |
| Court Decision | Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562 |
| Court Decision | Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503 |
| Court Decision | Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |

**Cross References**

| **Code** | **Description** |
|---|---|
| ~~1325~~ | ~~Advertising And~~ |
| 1114 | ~~Promotion~~District-Sponsored Social Media |

| | |
|---|---|
| ~~4118~~ | ~~Dismissal/Suspension/Disciplinary Action~~District-Sponsored Social Media |
| 1114 | |
| ~~4118~~ | ~~Dismissal/Suspension/Disciplinary Action~~ |
| 1313 | Civility |
| 5113 | Absences and Excuses |
| 5113 | Absences and Excuses |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6141.2 | Recognition Of Religious Beliefs And Customs |
| 6141.2 | Recognition Of Religious Beliefs And Customs |

## County Office Regulation 5145.2: Freedom Of Speech/Expression

**Status:** ADOPTED

**Original Adopted Date:** ~~11~~2/01/~~2001~~ | **~~Last Revised Date:~~** ~~11/01/2007~~2026 | **Last Reviewed Date:** ~~11~~02/01/~~2007~~2026

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~

~~CSBA NOTE: The following administrative regulation should be revised to reflect district practice. It is recommended that districts consult legal counsel when establishing restrictions, including "time, place, and manner" provisions, related to students' rights to free speech/expression.~~

### ~~School-Sponsored~~ Publications

~~CSBA NOTE: Education Code 48907 mandates districts to establish a written "publications code" related to students' rights to freedom of speech and of the press in official school publications. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the district's jurisdiction.~~

~~Education Code 48907 provides greater protection to students' free speech rights than provided by U.S. Supreme Court and other federal court decisions and authorizes school officials to limit student speech only in the specific circumstances listed below, including when the speech is likely to cause a disruption. In Smith v. Novato Unified School District, the court held that a district could not prohibit speech just because the speech "presents controversial ideas and opponents of the speech are likely to cause disruption." In order for the speech to be prohibited, the speech must incite a disruption. Thus, the court looked for evidence that the student intended to cause substantial disruption, such as direct provocation or racial epithets, rather than evidence that the anticipated or perceived reaction of the audience would cause a disruption.~~

~~Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises,~~

the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school. (Education Code 48907)

Official school publications includes material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

CSBA NOTE: When analyzing whether student speech should be permitted, the principal should determine if specific evidence exists that shows how the speech violates Education Code 48907 (obscene, libelous, incites a disturbance). This specific evidence should be provided to the student and documented in case the student decides to appeal the principal's decision to the Superintendent or designee. Education Code 48907 provides that school officials have the burden of showing justification, without undue delay, prior to any limitation of student expression.

All student submissions shall be held to professional standards of English and journalism. (Education Code 48907)

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

CSBA NOTE: The following optional paragraph authorizes the principal to include a disclaimer disassociating the district from the publication. Such disclaimers should be used with caution and only after careful analysis.

To the extent that the principal or designee believes that the school and district should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

**Distribution of Printed Materials and Petitions by Students**

CSBA NOTE: Pursuant to the federal Equal Access Act (20 USC 4071-4074), if a secondary district with a limited open forum allows student groups to use school media to publicize meetings, it must provide equal access to all student groups. See BP/AR 6145.5 - Student Organizations and Equal Access for language implementing this requirement.

The principal or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school.

~~Students may collect signatures on petitions concerning school or nonschool issues.~~

~~CSBA NOTE: Districts might consider requiring students to include a disclaimer on all materials to be distributed. For example, a disclaimer might state that "this event is not school-sponsored or approved" or that "opinions are not necessarily those of the school district or school personnel." Districts wishing to include disclaimer language should consult legal counsel as appropriate.~~

~~Education Code 48907 allows districts to regulate the "time, place, and manner" of student speech. The following paragraph provides "time, place, and manner" restrictions and should be modified to reflect district practice.~~

~~Printed materials or petitions may be distributed only:~~

1. ~~Before or after school or during lunch time~~

2. ~~In locations that do not obstruct the normal flow of traffic within the school or at entrances~~

~~No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.~~

~~**Clothing, Buttons, and Badges**~~

~~CSBA NOTE: A school district's ability to regulate "hate speech," such as clothing with derogatory or demeaning messages, is unclear. While the 9th Circuit court held in Harper v. Poway Unified School District that a school could prohibit a student from wearing a T-shirt with an anti-homosexual message, the U.S. Supreme Court vacated that decision and thus its analysis cannot be relied upon and is not included in the section below. Because the status of the law is unclear, districts should consult with legal counsel as appropriate.~~

~~Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law and Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.~~

CSBA NOTE: Education Code 48907 **mandates** that a county board of education establish a "written publications code" related to students' rights to freedom of speech and of the press. This code is required to include reasonable provisions for the time, place, and manner in which free expression may take place within the jurisdiction of the county office of education (COE). For further language implementing this mandate, see "Time, Place, and Manner Restrictions for Student Expression" below.

The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution guarantee freedom of speech and of the press. Additionally, Education Code 48907 and 48950 provide even greater protection for student expression and official student publications. In addition, COEs are required to maintain a safe environment for students; protect students from certain types

of expression, such as speech that is discriminatory, harassing, intimidating, and bullying; and prohibit expression that is obscene, libelous, or slanderous. However, the legal landscape in this area is complex and uncertain.

One of the biggest areas of uncertainty involves student expression that may be considered as offensive or harmful, or that may lead to substantial disruption. In *Dariano v. Morgan Hill Unified School District*, the Ninth Circuit Court of Appeals upheld the district's decision to direct students to remove clothing bearing the American flag on Cinco de Mayo out of concern that it could lead to a substantial disruption to district activities due to the history of racial tension and threats of violence at the school. However, in *Chandler v. McMinnville School District*, the Ninth Circuit held that the district could not prohibit students from wearing buttons or stickers containing slogans like "I'm not listening scab" and "Do scabs bleed?" during a lawful teachers' strike as it was protected speech.

Additionally, the age of students exposed to the speech is relevant to a court's analysis. In both *Hazelwood School District v. Kuhlmeier* and *Bethel School District v. Fraser*, the U.S. Supreme Court found that the content of the speech at issue was inappropriate based on the age range of students in the school and could be prohibited based on "legitimate pedagogical concerns."

Given such complexity and uncertainty, it is recommended that county boards consult CSBA's District and County Office of Education Legal Services or other legal counsel when adopting and implementing rules related to student freedom of speech/expression.

**Time, Place, and Manner Restrictions for Student Expression**

Physical or electronic locations, such as school courtyards, bulletin boards, or social media accounts, on which students and student organizations may hold a public rally, express and debate issues, or post information of general interest shall be annually identified. Additionally, students may distribute handbills, leaflets, and other printed or electronic material, whether produced within or outside of the school. In addition, students may collect signatures on petitions concerning school or nonschool issues. All such expression in a given year shall be limited to the locations identified for that year.

Materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. For printed materials or petitions, in locations that do not obstruct the normal flow of traffic within the school or at entrances

No student shall use coercion to induce any other student or person to accept materials or to sign a petition. No funds shall be collected for any material distributed.

CSBA NOTE: COEs may consider requiring students to include a disclaimer on all materials to be distributed. For example, a disclaimer might state that "this event is not school-sponsored or approved" or that "opinions are not necessarily those of the school." The following optional paragraph should be modified to reflect local practice.

Any materials or petitions may be required to include a disclaimer indicating that views, ideas, and opinions expressed in the materials or petitions are not sponsored by and do not necessarily reflect those of the school or county office of education (COE).

CSBA NOTE: Pursuant to Education Code 48907, students generally have the right to exercise freedom of speech including, but not limited to, the wearing of buttons, badges, and other insignia. However, this right is constrained as described in the accompanying County Board policy. Such constraints include prohibiting student expression that is obscene, libelous, or slanderous; is discriminatory, harassing, intimidating, or bullying; is likely to immediately incite action on COE property or during COE-sponsored programs or activities that is unlawful, that violates County Board policies, administrative regulations, or other COE or school rules; or is likely to cause or actually causes substantial disruption to the orderly operation of the COE.

It is recommended that county boards with questions regarding the permissibility of buttons, badges, armbands, and clothing bearing slogans or sayings consult CSBA's District and County Office of Education Legal Services or other legal counsel.

Permissible buttons, badges, armbands, and clothing bearing slogans or sayings may be worn at all times. There shall be no interference with such expression solely on the grounds that the message may be controversial or unpopular with students or faculty. (Education Code 234.1, 48907)

**Official School Publications**

CSBA NOTE: While the definition of "official school publications" in Education Code 48907 does not include materials produced by student clubs or organizations, student newspapers or other student publications, the definition of "official school publications" below, which should be modified to reflect local practice, has been expanded to include such materials to more accurately reflect current practice.

*Official school publications* are materials produced by students in journalism or yearbook courses or programs, student clubs or organizations, student newspapers or other student publications, or writing classes, and distributed to the public or to the student body either for a fee or free. (Education Code 48907)

Each school may develop a school publications code outlining the responsibility of the students who produce or support the production of content for official student publications and the staff who serve as advisors of official student publications.

CSBA NOTE: Pursuant to Education Code 48907, official student publications shall be held to "professional standards of English and journalism." As not all official student publications may be written in English, the following paragraph, which should be modified to reflect local practice, provides that official student publications are required to be held to "professional standards of language and journalism."

All official student publications shall be held to professional standards of language and journalism. (Education Code 48907)

CSBA NOTE: Pursuant to Education Code 48907, staff are required to show justification for any limitation of material in an official student publication and are required to do so without undue

delay. Additionally, an informal appeals process may be created by which an official student publication may appeal such a limit. The following paragraph follows this approach and should be revised to reflect local practice.

If it is determined that material intended for inclusion in an official student publication violates the accompanying County Board policy or this regulation, any feasible alternative options to limiting the material shall be first considered. If no other option is feasible, the official student publication, via the student editor-in-chief or similar position, and the student authors of the material shall be notified without undue delay and shall be provided specific reasons for why the submitted material may not be published. Absent extraordinary circumstances, such notice shall be given in sufficient time to allow the official student publication or the student authors to either modify the material or request appeal the determination.

All official student publications may be required to include a disclaimer indicating that views, ideas, and opinions expressed in official student publications do not necessarily reflect those of the school or COE.

**Student Participation in Civic or Political Events**

CSBA NOTE: Pursuant to Education Code 48205, a middle or high school student is permitted one excused absence per school year due to participation in a civic or political event. Additionally, Education Code 48205 authorizes a school administrator to grant additional excused absences. Such discretion should be used with caution to avoid allegations of viewpoint discrimination. The following paragraph does not provide discretion and should be modified to reflect local practice.

Upon providing advanced notice and in accordance with County Board Policy/Administrative Regulation 5113 – Absences and Excuses, a student in middle or high school shall be permitted one excused absence per school year in order to participate in a civic or political event such as voting, poll working, strikes, public commenting, or attending candidate speeches, political or civic forums, or town halls. (Education Code 48205)

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| State | Description |
|---|---|
| CA Constitution Article 1, Section 2 | Freedom of speech and expression |
| Ed. Code 234-234.5 | Safe Place to Learn Act |
| Ed. Code 48205 | Excused absences |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 48950 | Speech and other communication |

| | |
|---|---|
| Ed. Code 51520 | Prohibited solicitations on school premises |

| **Federal** | **Description** |
|---|---|
| 20 USC 4071-4074 | Equal Access Act |
| U.S. Constitution, First Amendment | Free exercise, free speech, and establishment clauses |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | Beussink v. Woodland R-IV School District (1998) 30 F.Supp. 2d 1175 |
| Court Decision | Bright v. Los Angeles Unified School District (1976) 18 Cal.3d 350 |
| Court Decision | Chandler v. McMinnville School~~,~~ District (1992) 978 F. 2d 524 |
| Court Decision | Dariano v. Morgan Hill Unified School District (2014) 767 F.3d 764 |
| Court Decision | Emmett v. Kirkland School District No. 415 (2000) 92 F.Supp. 2d 1088 |
| Court Decision | Harper v. Poway Unified School District 2006) 445 F.3d 1166 |
| Court Decision | J.S. v. Bethlehem Area School District~~,~~ (2000) 757 A.2d 412 (Pa. Commw. 2000) |
| Court Decision | Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981 |
| Court Decision | Leeb v. DeLong (1988) 198 Cal.App.3d 47 |
| Court Decision | Lovell v. Poway Unified School District (1996) 90 F.3d 367 |
| Court Decision | Mahanoy Area School District v. B.L. (2021) 594 U.S. 180 |
| Court Decision | Muller v. Jefferson Lighthouse School (1996) 98 F.3d 1530 |
| Court Decision | Smith v. Novato Unified School District (2007) 150 Cal.App.4th 1439 |
| Court Decision | Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562 |
| Court Decision | Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503 |

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| Court Decision | Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |

**Cross References**

| Code | Description |
|---|---|
| ~~1325~~ | ~~Advertising And~~ |
| 1114 | ~~Promotion~~District-Sponsored Social Media |
| ~~4118~~ | ~~Dismissal/Suspension/Disciplinary Action~~District-Sponsored Social Media |
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| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6141.2 | Recognition Of Religious Beliefs And Customs |
| 6141.2 | Recognition Of Religious Beliefs And Customs |

## County Board Policy 6146.1: High School Graduation Requirements

**Status:** ADOPTED

**Original Adopted Date:** ~~12~~02/01/~~2017~~ | **~~Last Revised Date:~~** ~~12/15/2023~~2026 | **Last Reviewed Date:** ~~12/15/2023~~02/01/2026

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~

CSBA NOTE: The following optional policy is for use by ~~districts~~county offices of education (COE) that maintain grades 9-12.

The ~~Governing~~County Board of Education desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

~~District~~County office of education (COE) students shall complete graduation course requirements as specified in Education Code 51225.3. ~~Unless~~Additionally, unless exempted as provided in "Exemptions from ~~District~~COE-Adopted Graduation Requirements~~,~~" ~~district~~" below or in Education Code 51225.1, COE students shall also complete other course requirements adopted by the County Board. Students who are exempted from ~~district~~County Board-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

### Course Requirements

CSBA NOTE: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in Items #1-~~7~~8 below.

Pursuant to Education Code 66204, each ~~district~~COE that maintains a high school is required to

develop a process for submitting courses to the University of California (UC) to review and certify that they align with the "A-G" course requirements for college admission.

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)

2. Two courses in mathematics (Education Code 51225.3)

   Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

CSBA NOTE: The following paragraph is for ~~districts~~COEs that require more than two mathematics courses for high school graduation. Pursuant to Education Code 51225.3 and 51225.35, a ~~district~~COE that requires more than two courses in mathematics may award up to one mathematics course credit for an approved computer science course. Any such course ~~must~~is required to have been approved by UC as a "category C" (mathematics) course in the university's "A-G" course admission criteria~~; see BP 6143 - Courses of Study~~.

   Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

4. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, ~~as amended by AB 185 (Ch. 571, Statutes of 2022),~~ the option to authorize the completion of a course in career technical education (CTE) in lieu of the visual or performing arts or world language course requirement for high school graduation, ~~which authority was deleted by AB 101 (Ch. 661, Statutes of 2021), has been restored until July 1, 2028~~has been extended indefinitely.

5. One course in visual or performing arts, world language, or career technical education (CTE~~).~~)

   For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language . (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51222, if the COE maintains any of grades 6-12 the County Board of Education may adopt a policy providing for an alternate term schedule for physical education courses, which shall be deemed to satisfy the requirements of a course in physical education for purposes of obtaining a high school diploma.

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

CSBA NOTE: ~~Pursuant~~Subject to ~~Education~~funding in the annual Budget Act or other statute, pursuant to Education Code 51225.3, ~~beginning with the 2025-26 school year,~~ the ~~district~~COE is required to offer students in grades 9 ~~to~~ -12 a one-semester course in ethnic studies and beginning with the 2029-30 school year, a student is required to complete a one-semester course in ethnic studies, as specified, in order to graduate from high school. At its discretion, a ~~district~~COE may require a full-year course. ~~Districts~~COEs that require a full-year course should revise Item #7 accordingly.

Item #7 is conditional upon the Legislature appropriating funding for ethnic studies courses. If funding is appropriated, COEs will be required to offer a one-semester ethnic studies course, as specified.

7. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, the COE is required, commencing in the 2027-28 school year, to offer a one semester course in personal finance. Additionally, Education Code 51225.3, authorizes COEs to exempt a student who completes a separate, stand-alone one-semester course in personal finance, that is not combined with any other course, from the graduation requirement to complete a one-semester course in economics.

Pursuant to Education Code 51226.8, the Instructional Quality Commission is required to develop and recommend to the State Board of Education a curriculum guide and resources for a separate, stand-alone one-semester course in personal finance that is not combined with any other course.

8. Beginning with the 2030–31 school year, a separate, stand-alone one-semester course in personal finance, that is not combined with any other course such a course

   A student who completes a separate stand-alone one-semester course in personal finance may be exempted from the requirement to complete a one-semester course in economics.

CSBA NOTE: Pursuant to Education Code 51225.3, the ~~Governing~~ County Board may prescribe additional coursework (e.g., health education or service learning) or other requirements (e.g., portfolios or senior projects) that ~~district~~COE students ~~must~~ are required to complete in order to

obtain a diploma. If the County Board does so, such courses or projects should be listed below.

If the ~~district~~COE requires a course in health education for graduation, Education Code 51225.36 requires that the ~~district~~COE include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See BP 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. ~~In addition~~Additionally, pursuant to Education Code 51225.6, a ~~district~~COE that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation (CPR). ~~See AR 6143 - Courses of Study.~~

Pursuant to Education Code 51230, if the ~~district~~COE requires the completion of community service hours for high school graduation, the ~~district~~COE may provide a student with credit towards that requirement for completion of a course in community emergency response training. However, if the ~~district~~COE chooses to offer credit for the completion of such a course, the ~~Board~~COE is still obligated to notify parents/guardians, students, and the public of information specified in Education Code 51225.3.

Additionally, to obtain a high school diploma, students in grades 9-12 shall complete the following County Board-adopted courses or requirements:

~~8.~~Q _____n/a_____Q
_____Q
_____

CSBA NOTE: Education Code 51225.3 requires the County Board to adopt alternative means for students to complete the prescribed course of study. ~~See BP/AR 6146.11 - Alternative Credits Toward Graduation.~~

Because the prescribed course of study may not accommodate the needs of some students, ~~the Board shall provide~~ alternative means for the completion of prescribed courses shall be provided in accordance with law.

CSBA NOTE: Pursuant to Education Code 51225.3, the County Board is authorized to exempt students from any County Board-adopted coursework requirements that are in addition to the statewide course requirements which COE students are required to complete in order to obtain a diploma. In granting such exemption, the law encourages that a consultation be had with the student and the educational rights holder for the student, regarding any impact that the nonfulfillment of the locally required coursework may have on the student's ability to gain admission to an institution of higher education. The following paragraph is only for COEs that provide such an exemption and should be deleted by COEs that do not provide the exemption.

A student may be exempted from any graduation requirements adopted by the County Board that are in addition to the statewide course requirements. Before exempting a student from such requirements, the student and the educational rights holder for the student shall be consulted regarding any impact the non-fulfillment of the County Board-adopted coursework may have on the student's ability to gain admission to an institution of higher education. (Education Code 51225.3)

**Exemptions from ~~District~~County Board-Adopted Graduation Requirements for Highly Mobile Students**

CSBA NOTE: Education Code 51225.1 requires the ~~district~~COE to exempt from any ~~district~~COE-adopted graduation requirements that are in addition to the state requirements specified in Education Code 51225.3 a foster youth, a student experiencing homelessness, a former juvenile court school student, a child of a military family, a ~~migrant~~ student who is migratory who transfers into ~~the district~~a COE program or between ~~district~~COE high schools any time after completing the second year of high school, or, ~~as amended by AB 714 (Ch. 342, Statutes of 2023), a newcomer~~ a student ~~as defined~~participating in ~~Education Code 51225.2~~a newcomer program who is in the third or fourth year of high school. This exemption does not apply if the County Superintendent of Schools or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. ~~Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 -~~

Education Code 48645.5 and 48645.7 extend the exemption from County Board-adopted graduation requirements that are in addition to the state requirements to current juvenile court school students.

Pursuant to Education Code 51225.25, a "student participating in a newcomer program," as that term was defined by Education ~~of Children of Military Families, AR 6173.3 -~~Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education ~~for Juvenile Court School Students, and AR 6175 - Migrant~~Code 51225.1 and 51225.2. The COE may, in its discretion, extend the rights established in Education ~~Program.~~
Code 51225.1 to other students participating in a newcomer program.

Pursuant to Education Code 51225.1 and 48645.5, within 30 calendar days of the transfer into a school by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, ~~migrant~~ student who is migratory, or newcomer student, as applicable, the ~~district~~COE is required to notify any eligible student and/or the student's parent/guardian, the student's educational rights holder, the ~~district's~~COE's liaison for homeless children, and the student's social worker or probation officer, as applicable, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. If the ~~district~~COE fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or current or former juvenile court school student, after the student experiencing homelessness ceases to be homeless, or after the student no longer meets the definition of a child of a military family, a ~~migrant~~ student who is migratory, or a student participating in a newcomer ~~student~~program, as applicable.

Additionally, Education Code 51225.1 ~~also~~ provides that, if an exempted student completes the statewide coursework requirements before the end of the fourth year of high school, the ~~district~~COE or a ~~district~~COE school must not require or request that the student graduate before the end of the fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures.

A*Highly mobile student* means a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrantstudent who is migratory, or a student participating in a newcomer program as specified in Education Code 51225.1, or a current juvenile court school student as specified in Education Code 48645.5.

A highly mobile student who transfers into the districtCOE or between districtCOE schools any time after completing the second year of high school, or , if a newcomer student, who is in the third or fourth year of high school shall be exempted from any graduation requirements adopted by the County Board that are in addition to statewide course requirements. This exemption shall not apply if the County Superintendent of Schools or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the fourth year of high school.

To determine whether a highly mobile student is in the third or fourth year of high school, the COE shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or, for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. Additionally, for a newcomer student, enrollment in grade 11 or 12 based on the average age of students in the third or fourth year of high school may be used to determine whether the student is in the student's third or fourth year of high school. (Education Code 51225.1)

Within 30 days of the transfer into a school by the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the district may not require or request a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student who is exempted from district-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

The Superintendent or designee shall not require or request the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1, as amended by SB 532 (Ch. 918, Statutes of 2022), requires the district to exempt a foster youth, student experiencing homelessness, former juvenile court

~~school student, child of a military family, migrant student, or newcomer student who qualifies for an exemption from district-established graduation requirements, under the circumstances described below.~~

Within 30 days of a highly mobile student's transfer into a COE school, the student and others, as required by law, shall be notified of the availability of the exemption from County Board-established graduation requirements and whether the student qualifies for it. (Education Code 48645.5, 51225.1)

A highly mobile student who is exempted from County Board--established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school and would otherwise be entitled to remain in school, shall not be required or requested to graduate before the end of the student's fourth year of high school. (Education Code 48645.5 51225.1)

~~If the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)~~

~~CSBA NOTE: Pursuant to Education Code 51225.31, as amended by SB 114 (Ch. 48, Statutes of 2023) and SB 141 (Ch. 194, Statutes of 2023), districts are required to exempt an eligible student with disabilities, that entered the ninth grade in the 2022-23 school year and later, from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education (FAPE) until 22 years of age or otherwise constitute a change in placement.~~

~~Additionally, a student with disabilities shall be eligible for an exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, if the student's individualized education program (IEP) provides for both of the following requirements: (Education Code 51225.31)~~

1. ~~That the student is eligible to take the alternate assessment as described in Education Code 60640~~

2. ~~That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3~~

~~CSBA NOTE: Pursuant to Education Code 51225.31, as amended by SB 114 and SB 141, participation in graduation activities by a student with a disability who is exempted from district-adopted graduation requirements that are in addition to the statewide course requirements specified in Education Code 51225.3, may not be construed as a termination of the district's responsibility to provide FAPE unless the student's individualized education program team, which~~

~~includes the parent/guardian and student, has determined that the student has completed the high school experience.~~

~~The district's responsibility to provide a free appropriate public education shall not terminate when a student with a disability who is exempted from district- adopted graduation requirements participates in graduation activities unless the IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education Code 51225.31)~~

~~CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, districts are required to annually report to the California Department of Education (CDE) regarding the number of students who, for the prior school year, graduated with an exemption from the district-established graduation requirements that are in addition to statewide coursework requirements, as specified below.~~

~~Pursuant to Education Code 60900.2, as added by AB 1340 (Ch. 576, Statutes of 2023), and contingent upon funding for these purposes, CDE is required, on or before January 1, 2025, to report on its website statewide four and five year cohort graduation rates for students with disabilities disaggregated by the identified disability or disabilities as listed in 34 CFR 300.8.~~

~~Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.~~

If a highly mobile student was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and shall be exempted within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 48645.5, 51225.1)

When a highly mobile student is not exempted from County Board-established graduation requirements based on the determination that the student is reasonably able to complete such requirements by the end of the student's fourth year of high school, the student shall be reevaluated within 30 calendar days of the following academic year, based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the County Board-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the person holding the right to make educational decisions for the student, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the eligible student is not reasonably able to complete the County Board-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the student shall be provided the option to receive an exemption from County Board-established graduation requirements or stay in school for a fifth year to complete the County Board-established graduation requirements upon agreement with the

student, or if under 18 years of age, the person holding the right to make educational decisions for the student, and provide notifications in accordance with Education Code 51225.1. (Education Code 48645.7, 51225.1)

When a highly mobile student is exempted from County Board-established graduation requirements, the student and the person holding the right to make educational decisions for the student shall be consulted regarding the following: (Education Code 48645.7, 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution

2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges

3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

An eligible student shall not be required or requested to transfer schools in order to qualify for an exemption, and any request made by an eligible student or the student's parent/guardian, the person holding the right to make educational decisions for the student, the student's social worker, the student's probation officer, or the COE liaison on behalf of the student, as applicable, for a transfer shall not be granted solely to qualify for an exemption. (Education Code 48645.7, 51225.1)

A highly mobile student who is eligible for an exemption from County Board-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, once a student is granted an exemption from County Board-established graduation requirements, the exemption may not be revoked, as long as the student remains in school, even if the student is no longer a "highly mobile student," as defined. For example, an exemption granted to a student who is a foster youth will continue to apply even after the termination of the court's jurisdiction over the student.

If a highly mobile student is exempted from County Board-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply while the student is enrolled in the school or transfers to another school, including a charter school, or school district, including after the student has ceased to meet the definition of a highly mobile student. (Education Code 51225.1)

An eligible student who is exempted from County Board-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, shall not be required or requested to

graduate before the end of the student's fourth year of high school. (Education Code 48645.5, 51225.1)

An eligible student who is found to be reasonably able to complete County Board-established graduation requirements within the fifth year of high school and the person holding the right to make educational decisions for the student shall be consulted on the following: (Education Code 48645.7, 51225.1)

1. The option to remain in school for a fifth year to complete the County Board-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution.

2. Transfer opportunities available through the California Community Colleges

3. Upon agreement by the student or by the person holding the right to make educational decisions for the student if under 18 years of age, the student shall be permitted to stay in school for a fifth year to complete the County Board-established graduation requirements

4. If a student is a foster youth or a student who is experiencing homelessness, the student and the person holding the right to make educational decisions for the student if the student is under 18 years of age shall be consulted on the option to remain in the student's school of origin.

When an eligible student who has completed the second year of high school transfers into a COE program from another school district or COE, or transfers between high schools within the COE, and is not reasonably able to complete the County Board-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all County Board-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the student and the person holding the right to make educational decisions for the student shall be consulted, regarding the following: (Education Code 48645.7, 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements

2. The effect of waiving the County Board-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education

3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

CSBA NOTE: Education Code 51225.1 provides that complaints of noncompliance with specified requirements related to the educational rights of highly mobile students may be filed in accordance with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670. As with other

complaints covered under the UCP, a complainant may appeal the COE's decision to the California Department of Education (CDE) and, if the COE or CDE finds any merit in the complaint, the COE is required to provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Information regarding the educational rights of highly mobile students, as specified in Education Code 51225.1, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.2)

Any complaint alleging that the COE has not complied with requirements regarding the education of highly mobile students, as specified in Education Code 51225.2, may be filed in accordance with the COE's procedures in Exhibit (1) 1312.3 - Uniform Complaint Procedures.

CSBA NOTE: Pursuant to Education Code 51225.1, COEs are required to annually report to CDE regarding the number of students who, for the prior school year, graduated with an exemption from the County Board-established graduation requirements that are in addition to statewide coursework requirements, as specified below.

The number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from County Board-established graduation requirements that are in addition to statewide coursework requirements shall be annually reported to the California Department of Education in accordance with Education Code 51225.1.

**Retroactive Diplomas**

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

CSBA NOTE: Items #1-5 below are optional and may be revised to reflect ~~district~~local practice.

~~In addition~~Additionally, the ~~district~~COE may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

   Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the ~~district~~COE that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, ~~the Superintendent or designee shall consider~~ any coursework that may have been completed outside of the U.S. or through online or virtual courses~~.~~ shall be considered.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a ~~district~~COE high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

   Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a ~~district~~COE school

4. Are former members of the military, a resident of California, and received an honorable discharge, or, are current members of the military, a resident of California, and a resident of California when entering the military

   In determining whether to award a diploma under these circumstances, ~~the Superintendent or designee shall evaluate~~ classes completed in any high school, community college, or state college~~, grant~~ shall be evaluated, credit toward graduation for military service and training received while in the military shall be granted, and if satisfied that the person has completed the equivalent of the requirements for graduation from high school, grant the person a diploma of graduation.

5. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

**Honorary Diplomas**

CSBA NOTE: The following optional section reflects the ~~Board's~~County Board's authority to confer honorary high school diplomas pursuant to Education Code 51225.5 and may be revised to reflect ~~district~~local practice.

~~The Board may grant an~~An honorary high school diploma may be granted to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the ~~district~~COE

2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the ~~district.~~ COE. (Education Code 51225.5)

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

| State | Description |
|---|---|
| 5 CCR 1600-1651 | Graduation of students from grade 12 and credit toward graduation |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| Ed Code 60900.2 | Students with Disabilities Graduation Reporting |
| Ed. Code 220 | Prohibition of discrimination |
| Ed. Code 47612 | Average daily attendance in charter school |
| Ed. Code 48200 | Compulsory attendance |
| Ed. Code 48204.4 | Parents/guardians departing California against their will |
| Ed. Code 48412 | Certificate of proficiency |
| Ed. Code 48430 | Continuation education schools and classes |
| Ed. Code 48645.5 | Current and former juvenile court school students; enrollment |
| Ed. Code 48645.7 | Juvenile court school students; graduation exemption |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49701 | Provisions of the Interstate Compact on Educational Opportunities for Military Children |
| Ed. Code 51222 | Courses of study, grades 7 to 12 |
| Ed. Code 51224 | Skills and knowledge required for adult life |
| Ed. Code 51224.5 | Algebra in course of study for grades 7-12 |
| Ed. Code 51225.1 | Exemption from COE graduation requirements |
| Ed. Code 51225.2 | Course credits |

| | |
|---|---|
| Ed. Code 51225.25 | Students participating in a newcomer program; definition |
| Ed. Code 51225.3 | High school graduation requirements |
| Ed. Code 51225.31 | Graduation exemption for students with disabilities |
| Ed. Code 51225.35 | Mathematics course requirements; computer science |
| Ed. Code 51225.36 | Instruction in sexual harassment and violence; districts that require health education for graduation |
| Ed. Code 51225.5 | Honorary diplomas; foreign exchange and terminally ill students |
| Ed. Code 51225.6 | Instruction in cardiopulmonary resuscitation; COEs that require health education for graduation |
| Ed. Code 51226.8 | Finance curriculum development |
| Ed. Code 51225.9 | Courses of study, grades 7 to 12; career technical education |
| Ed. Code 51226.7 | Model curriculum in ethnic studies |
| Ed. Code 51228 | Course of study; offerings and timely opportunity |
| Ed. Code 51230 | Credit for community emergency response training |
| Ed. Code 51240-51246 | Exemptions from requirements |
| Ed. Code 51250-51251 | Assistance to military dependents |
| Ed. Code 51410-51413 | Diplomas |
| Ed. Code 51420-51427 | High school equivalency certificates |
| Ed. Code 51430 | Retroactive high school diplomas |
| Ed. Code 51440 | Credit and granting of diploma to veterans and members of the military service |
| Ed. Code 51450-51455 | Golden State Seal Merit Diploma |
| Ed. Code 51744-51749.6 | Independent study |
| Ed. Code 56390-56392 | Recognition for educational achievement; special education |
| Ed. Code 60640 | California Assessment of Student Performance and Progress |

| | |
|---|---|
| Ed. Code 66204 | Certification of high school courses as meeting university admission criteria |
| Ed. Code 67386 | Student safety; affirmative consent standard |

| **Federal** | **Description** |
|---|---|
| 20 USC 7011 | Definition of newcomer student |
| 34 CFR 300.1-300.818 | Individuals with Disabilities Education Act |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452 |
| California Department of Education Publication | California Department of Education: Diploma Pathway for Students who Qualify for the California Alternate Assessment, November 2024 (https://www.cde.ca.gov/sp/se/lr/om082523.asp) |
| California Department of Education Publication | Alternate Assessment IEP Team Guidance (https://www.cde.ca.gov/ta/tg/ca/caaiepteamrev.asp) |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, High School |
| Website | California Department of Education, Personal Finance (https://www.cde.ca.gov/ci/cr/cf/personalfinance.asp#curriculumguide) |
| Website | University of California, List of Approved A-G Courses |
| Website | CSBA |

**Cross References**

| **Code** | **Description** |
|---|---|
| 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 |

| | |
|---|---|
| ~~4112.2~~ | ~~Certification~~ |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 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 |
| 6173 | Education For Homeless Children |
| 6173 | Education For Homeless Children |
| 6173-E(1) | Education For Homeless Children |
| ~~4112.~~6173-E(2) | ~~Certification~~ |
| 6173-E(2) | Education For Homeless Children |
| 9000 | Role Of The Board |

## County Board Policy 6146.3: Reciprocity Of Academic Credit

**Status:** ADOPTED

**Original Adopted Date:** 06/01/1991 **| Last ~~Revised Date:~~** ~~07/01/2004~~ **| ~~Last~~ Reviewed Date:** ~~07~~02/01/~~2004~~2026

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~

CSBA NOTE: The following optional policy should be modified to reflect ~~district~~ county office of education (COE) practice.

~~To determine whether students transferring into~~ CSBA recommends that the ~~district have met district course requirements,~~County Board of Education and the County Superintendent ~~or designee shall establish procedures~~ of Schools work together for the adoption of this policy, since some of the programs covered by the policy are subject to the independent statutory authority of both constitutional offices, and even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent will be necessary.

When enrolling a new student in an educational program provided by the County Office of Education (COE), the COE shall determine whether the student has met COE course requirements based on applicable law and in accordance with any policy and/or procedures implemented by the County Superintendent of Schools to evaluate the comparability of courses and/or ~~students'~~student understanding of course content. ~~Such procedures shall include methods for determining the number of years of school attendance, the specific courses completed by the student and the value of credits earned.~~

### Transfer of Coursework and Credits for Highly Mobile Students

CSBA NOTE: ~~AB 490 (Ch. 862, Statutes of 2003) amended~~The following section is for use by COEs maintaining high schools. Education Code ~~48645.5 to require districts to accept for credit full or partial~~ 51225.2 addresses the transferability of coursework and credits completed ~~in~~by a ~~public school or nonpublic nonsectarian school or agency in addition to a~~foster youth, student

experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or student participating in a newcomer program, as provided below.

Education Code 48645.5 and 48645.7 extend the transfer of coursework and credits requirements to current juvenile court school students.

~~The district shall accept for credit~~ Education Code 51225.2 requires the student's former school or district to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits and grades earned, or any measure of full or partial coursework being satisfactorily completed ~~by students while attending a public school, a juvenile court school or nonpublic nonsectarian school or agency.~~ (.)

*Highly mobile student* means a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or a student participating in a newcomer program as specified in Education Code 51225.1, or a current juvenile court school student as specified in Education Code 48645.5~~)~~

~~Pending evaluation of the transferring student's academic performance, the student shall be placed at the grade level reached prior to enrollment in the district. Within 30~~.

When a highly mobile student enrolls into a COE program, the COE will receive an official transcript from the student's former school or district which reflects full and partial credits and grades earned by the highly mobile student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment~~, the principal or designee shall~~ and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

   *Partial coursework satisfactorily completed* includes any portion of an individual course, even if the student did not complete the ~~evaluation and determine~~entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned

3. A complete record of the student's ~~appropriate grade placement~~seat time, including both period attendance and days of enrollment

The COE shall transfer the credits and grades from the former school's or district's transcript onto an official COE transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the COE has knowledge that the transcript from the former school or district may not include certain credits or grades, the COE shall contact the former school or district within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the former school or district within two business days of the request. (Education Code 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.2, "public school," for purposes of coursework completed by a student who is a child of a military family, includes schools operated by the United States Department of Defense.

The COE shall accept and issue full or partial credit for any coursework that the highly mobile student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency, as applicable. (Education Code 48645.5, 51225.2)

If the entire course was completed, the COE shall not require the highly mobile student to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the highly mobile student shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the COE may require the highly mobile student to retake the portion of the course completed if, in consultation with the holder of educational rights for the highly mobile student, the COE finds that the highly mobile student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a highly mobile student in any particular course, the highly mobile student shall be enrolled in the same or equivalent course, if applicable, to enable the completion of the entire course. (Education Code 51225.2)

CSBA NOTE: Although Education Code 51225.2 requires COEs to award partial credits to highly mobile students who transfer, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of highly mobile students, the California Child Welfare Council, in its, "Partial Credit Model Policy and Practice Recommendations," available on its website, recommends the approach specified in the following optional paragraph, which may be revised to reflect local practice.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

In no event shall a highly mobile student be prevented from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

**Notification and Complaints**

CSBA NOTE: Education Code 51225.2 provides that complaints of noncompliance with specified requirements related to the educational rights of highly mobile students may be filed in accordance with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670. As with other complaints covered under the UCP, a complainant may appeal the COE's decision to the California Department of Education (CDE) and, if the COE or CDE finds any merit in the complaint, the COE is

required to provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Information regarding the educational rights of highly mobile students, as specified in Education Code 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.2)

Any complaint alleging that the COE has not complied with requirements regarding the education of highly mobile students, as specified in Education Code 51225.2, may be filed in accordance with the COE's procedures in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

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**Policy Reference Disclaimer:**
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| State | Description |
|---|---|
| Ed. Code 35160 | Authority of governing boards |
| Ed. Code 35160.1 | Broad authority of ~~school districts~~COEs |
| Ed. Code 47612.5 | Charter schools operations; general requirements |
| Ed. Code 48011 | Admission from kindergarten or other school; minimum age |
| Ed. Code 48645.5 | Former juvenile court school students; enrollment |
| Ed. Code 48645.7 | Juvenile court school students; graduation exemption |
| Ed. Code ~~51228~~51225.1 | ~~Graduation~~Exemptions from graduation requirements |
| Ed. Code 51225.2 | Transferability of coursework |
| Ed. Code 51225.3 | High school graduation requirements |
| Ed. Code 51228 | Course of study; offerings and timely opportunity |
| Ed. Code 60605 | State-adopted content and performance standards in core curricular areas |
| Ed. Code 60640-60648.5 | California Assessment of Student Performance and Progress |
| Ed. Code 64001 | School plan for student achievement; consolidated application programs |
| 5 CCCR 4600-4670 | Uniform complaint procedures |

| Management Resources | Description |
|---|---|
| California Child Welfare Council Publication | Partial Credit Model Policy and Practice Recommendations (https://www.chhs.ca.gov/wp-content/uploads/2017/06/Committees/California-Child-Welfare-Council/Council-Meeting-Information/Council- |

| | |
|---|---|
| | Meeting-Info-Archive/Partial-Credit-Model-Policy-and-Practice-Recommendations.pdf) |
| Website | CSBA District and County Office of Education Legal Services |

**Cross References**

| Code | Description |
|---|---|
| ~~5111~~ | ~~Admission~~ |
| ~~5111~~ | ~~Admission~~ |
| 1312.3 | Uniform Complaint Procedures |
| 0420.4 | Authorization of County Charter Schools |
| 6146.1 | High School Graduation Requirements |
| 6146.4 | Differential Graduation And Competency Standards For Students With Disabilities |
| 6162.5 | Student Assessment |
| 6173 | Education For Homeless Children |
| 6173 | Education For Homeless Children |
| 6173-E(1) | Education For Homeless Children |
| 6173-E(2) | Education For Homeless Children |
| ~~6173.1~~ | ~~Education For Foster Youth~~ |
| ~~6173.1~~ | ~~Education For Foster Youth~~ |

## County Board Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities

**Status:** ADOPTED

**Original Adopted Date:** ~~11~~02/01/~~1999~~ | **~~Last Revised Date:~~** ~~06/01/2023~~2026 | **Last Reviewed Date:** ~~06~~02/01/~~2023~~2026

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~

CSBA NOTE: The following optional policy is for use by ~~districts~~county offices of education (COE) that maintain high schools and should be modified to reflect ~~district~~local practice.

Pursuant to Education Code 56345 and 34 CFR 300.320, the individualized education program (IEP) for each student with a disability ~~must~~is required to contain a statement of measurable annual goals that would enable the student to progress in the general education curriculum, a statement regarding any accommodations necessary to measure the student's performance on state and ~~district~~COE assessments, and any alternative means and modes necessary for the student to complete the ~~district's~~COE's prescribed course of study and to meet or exceed proficiency standards for graduation~~; see AR 6159 - Individualized Education Program for a detailed listing of the required contents of the IEP~~.

Pursuant to Education Code 60900.2, ~~as added by AB 1340 (Ch. 576, Statutes of 2023),~~ and contingent upon funding for these purposes, the California Department of Education (CDE) is required~~, on or before January 1, 2025,~~ to report on its website statewide four and five year cohort graduation rates for students with disabilities disaggregated by the identified disability or disabilities as listed in 34 CFR 300.8.

The ~~Governing~~County Board of Education recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the ~~district's~~county office of education's (COE) regular course of study may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and ~~districtwide~~COE wide assessments.

**Exemption from ~~District~~COE-Established Graduation Requirements**

CSBA NOTE: Pursuant to Education Code 51225.31, ~~as amended by SB 114 (Ch. 48, Statutes of 2023) and SB 141 (Ch. 194, Statutes of 2023),~~ ~~districts~~COEs are required to exempt an eligible student with a disability, that entered the ninth grade in the 2022-23 school year and later, from all coursework and other requirements adopted by the ~~Governing~~County Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Additionally, pursuant to Education Code 51225.32, COEs are authorized, until July 1, 2031, to extend such an exemption and award a high school diploma to an eligible student with disabilities who was enrolled in grade 10 or higher in the 2022-23 school year.

~~District~~COE students shall complete all course requirements for high school graduation as ~~specified~~ required by law and in accordance with Board Policy 6146.1 - High School Graduation Requirements. However, a student with ~~a disability that~~disabilities who entered ~~the~~ ninth grade in the 2022-23 school year ~~and~~or later ~~may~~shall be eligible to be exempted from all coursework and other requirements adopted by the County Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following ~~requirements:~~ : (Education Code 51225.31~~).~~ )

1. That the student is eligible to take the alternate assessment as described in Education Code 60640

2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Additionally, a student with disabilities who entered grade 10 in the 2022-23 school year or later may be eligible for the same exemption, at the COE's discretion, if the student's IEP provides for both of the requirements specified in Item #1 and 2, above. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

CSBA NOTE: Pursuant to Education Code 51225.31, ~~as amended by SB 114,~~ participation in graduation activities by a student with a disability who is exempted from ~~district~~COE-adopted graduation requirements that are in addition to the statewide course requirements specified in

Education Code 51225.3, may not be construed as termination of the provision of the ~~district's~~COE's responsibility to provide a free appropriate public education, unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience~~.~~.

The ~~district's~~COE's responsibility to provide FAPE shall not terminate when a student with a disability who is exempted from ~~district~~COE-adopted graduation requirements participates in graduation activities unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education ~~code~~Code 51225.31)

**Certificate of Educational Achievement or Completion**

CSBA NOTE: Education Code 56390-56392 authorize a ~~district~~COE to award a certificate of educational achievement to a student with a disability who meets the criteria specified below. Pursuant to Education Code 56391, a student who meets the criteria is eligible to participate in any graduation ceremony/activity in which a student of similar age without a disability would be eligible to participate. However, Education Code 56391 provides that the right to participate in graduation ceremonies does not equate a certificate or document of educational achievement with a regular diploma.

For more information regarding alternate assessments, see CDE's, "Diploma Pathway for Students who Qualify for the California Alternate Assessment," which provides guidance detailing the diploma options available for students with disabilities, and CDE's, "Alternate Assessment IEP Team Guidance," which includes guidelines for IEP teams regarding participation in the California Alternate Assessments and the Alternate English Language Proficiency Assessments for California.

Instead of a high school diploma, a student with a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the ~~board~~County Board of the ~~district~~COE in which the student attended school or the ~~district~~COE with jurisdiction over the student as identified in the student's IEP

2. Satisfactorily met the student's IEP goals and objectives during high school as determined by the IEP team

3. Satisfactorily attended high school, participated in the instruction as prescribed in the student's IEP, and met the objectives of the statement of transition services

A student with a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a

graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

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| State | Description |
|---|---|
| 5 CCR 3070 | ~~Graduation~~Graduation |
| Ed Code 60900.2 | Students with disabilities graduation reporting |
| Ed. Code 51225.31-51225.32 | Graduation exemption for students with disabilities |
| Ed. Code 56341 | Individualized education program team |
| Ed. Code 56345 | Individualized education program contents |
| Ed. Code 56390-56392 | Recognition for educational achievement; special education |
| Ed. Code 60640 | Alternate assessment eligibility |

| Federal | Description |
|---|---|
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 34 CFR 300.1-300.818 | Individuals with Disabilities Education Act |
| 34 CFR 300.320 | ~~Definition of IEP~~Definition of IEP |

| Management Resources | Description |
|---|---|
| California Department of Education Publication | Diploma Pathway for Students who Qualify for the California Alternate Assessment, November 2024 (https://www.cde.ca.gov/sp/se/lr/om082523.asp) |
| California Department of Education Publication | Alternate Assessment IEP Team Guidance (https://www.cde.ca.gov/ta/tg/ca/caaiepteamrev.asp) |
| Website | ~~U.S. Department of Education, Office of Special Education and Rehabilitative Services~~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 |
|---|---|

| | |
|---|---|
| ~~0430~~6146.1 | ~~Comprehensive Local Plan For Special Education~~High School Graduation Requirements |
| ~~0430~~6146.3 | ~~Comprehensive Local Plan For Special Education~~Reciprocity Of Academic Credit |

## County Board Policy 6173: Education For Homeless Children

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2022 **| Last Revised Date:** ~~03~~02/01/~~2023~~2026 **| Last Reviewed Date:** ~~03~~02/01/~~2023~~2026

CSBA NOTE: The following policy reflects the intent of the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) that each student experiencing homelessness should have equal access to the same free, appropriate public education and services as other students. 42 USC 11432 mandates that county offices of education (COE) adopt, review, and revise policies to remove barriers to the identification, enrollment, and retention of students experiencing homelessness, ensure that such students are not segregated or stigmatized on the basis of their status as homeless, and provide for professional development for appropriate staff, as provided in the accompanying regulation. ~~In addition~~Additionally, 42 USC 11432 requires that, in reviewing and revising applicable policies, consideration be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

Education Code 48851.3~~, as added by AB 408 (Ch. 904, Statutes of 2022),~~ **mandates** that COEs establish homeless education program policies that are consistent with the provisions of Education Code 48850-48859, and use resources developed by the California Department of Education (CDE), available on its ~~web site~~website, and those developed by homeless education technical assistance centers. Pursuant to Education Code 48851.3, ~~as added by AB 408,~~ COEs are required to update their homeless education program policies at least once every three years.

Education Code 48852.3~~, as added by AB 408,~~ requires CDE to develop and implement a plan for monitoring the compliance of COEs, including school site inspections to ensure that the state is not underestimating the number of youth experiencing homelessness.

The County Board of Education believes that the identification of students experiencing homelessness is critical to providing services for improving the educational outcomes of such students and ensuring that such students have access to the same free and appropriate public education made available to other students. Students experiencing homelessness shall be provided with access to education and other services necessary for meeting the same challenging academic standards as other students.

When there are at least 15 students experiencing homelessness in a school or other County Office of Education (COE) program, the COE's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of such students. (Education Code 52052, 52064, 52066)

CSBA NOTE: The following paragraph is ~~mandated~~required pursuant to Education Code 48851.3 and 42 USC 11432. 42 USC 11432 requires that COEs adopt policy to remove barriers to enrollment and retention of students experiencing homelessness due to absences or outstanding fees or fines.

COE homeless education policies shall be reviewed at least once every three years and updated to ensure removal of any barriers to the education of students experiencing homelessness, including unaccompanied youth. Such policy review shall address identification, enrollment, and retention of students experiencing homelessness, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3; 42 USC 11432)

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

CSBA NOTE: The following paragraph is ~~mandated~~required by 42 USC 11432. Although segregation of students experiencing homelessness into a separate school or program is prohibited, separate schools that were in operation before 2001 may continue to operate under specified conditions. COEs that maintain such a school may revise the following paragraph to reflect local practice.

Students experiencing homelessness shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. On school grounds, students experiencing homelessness shall only be separated for short periods of time, as necessary for health and safety emergencies or to provide temporary, special, and supplementary services to meet their unique needs. (42 USC 11432, 11433)

CSBA NOTE: Although students' addresses generally may be designated as "directory information" that is not harmful if disclosed, 42 USC 11432 provides that information about the living situation of a student experiencing homelessness ~~must~~is required to instead be provided the protections afforded to other student records under the Family Educational Rights and Privacy Act. For further information about the disclosure of these records, see the U.S. Department of Education's (USDOE), "Education for Homeless Children and Youths Program, Non-Regulatory Guidance."

Information about the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

CSBA NOTE: The following optional paragraph may be revised to reflect local practice. Pursuant to Education Code 52064.5, the State Board of Education has adopted evaluation rubrics for use by COEs in evaluating their strengths, weaknesses, and areas that require improvement.

~~In addition~~Additionally, pursuant to 20 USC 6311, annual school report cards for COEs receiving Title I funds are required to include disaggregated student achievement data and graduation rates of students experiencing homelessness.

At least annually, the County Board shall receive a report on the identification of and outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the

COE's strategies shall be revised as needed to more effectively identify and support the education of students experiencing homelessness.

~~CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532 (Ch. 918, Statutes of 2022), COEs are required to annually report to CDE regarding the number of students experiencing homelessness who, for the prior school year, graduated with an exemption from the COE-established graduation requirements that are in addition to statewide coursework requirements, as specified below.~~

~~Additionally, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from COE-established graduation requirements that are in addition to statewide coursework requirements shall be annually reported to CDE, in accordance with Education Code 51225.1.~~

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent of Schools to ensure the identification and full participation of students experiencing homelessness in COE schools, programs, and activities, including, but not limited to, the following:

CSBA NOTE: Pursuant to 42 USC 11432, a COE is required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as the COE's liaison for ~~homeless~~ students experiencing homelessness.

1. The designation of an appropriate staff person to serve as the COE's liaison for homeless children and youths who will assist and support students experiencing homelessness to succeed in school and fulfill other duties specified in Education Code 48851.3 and 42 USC 11432

CSBA NOTE: Education Code 48851~~, as amended by AB 2375 (Ch. 912, Statutes of 2022),~~ requires that each school identifies all students enrolled at the school who are experiencing homelessness, including unaccompanied youths, and to annually provide and administer a housing questionnaire to parents/guardians of all students and all unaccompanied youths for purposes of identifying students experiencing homelessness and unaccompanied youths. The housing questionnaire ~~must~~is required to be based on best practices developed by CDE, include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth, and be made available in paper form. A sample housing questionnaire is available on CDE's ~~web site~~website.

2. Easy identification of students experiencing homelessness, including at each school, in accordance with law, through annual administration of a housing questionnaire to parents/guardians of all students and to unaccompanied youths, posting of the COE liaison's contact information and homeless education information on COE and school ~~web sites~~websites, and collaboration with local social services agencies and other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities

3. Provision of homeless education information and/or materials to the students' parents/guardians and unaccompanied youths in a manner and form understandable to such parents/guardians and unaccompanied youths

CSBA NOTE: Pursuant to 42 USC 11432, placement determinations for students experiencing homelessness ~~must~~are required to be made according to the student's "best interest," as defined in law.

4. Assurance that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law

CSBA NOTE: Education Code 48851 requires that each COE collect the completed housing questionnaires and annually report the number of students experiencing homelessness, including unaccompanied youth, to CDE.

5. Annually report the number of students experiencing homelessness, including unaccompanied youth, to the California Department of Education (CDE)

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| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| Ed. Code 39807.5 | Payment of transportation costs by parents |
| Ed. Code 48850 | Academic achievement of students in foster care and homeless children |
| Ed. Code 48851 | Identification of homeless children and youths and unaccompanied youths; housing questionnaire |
| Ed. Code 48851.3 | Homeless education program policies; liaison responsibilities |
| Ed. Code 48851.5 | Local educational agency liaison for homeless children and youths |
| Ed. Code 48852.3 | Monitoring for compliance with chapter |
| Ed. Code 48852.5 | Notice of educational rights of ~~homeless~~ students experiencing homelessness |
| Ed. Code 48852.6 | ~~Web site~~Website posting of information regarding homelessness |
| Ed. Code 48852.7 | Education of ~~homeless~~ students experiencing homelessness; immediate enrollment |
| Ed. Code 48859 | Definitions |
| Ed. Code 48915.5 | Recommended expulsion; ~~homeless~~ student experiencing homelessness with disabilities |
| Ed. Code 48918.1 | Notice of recommended expulsion |

| | |
|---|---|
| Ed. Code 48985 | Notices to parents/~~guardian~~guardians in language other than English |
| Ed. Code 51225.1-51225.3 | Graduation requirements |
| Ed. Code 52052 | Accountability; numerically significant student subgroups |
| Ed. Code 52060-52077 | Local control and accountability plan |

| **Federal** | **Description** |
|---|---|
| 20 USC 1087vv | Free Application for Federal Student Aid; definitions |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 20 USC 6311 | State plan |
| 42 USC ~~11431~~11301-11435 | McKinney-Vento Homeless Assistance Act |
| 42 USC 12705 | Cranston-Gonzalez National Affordable Housing Act; state and local strategies |

| **Management Resources** | **Description** |
|---|---|
| California Child Welfare Council Publication | Partial Credit Model Policy and Practice Recommendations, September 2013 |
| California Department of Education Publication | Homeless Education Dispute Resolution Process, March 2020 |
| California Department of Education Publication | Federal Program Monitoring Instrument |
| National Center for Homeless Education Publication | Homeless Liaison Toolkit, 2020 |
| U.S. Department of Education Guidance | Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018 |
| U.S. Department of Education Guidance | Dear Colleague Letter, July 27, 2016 |
| Website | National Homelessness Law Center |
| Website | University of California |
| Website | U.S. Department of Education, Education for Homeless Children and Youths Grants for State and Local Activities |
| Website | National Law Center on Homelessness and Poverty |
| Website | National Center for Homeless Education at SERVE |
| Website | California State University |
| Website | California Interscholastic Federation |
| Website | California Department of Education, Homeless Children and Youth Education |
| Website | California Community Colleges |

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| Website | California Child Welfare Council |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| ~~0500~~ | ~~Accountability~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113-E(1)~~ | ~~County Office of Education And School Websites~~ |
| ~~1400~~ | ~~Relations Between Other Governmental Agencies And The Schools~~ |
| ~~3250~~ | ~~Transportation Fees~~ |
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| ~~3515.4~~ | ~~Recovery For Property Loss Or Damage~~ |
| ~~3515.4~~ | ~~Recovery For Property Loss Or Damage~~ |
| ~~3541~~ | ~~Transportation Routes And Services~~ |
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| ~~4112.9~~ | ~~Employee Notifications~~ |
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| ~~4212.9~~ | ~~Employee Notifications~~ |
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| ~~4312.9~~ | ~~Employee Notifications~~ |
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| ~~5111~~ | ~~Admission~~ |

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| ~~5113.1~~ | ~~Chronic Absence And Truancy~~ |
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## County Office Regulation 6173: Education For Homeless Children

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2022 **| Last Revised Date:** ~~03~~02/01/~~2023~~2026 **| Last Reviewed Date:** ~~03~~02/01/~~2023~~2026

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

CSBA NOTE: Pursuant to Education Code 48851.3~~, as added by AB 408 (Ch. 904, Statutes of 2022)~~ and 42 USC 11432, each COE is **mandated** to adopt policies and procedures to ensure that homeless children and youths receive the same free appropriate public education available to other students who are not homeless. Pursuant to Education Code 48851.3, COEs are required to update these homeless education program policies at least once every three years.

The County Superintendent of Schools shares the County Board of Education's belief that the identification of students experiencing homelessness is critical to improving the educational outcomes of such students and desires to ensure that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the county. The County Superintendent incorporates by reference the County Board's policy on Education for Homeless Children.

CSBA NOTE: Education Code 48851~~, as amended by AB 2375 (Ch. 912, Statutes of 2022),~~ requires the COE to ensure that each school identifies all children and youths enrolled at the school who are experiencing homelessness, including unaccompanied youths, and to annually administer a housing questionnaire to parents/guardians of all students and all unaccompanied youths for purposes of identifying homeless children and youths and unaccompanied youths.

The County Superintendent or designee shall ensure that each school identifies all homeless children and youths and unaccompanied youths enrolled at the school. (Education Code 48851)

### Definitions

CSBA NOTE: The federal McKinney-Vento Homeless Assistance Act (42 USC 11434a) and Education Code 48859 define "homeless children and youths" as provided below. Foster youths who are living in emergency or transitional shelters are within the definition of homeless students but youths who are awaiting foster care placement are not. ~~See BP/AR 6173.1 - Education for Foster Youth for state law regarding foster children.~~

*Homeless students or students experiencing homelessness* means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48859; 42 USC 11434a)

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

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

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

4. Migratory children who qualify as homeless because they are living in conditions described in Items #1-3 above

*Unaccompanied youth* includes a homeless child or youth not in the physical custody of a parent or guardian. (Education Code 48859; 42 USC 11434a)

CSBA NOTE: The following definition of "school of origin" generally reflects Education Code 48852.7, which exceeds the definition in 42 USC 11432 and is consistent with the state definition of "school of origin" that applies to foster youth. However, 42 USC 11432 includes preschools in the definition as provided below.

*School of origin* means the school that the student experiencing homelessness attended when permanently housed or the school in which the student was last enrolled, including a preschool. If the school the student attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the student attended within the preceding 15 months and with which the student is connected, the ~~COE~~county office of education (COE) liaison for homeless students, in consultation with and with the agreement of the student and the person holding the right to make educational decisions for the student, shall determine which school is, in the best interests of the student experiencing homelessness, and be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

CSBA NOTE: Education Code 48850 expresses legislative intent that the "best interest" of a student experiencing homelessness or foster youth includes educational stability as well as placement in the least restrictive educational program, as provided below. Education Code 48853 further provides that the placement decision of a foster youth ~~must~~is required to consider the student's access to academic resources, services, and extracurricular and enrichment activities. For consistency with the definition of "best interest" applicable to foster youth, the following definition also reflects Education Code 48853.

*Best interest* means that, in making educational and school placement decisions for a student experiencing homelessness, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all students. (Education Code 48850, 48853; 42 USC 11432)

To ensure easy identification of students experiencing homelessness, the County Superintendent or designee shall annually administer a housing questionnaire developed by the California Department

of Education (CDE) to the parents/guardians of all students and all unaccompanied youths, and shall report to CDE the number of homeless children and youths and unaccompanied youths enrolled in the county as identified from the housing questionnaire. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985 or an appropriate translation of the housing questionnaire shall be provided to the student's parent/guardian or an unaccompanied youth upon request. (Education Code 48851)

**County Office Liaison for Homeless Students**

CSBA NOTE: Pursuant to 42 USC 11432, COEs are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a COE liaison for homeless students. The COE should fill in the blanks below with the title or position, address, email address, and phone number of the COE liaison.

The County Superintendent designates the following staff person as the COE liaison for homeless students: (42 USC 11432)

Director of Foster and Homeless Youth Program_____
(title or position)

609 South Gold Street_____
(address)

info@siskiyoucoe.net_____
(email address)

530-842-8400_____
(phone number)

CSBA NOTE: The duties of the COE liaison for homeless students are listed in Education Code 48851.3, ~~as added by AB 408,~~ and 42 USC 11432, and are specified below. Also see the U.S. Department of Education's (USDOE), "Education for Homeless Children and Youths Program Non-Regulatory Guidance," and the "Homeless Liaison Toolkit" developed by the National Center for Homeless Education.

The COE liaison for homeless students shall: (Education Code 48851.3, 48851.5, 48852.5; 42 USC 11432)

1. Ensure that students experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies

2. Ensure that students experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, COE schools and/or programs

3. Ensure that families and students experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start and

Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the COE

4. Ensure that families and students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services

5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children

6. Disseminate public notice of the educational rights of students experiencing homelessness in locations frequented by parents/guardians of students experiencing homelessness and by unaccompanied youth, including schools, shelters, public libraries, and hunger relief agencies (soup kitchens~~).~~ )

   The rights shall be presented in a manner and form understandable to the parents/guardians of students experiencing homelessness and unaccompanied youth .

7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below

8. Fully inform parents/guardians of students experiencing homelessness and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice

CSBA NOTE: 42 USC 11432 **mandates** the adoption of policies and practices to ensure participation by liaisons for homeless students and other appropriate staff in professional development and other technical assistance activities, as determined appropriate by the federal Office of the Coordinator.

Education Code 48852.5 requires CDE to provide specified informational and training materials to the liaisons, including informational materials on the educational rights of homeless children and youth and resources available to assist homeless children and youth. Education Code 48852.5 also requires CDE to develop and implement a system to verify that the required training is being provided at least annually. Education Code 48857 provides funding for up to three county offices of education for the purposes of providing regional support, resources, and expertise to homeless education liaisons to ensure that local educational agencies meet all of the requirements specified in the federal McKinney-Vento Homeless Assistance Act (42 USC Sec. 11301- 11435).

Pursuant to Education Code 48851.3~~, as added by AB 408~~, the COE's liaison for homeless students is required to offer annual training to COE employees who provide services to students experiencing homelessness and inform such employees of the availability of training and the services the liaison provides. While Education Code 48851.3 requires annual training for employees who work with students experiencing homelessness, the COE's liaison for homeless students is encouraged to offer training to all COE employees, including, but not limited to, teachers, support staff, and other school staff who work with students.

The examples of school personnel listed below reflect CDE's ~~2022-23~~2025-26 Federal Program Monitoring Instrument.

9. Offer annual training related to the COE's homeless education program policies to school personnel who provide services to students experiencing homelessness, including principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel, to ensure that such employees are informed of available training, professional development, and other support, and the services provided by the COE liaison for homeless students

   Such professional development and technical assistance shall include, but are not limited to, training on homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers.

10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the COE liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to students experiencing homelessness, including the collection and provision of comprehensive data to the state coordinator as required by law

CSBA NOTE: Pursuant to Education Code 48918.1, the COE liaison ~~must~~is required to be notified at least 10 calendar days before the date of the expulsion hearing for a student experiencing homelessness, when the student's alleged violation does not require a mandatory recommendation for expulsion, and may be notified for mandatory expulsions. When so notified, the COE liaison is expected to assist the student and, as necessary, advocate on the student's behalf.

Furthermore, pursuant to Education Code 48915.5, if the student experiencing homelessness has also been identified as an individual with a disability and the COE has proposed a change of placement due to an act for which decision to recommend expulsion is discretionary, the COE liaison ~~must~~is required to be invited to participate in the individualized education program (IEP) team meeting that makes a manifestation determination pursuant to the Individuals with Disabilities Education Act (20 USC 1415(k)).

~~In addition~~Additionally, when notified pursuant to Education Code 48918.1, the COE liaison shall assist, facilitate, or represent a student experiencing homelessness who is undergoing a disciplinary proceeding that could result in the student's expulsion. When notified pursuant to Education Code 48915.5, the COE liaison shall participate in an individualized education program (IEP) team meeting to make a manifestation determination regarding the behavior of a student with a disability.

CSBA NOTE: 42 USC 11432 requires CDE to publish a list of liaisons on its ~~web site~~website. CDE collects the name and contact information of liaisons for homeless students through the consolidated application process, along with information about compliance with federal program requirements.

The County Superintendent or designee shall inform students experiencing homelessness, their parents/guardians, unaccompanied youth, school personnel, service providers, and advocates working with homeless families of the duties of the COE liaison. ~~The~~ Additionally, the County Superintendent or designee shall ~~also~~ provide the name and contact information of the COE liaison to CDE for publishing on CDE's ~~web site~~website. (42 USC 11432)

**Enrollment**

The COE shall make placement decisions for students experiencing homelessness based on the student's best interest. (Education Code 48850; 42 USC 11432)

In determining a student's best interest, a student experiencing homelessness shall, to the extent feasible, be placed in the school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

CSBA NOTE: Education Code 48850 and 42 USC 11432 specify factors that ~~must~~are required to be considered in determining a student's best interest, as provided below.

When determining the best interest of any student experiencing homelessness, the COE shall give priority to the request of the student's parent/guardian, or in the case of an unaccompanied youth, the request of the student. ~~The~~Additionally, the student's educational stability and opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress and other student-centered factors related to the student's best interest, including the impact of mobility on the student's achievement, education, health, and safety, shall ~~also~~ be considered. (Education Code 48850; 42 USC 11432)

CSBA NOTE: The following optional paragraph presents examples of factors that may be considered in making placement decisions based on a student's "best interest," and may be revised to reflect local practice.

Such factors may include, but are not limited to, the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a student experiencing homelessness lives with the student's homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the COE liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of the right to appeal. (42 USC 11432)

CSBA NOTE: Education Code 48852.7 and 42 USC 11432 require schools to immediately enroll students experiencing homelessness as specified below. USDOE recommends in its, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," that steps be taken to facilitate immediate enrollment such as accepting school records directly from families, establishing school-based immunization clinics, and training staff on the legal requirements for immediate enrollment.

Once a placement decision has been made, the principal or other site administrator, or designee, shall immediately enroll the student in the school of choice. The student shall be enrolled even if the student: (Education Code 48850, 48852.7; 42 USC 11432)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

2. Does not have clothing normally required by the school, such as school uniforms

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records

4. Has missed application or enrollment deadlines during any period of homelessness

The principal or other site administrator, or designee, shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or other site administrator, or designee, shall immediately refer the parent/guardian to the COE liaison for homeless students. The COE liaison shall assist the parent/guardian, or the student if the student is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than the school of origin or the school requested by the student's parent/guardian or the student, if an unaccompanied youth, the County Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the reasons for the decision, including why placement in the student's school of origin or requested school is not in the student's best interest, along with a statement regarding the right to appeal the placement decision. The written explanation shall be in a manner and form understandable to such parent/guardian or unaccompanied youth. (42 USC 11432)

At the point of any change or subsequent change in the residence of a student experiencing homelessness, the student may continue attending the school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that a student experiencing homelessness has the benefit of matriculating with the student's peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the same attendance area

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is not within the jurisdiction of the COE, the student shall be allowed to continue to the school designated for matriculation by the COE

CSBA NOTE: Education Code 48852.7 and 42 USC 11432 require that students who become permanently housed during the school year be allowed to remain in the school of origin for the remainder of the school year. Additionally, Education Code 48852.7 allows students to remain in the school of origin, or to matriculate to a feeder school, even if the student is no longer homeless. The following list may be revised to reflect the grade levels and feeder school patterns in the COE.

If the student's housing status changes before the end of the school year so that the student is no longer experiencing homelessness, the student shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if the student is in grades K-8

2. Through graduation if the student is in high school

CSBA NOTE: A COE that operates an intersession program is required to grant priority access to a student experiencing homelessness, pursuant to Education Code 48850. If any such student will be moving during an intersession period, the student's parent/guardian, educational rights holder, or Indian custodian in the case of an Indian child, or, if there is no parent/guardian, educational rights holder, or Indian custodian, the unaccompanied homeless youth shall determine which school the student attends for the intersession period.

When the COE offers an intersession program, priority access shall be given to students experiencing homelessness. If a student experiencing homelessness will be moving during an intersession period, the student's parent/guardian, educational rights holder, or Indian custodian in the case of an Indian child, or, if there is no parent/guardian, educational rights holder, or Indian custodian, the unaccompanied homeless youth, shall determine which school the student attends for the intersession period. (Education Code 48850)

**Resolving Enrollment Disputes**

CSBA NOTE: In the event that a dispute arises over the decision related to student eligibility, school selection, or enrollment, the COE ~~musti~~s required to comply with the requirements of 42 USC 11432 and the dispute resolution process established by CDE. CDE's, "Homeless Education Dispute Resolution Process," available on CDE's ~~web site~~website, provides such guidance. CDE's guidance does not specify a hearing process or timelines for the COE-level dispute resolution process. Thus, the COE may revise the following section to reflect local practice, provided that the process is consistent with law.

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the COE liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

CSBA NOTE: The following optional list should be modified to reflect local practice. In USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," USDOE recommends that the written explanation contain the elements specified below. See the accompanying exhibits for a sample explanation and appeal form.

The written explanation shall include:

1. A description of the action proposed or refused by the COE

2. An explanation of why the action is proposed or refused

3. A description of any other options the COE considered and the reasons that any other options were rejected

4. A description of any other factors relevant to the COE's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources

5. Appropriate timelines to ensure any relevant deadlines are not missed

6. Contact information for the COE liaison and state coordinator, and a brief description of those roles

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

CSBA NOTE: The following optional paragraph is recommended in USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance."

The COE liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

CSBA NOTE: The following optional paragraph is recommended in CDE's, "Homeless Education Dispute Resolution Process." CDE recommends that if the parent/guardian or unaccompanied youth is an English Learner, the native language and/or an interpreter be used, and/or if additional supports are needed because of a disability, such services be made available without charge.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the COE liaison shall:

1. Inform the student's parents/guardians or unaccompanied youth that written and/or oral documentation to support their position may be provided

2. Inform the student's parents/guardians or unaccompanied youth that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved

3. Provide a simple form that they may use and turn in to the school to initiate the dispute resolution process

4. Provide a copy of the dispute form they submit for their records

5. Provide the outcome of the dispute for their records

When a student's parent/guardian or an unaccompanied youth involved in the enrollment dispute is an English learner, Items #1-5 shall be provided either in the native language of the parent/guardian or unaccompanied youth or through an interpreter. Any additional support needed because of a disability of that parent/guardian or unaccompanied youth shall be made available without a charge.

If a parent/guardian or unaccompanied youth disagrees with the COE liaison's enrollment decision, the decision may be appealed to the County Superintendent. The County Superintendent shall make a determination within five working days.

CSBA NOTE: CDE's, "Homeless Education Dispute Resolution Process," describes the process for appealing a COE's enrollment decision to CDE. If the COE's enrollment decision is appealed, the COE liaison will forward the documentation to CDE's Homeless Education Program. CDE will notify all parties of the final determination of eligibility, school selection, or enrollment within five working days of receipt of the appeal.

If the parent/guardian chooses to appeal the COE's placement decision to CDE, the COE liaison shall forward all written documentation and related paperwork to CDE's Homeless Education Program.

CSBA NOTE: 42 USC 11432 provides that, during any dispute over a student's enrollment, the student ~~must~~is required to be allowed to be enrolled in the school in which enrollment is sought during the period of all appeals. 42 USC 11434a defines "enrollment" as including attendance in classes and full participation in school activities.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

**Transportation**

CSBA NOTE: 42 USC 11432 **mandates t**hat COEs adopt policies and practices to ensure that transportation is provided to students experiencing homelessness, at the request of the student's parent/guardian or of the COE liaison in the case of an unaccompanied youth, to and from the school of origin as specified below.

In USDOE's, "Education for Homeless Children and Youths Program Non-Regulatory Guidance," USDOE states that the law imposes an affirmative obligation to transport students experiencing homelessness, even if transportation is not provided to other students. The Guidance clarifies that, because the State of California receives funds under McKinney-Vento, all COEs in California are subject to this requirement.

The COE shall provide transportation for a student experiencing homelessness to and from the student's school of origin when the student is residing within the COE and the parent/guardian, or the COE liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of COE boundaries, but continues to attend the student's school of origin within this COE, the County Superintendent or designee shall consult with the County Superintendent of the COE in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

CSBA NOTE: Pursuant to Education Code 39807.5, ~~as amended by AB 181 (Ch. 52, Statutes of 2022),~~ the COE is required to waive transportation fees for an unduplicated student, as defined in Education Code 42238.02, which includes a student who is eligible for free or reduced-price meals, who is classified as an English learner, and/or who is a foster youth. Since it is likely that most students experiencing homelessness would be eligible to receive free meals, and would therefore qualify as an unduplicated student, such students would most likely be exempt from transportation costs.

Any fees that the COE charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for students experiencing homelessness. (Education Code 39807.5)

CSBA NOTE: Education Code 48852.7 requires that the COE provide transportation to a formerly homeless student with an IEP only if transportation is a necessary related service. Education Code 48852.7 does not supersede or exceed other laws governing special education services for eligible students experiencing homelessness.

The following paragraph may be revised if the COE chooses to provide transportation to other formerly homeless students attending their school of origin.

The COE shall not be obligated to provide transportation to students who continue attending their school of origin after they secure permanent housing, unless the formerly homeless student has an IEP that includes transportation as a necessary related service for the student. (Education Code 48852.7)

**Transfer of Coursework and Credits**

CSBA NOTE: The following section is for use by COEs maintaining high schools. Education Code 51225.2~~, as amended by SB 532 (Ch. 918, Statutes of 2022),~~ addresses the transferability of coursework and credits completed by a student experiencing homelessness~~, as provided below. Education Code 51225.2, as amended by SB 532, requires the transferring school to include in the student's educational record a determination of days of enrollment and/or seat time and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.~~.

When a student experiencing homelessness transfers into a COE school, the ~~COE will receive an official transcript from the transferring COE, school, or district which reflects full~~ student's coursework and ~~partial~~ credits ~~and grades earned by the student and includes:~~ (shall be transferred as specified in Education Code 51225.2~~)~~

1. ~~A determination~~ and County Board Policy 6146.3 – Reciprocity of ~~the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed~~

*Partial coursework satisfactorily completed* includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned

3. A complete record of the student's seat time, including both period attendance and days of enrollment

The COE shall transfer the credits and grades from the transferring school's transcript onto an official COE transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the school site administrator or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the administrator or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The COE shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. (Education Code 51225.2)

CSBA NOTE: Pursuant to Education Code 51225.2, COEs may not require a student who has completed an entire course to retake the course.

If the entire course was completed, the COE shall not require the student to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the student shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the COE may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the COE finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a student in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)

CSBA NOTE: Although Education Code 51225.2 requires COEs to award partial credits to students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. A recommendation for how to award partial credit is available in the California Child Welfare Council's, "PartialAcademic Credit Model Policy and Practice Recommendations" and should be revised to reflect local practice. Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two

business days of the COE's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the COE prevent a student experiencing homelessness from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

**Applicability of Graduation Requirements**

CSBA NOTE: The following section is for use by COEs maintaining high schools. For more information regarding requirements for graduation from high school, see BP 6146.1 - High School Graduation Requirements.

To obtain a high school diploma, a student experiencing homelessness shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements established by the County Board and/or County Superintendent, as applicable.

However, when a student experiencing homelessness who has completed the second year of high school transfers into a COE school or program, the student shall be exempted from all COE-established coursework and other COE-established graduation requirements, unless the County Superintendent or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the student's transfer, the County Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, and the COE liaison for homeless students of the availability of the exemption and whether the student qualifies. If the County Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, to determine whether a student with significant gaps in school attendance is in the third or fourth year of high school, the student's age as compared to the average age of students in the third or fourth year of high school may be used.

To determine whether a student is in the third or fourth year of high school, the COE shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1, as amended by SB 532, requires the COE to exempt a student who qualifies for an exemption from COE-established graduation requirements, under the circumstances described below.

If the student experiencing homelessness was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the County Superintendent or

designee shall exempt the student within 30 days of the request. The student may request the exemption even if the student is no longer a homeless student. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the COE is required to reevaluate a student's eligibility for an exemption from COE-established graduation requirements, as described below.

When the County Superintendent or designee determines that a student who transferred into a COE school is reasonably able to complete COE-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the COE-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the person holding the right to make educational decisions for the student, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student experiencing homelessness is not reasonably able to complete the COE-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the County Superintendent or designee shall provide the student with the option to receive an exemption from COE-established graduation requirements or stay in school for a fifth year to complete the COE-established graduation requirements upon agreement with the student, or if under 18 years of age, the person holding the right to make educational decisions for the students, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, the COE is required to consult with a student experiencing homelessness who is granted an exemption from COE-established graduation requirements and the person holding the right to make educational decisions for the student, as described below.

When a student experiencing homelessness is exempted from COE-established graduation requirements, the County Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocational plans, including the ability to gain admission to a postsecondary educational institution

2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges

3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The COE shall not require or request a student experiencing homelessness to transfer schools in order to qualify for an exemption and shall not grant any request made by a student experiencing homelessness, the person holding the right to make educational decisions for the student, or the COE liaison on behalf of the student for a transfer solely to qualify for an exemption. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the COE from requiring a student who is eligible for an exemption from COE-established graduation requirements from accepting the exemption or being denied enrollment, as described below.

The County Superintendent or designee shall not require a student experiencing homelessness who is eligible for an exemption from COE-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

CSBA NOTE: Education Code 51225.1 prohibits the COE from revoking a student's exemption from COE-established graduation requirements.

If a student experiencing homelessness is exempted from COE-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student is no longer homeless or if the student transfers to another school or out of the COE school or program. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, the COE may not require or request a student who is exempted from COE-established graduation requirements and completes statewide coursework requirements before the end of the student's fourth year of high school to graduate early, as described below.

The Superintendent or designee shall not require or request a student experiencing homelessness who is exempted from COE-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, if the COE determines that a student who is eligible for the exemption from COE-established graduation requirements is reasonably able to complete those requirements in time to graduate from high school by the end of the student's fifth year, the COE is required to provide the following.

Upon making a finding that a student experiencing homelessness is reasonably able to complete COE-established graduation requirements within the fifth year of high school, the County Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the person holding the right to make educational decisions for the student, of the option available to the student to remain in school for a fifth year to complete the COE-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational

institution

2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges

3. Upon agreement with the student or with the person holding the right to make educational decisions for the student if under 18 years of age, permit the student to stay in school for a fifth year to complete the COE-established graduation requirements

4. Consult with the student or with the person holding the right to make educational decisions for the student of the option to remain in the student's school or origin

CSBA NOTE: Pursuant to Education Code 51225.1, as amended by SB 532, until January 1, 2028, when a student experiencing homelessness who has completed the second year of high school transfers into the COE from another COE or school district or transfers between high schools within the COE, and is not reasonably able to complete the COE-established graduation requirements, but is reasonably able to complete the statewide coursework requirements, within the student's fifth year of high school, the COE is required to exempt the student from the COE-established graduation requirements and provide the student with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, consultation with the student and the person holding the right to make educational decisions for the student is required, as provided below.

When a student experiencing homelessness who has completed the second year of high school transfers into the COE from another COE or school district, and is not reasonably able to complete the COE-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all COE-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the County Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements

2. The effect of waiving the COE-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education

3. Other options available to the student, including but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges

4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

A student experiencing homelessness who transfers to a COE school shall be expected to complete all courses and fulfill graduation requirements as specified in County Board Policy 6146.1 - High School Graduation Requirements, unless the student has completed the second year of high school and thereby exempted from such requirements in accordance with Education Code 51225.1.

**Eligibility for Extracurricular Activities**

CSBA NOTE: The following paragraph is required pursuant to Education Code 48850.

A student experiencing homelessness who enrolls in any COE school or program shall have access to extracurricular and enrichment activities that are available to all students in the school or program. (Education Code 48850)~~**Notification, Complaints, and Posting Requirements**~~

~~Information regarding the educational rights of students experiencing homelessness, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)~~

**Notification, Complaints, and Posting Requirements**

~~CSBA NOTE: Education Code 51225.1 and 51225.2 provide that complaints of noncompliance with specified requirements related to the educational rights of students experiencing homelessness may be filed in accordance with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670. As with other complaints covered under the UCP, a complainant may appeal the COE's decision to CDE and, if the COE or CDE finds any merit in the complaint, the COE must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.~~

~~Any complaint that the COE has not complied with requirements regarding the education of students experiencing homelessness, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the COE's Uniform Complaint Procedures.~~

CSBA NOTE: Education Code 48852.6 requires the COE and each school that maintains a ~~web site~~website to post on the COE and school ~~web sites~~websites information related to the education of students experiencing homelessness, as specified in the following paragraphs.

The County Superintendent or designee shall ensure that a list of the COE liaison(s) and the contact information for such liaison(s), as well as specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to students experiencing homelessness, are posted on the COE's ~~web site.~~website. (Education Code 48852.6)

~~Each~~Additionally, each COE school that has a ~~web site~~website shall ~~also~~ post the contact information for the COE liaison and the name and contact information of any employee or other person under contract with the school who assists the COE liaison in completing the liaison's duties pursuant to 42 USC 11432. (Education Code 48852.6)

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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 39807.5 | Payment of transportation costs by parents |
| Ed. Code 48850 | Academic achievement of students in foster care and homeless children |
| Ed. Code 48851 | Identification of homeless children and youths and unaccompanied youths; housing questionnaire |
| Ed. Code 48851.3 | Homeless education program policies; liaison responsibilities |
| Ed. Code 48851.5 | Local educational agency liaison for homeless children and youths |
| Ed. Code 48852.3 | Monitoring for compliance with chapter |
| Ed. Code 48852.5 | Notice of educational rights of ~~homeless~~ students experiencing homelessness |
| Ed. Code 48852.6 | ~~Web site~~Website posting of information regarding homelessness |
| Ed. Code 48852.7 | Education of ~~homeless~~ students experiencing homelessness; immediate enrollment |
| Ed. Code 48859 | Definitions |
| Ed. Code 48915.5 | Recommended expulsion; ~~homeless~~ student experiencing homelessness with disabilities |
| Ed. Code 48918.1 | Notice of recommended expulsion |
| Ed. Code 48985 | Notices to parents/~~guardian~~guardians in language other than English |
| Ed. Code 51225.1-51225.3 | Graduation requirements |
| Ed. Code 52052 | Accountability; numerically significant student subgroups |
| Ed. Code 52060-52077 | Local control and accountability plan |

| **Federal** | **Description** |
|---|---|
| 20 USC 1087vv | Free Application for Federal Student Aid; definitions |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 20 USC 6311 | State plan |
| 42 USC ~~11431~~11301-11435 | McKinney-Vento Homeless Assistance Act |

| | |
|---|---|
| 42 USC 12705 | Cranston-Gonzalez National Affordable Housing Act; state and local strategies |

| Management Resources | Description |
|---|---|
| California Child Welfare Council Publication | Partial Credit Model Policy and Practice Recommendations, September 2013 |
| California Department of Education Publication | Homeless Education Dispute Resolution Process, March 2020 |
| California Department of Education Publication | Federal Program Monitoring Instrument |
| National Center for Homeless Education Publication | Homeless Liaison Toolkit, 2020 |
| U.S. Department of Education Guidance | Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018 |
| U.S. Department of Education Guidance | Dear Colleague Letter, July 27, 2016 |
| Website | National Homelessness Law Center |
| Website | University of California |
| Website | U.S. Department of Education, Education for Homeless Children and Youths Grants for State and Local Activities |
| Website | National Law Center on Homelessness and Poverty |
| Website | National Center for Homeless Education at SERVE |
| Website | California State University |
| Website | California Interscholastic Federation |
| Website | California Department of Education, Homeless Children and Youth Education |
| Website | California Community Colleges |
| Website | California Child Welfare Council |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| ~~0500~~ | ~~Accountability~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113-E(1)~~ | ~~County Office of Education And School Websites~~ |

| | |
|---|---|
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3250 | Transportation Fees |
| 3250 | Transportation Fees |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3541 | Transportation Routes And Services |
| 3550 | Food Service/Child Nutrition Program |
| 3550 | Food Service/Child Nutrition Program |
| 3553 | Free And Reduced Price Meals |
| 3553 | Free And Reduced Price Meals |
| 4112.9 | Employee Notifications |
| 4112.9-E(1) | Employee Notifications |
| 4131 | Staff Development |
| 4212.9 | Employee Notifications |
| 4212.9-E(1) | Employee Notifications |
| 4231 | Staff Development |
| 4312.9 | Employee Notifications |
| 4312.9-E(1) | Employee Notifications |
| 4331 | Staff Development |
| 5111 | Admission |
| 5111 | Admission |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.11 | Attendance Supervision |
| 5125 | Student Records |
| 5125 | Student Records |
| 5132 | Dress And Grooming |
| 5132 | Dress And Grooming |
| 5141.26 | Tuberculosis Testing |
| 5141.31 | Immunizations |
| 5141.31 | Immunizations |

| | |
|---|---|
| ~~5141.32~~ | ~~Health Screening For School Entry~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5144.1~~ | ~~Suspension And Expulsion/Due Process~~ |
| ~~5144.1~~ | ~~Suspension And Expulsion/Due Process~~ |
| ~~5144.2~~ | ~~Suspension And Expulsion/Due Process (Students With Disabilities)~~ |
| ~~5145.6~~ | ~~Parent/Guardian Notifications~~ |
| ~~5145.6-E(1)~~ | ~~Parent/Guardian Notifications~~ |
| ~~5148.2~~ | ~~Before/After School Programs~~ |
| ~~5148.2~~ | ~~Before/After School Programs~~ |
| ~~5148.3~~ | ~~Preschool/Early Childhood Education~~ |
| ~~5148.3~~ | ~~Preschool/Early Childhood Education~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6145~~ | ~~Extracurricular And Cocurricular Activities~~ |
| ~~6145~~ | ~~Extracurricular And Cocurricular Activities~~ |
| ~~6145.2~~ | ~~Athletic Competition~~ |
| ~~6145.2~~ | ~~Athletic Competition~~ |
| 6146.3~~1~~ | ~~Reciprocity Of Academic Credit~~High School Graduation Requirements |
| 6146.3 | ~~Reciprocity Of Academic Credit~~Reciprocity Of Academic Credit |
| ~~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~~ |

| | |
|---|---|
| ~~6171~~ | ~~Title I Programs~~ |
| ~~6171~~ | ~~Title I Programs~~ |
| ~~6172~~ | ~~Gifted And Talented Student Program~~ |
| ~~6172~~ | ~~Gifted And Talented Student Program~~ |
| ~~6173.1~~ | ~~Education For Foster Youth~~ |
| ~~6173.1~~ | ~~Education For Foster Youth~~ |
| ~~6177~~ | ~~Summer Learning Programs~~ |
| ~~6179~~ | ~~Supplemental Instruction~~ |
| ~~6190~~ | ~~Evaluation Of The Instructional Program~~ |

## Exhibit 6173-E(1): Education For Homeless Children

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2022 **| Last Revised Date:** 02/01/2026 **| Last Reviewed Date:** ~~03~~02/01/~~2022~~2026

### COUNTY OFFICE OF EDUCATION EXPLANATION OF DECISION RELATED TO ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT

CSBA NOTE: The following form should be revised to reflect local practice. In the U.S. Department of Education's (USDOE), "Education for Homeless Children and Youths Program Non-Regulatory Guidance," USDOE recommends that the written statement of any decision regarding the eligibility, school selection, or enrollment of a student experiencing homelessness include the elements specified below. SCOE NOTE: REVISED SCOE form will be added once policy has been adopted by the Board

Instructions: The following form provides notice and explanation to a student's parent/guardian or an unaccompanied youth regarding the county office of education's (COE) decision related to student eligibility, school selection, or enrollment.

Date:_____ Name of person completing form:_____
Title:_____ Phone number:_____

In accordance with the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), this notification is being provided to either:
Name of parent(s)/guardian(s): _____
Name of unaccompanied student: _____

School requested:_____
COE liaison's placement decision (name of school):_____

Description of action(s) proposed/refused by the COE liaison related to eligibility, school selection, or enrollment, including an explanation of why the action(s) is proposed/refused:
_____
_____
_____
_____
_____

The COE liaison's determination regarding eligibility, school selection, or enrollment was based upon the following evidence:
_____
_____
_____
_____

_____

Other options the COE liaison considered, if any, which were rejected for the following reasons:
_____
_____
_____
_____
_____

Factors relevant to the COE liaison's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources, if any:
_____
_____
_____
_____
_____

You have the right to appeal this decision to the County Superintendent of Schools. To do so, contact the County Superintendent within the next ~~___(~~_____ (insert number of days)~~___)~~ days to request a Dispute Form. You may provide written or oral documentation to support your position, and may also seek the assistance of social services, advocates, and/or service providers in the dispute process. The County Superintendent or designee will review all the evidence and will notify you of the decision within ~~___(~~_____ (insert number of days)~~___)~~ days.

If you are not satisfied with the County Superintendent's decision, you may then appeal to the California Department of Education (CDE). The COE liaison can assist you with this appeal.

**CONTACT INFORMATION:**

COE Liaison: The COE liaison is one of the primary contacts between families experiencing homelessness and school or COE staff. The COE liaison is responsible for coordinating services to ensure that students experiencing homelessness enroll in school and have the opportunity to succeed academically, and mediates enrollment disputes as needed.

Name of COE's homeless liaison:_____
Address:_____
Email Address:_____
Phone number:_____

State Coordinator: If you appeal the County Superintendent's decision to CDE, the COE liaison shall forward all written documentation and related paperwork to CDE's Homeless Education Program. The state coordinator will review the COE and parent/guardian information and will notify you of the decision within ten working days of receiving the materials.

Name of state homeless coordinator:_____
Address:_____
Email Address:_____

Phone number: _____

**RIGHTS:**

Pending the final resolution of this dispute, including the period of all appeals, the student has the right to immediately enroll in the school requested and to participate fully in school activities at that school.

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| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| Ed. Code 39807.5 | Payment of transportation costs by parents |
| Ed. Code 48850 | Academic achievement of students in foster care and homeless children |
| Ed. Code 48851 | Identification of homeless children and youths and unaccompanied youths; housing questionnaire |
| Ed. Code 48851.3 | Homeless education program policies; liaison responsibilities |
| Ed. Code 48851.5 | Local educational agency liaison for homeless children and youths |
| Ed. Code 48852.3 | Monitoring for compliance with chapter |
| Ed. Code 48852.5 | Notice of educational rights of ~~homeless~~ students experiencing homelessness |
| Ed. Code 48852.6 | ~~Web site~~Website posting of information regarding homelessness |
| Ed. Code 48852.7 | Education of ~~homeless~~ students experiencing homelessness; immediate enrollment |
| Ed. Code 48859 | Definitions |
| Ed. Code 48915.5 | Recommended expulsion; ~~homeless~~ student experiencing homelessness with disabilities |
| Ed. Code 48918.1 | Notice of recommended expulsion |
| Ed. Code 48985 | Notices to parents/~~guardian~~guardians in language other than English |
| Ed. Code 51225.1-51225.3 | Graduation requirements |

| | |
|---|---|
| Ed. Code 52052 | Accountability; numerically significant student subgroups |
| Ed. Code 52060-52077 | Local control and accountability plan |

| **Federal** | **Description** |
|---|---|
| 20 USC 1087vv | Free Application for Federal Student Aid; definitions |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 20 USC 6311 | State plan |
| 42 USC ~~11431~~11301-11435 | McKinney-Vento Homeless Assistance Act |
| 42 USC 12705 | Cranston-Gonzalez National Affordable Housing Act; state and local strategies |

| **Management Resources** | **Description** |
|---|---|
| California Child Welfare Council Publication | Partial Credit Model Policy and Practice Recommendations, September 2013 |
| California Department of Education Publication | Homeless Education Dispute Resolution Process, March 2020 |
| California Department of Education Publication | Federal Program Monitoring Instrument |
| National Center for Homeless Education Publication | Homeless Liaison Toolkit, 2020 |
| U.S. Department of Education Guidance | Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018 |
| U.S. Department of Education Guidance | Dear Colleague Letter, July 27, 2016 |
| Website | National Homelessness Law Center |
| Website | University of California |
| Website | U.S. Department of Education, Education for Homeless Children and Youths Grants for State and Local Activities |
| Website | National Law Center on Homelessness and Poverty |
| Website | National Center for Homeless Education at SERVE |
| Website | California State University |
| Website | California Interscholastic Federation |
| Website | California Department of Education, Homeless Children and Youth Education |
| Website | California Community Colleges |
| Website | California Child Welfare Council |

**Cross References**

| Code | Description |
| --- | --- |
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| ~~0500~~ | ~~Accountability~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113-E(1)~~ | ~~County Office of Education And School Websites~~ |
| ~~1400~~ | ~~Relations Between Other Governmental Agencies And The Schools~~ |
| ~~3250~~ | ~~Transportation Fees~~ |
| ~~3250~~ | ~~Transportation Fees~~ |
| ~~3515.4~~ | ~~Recovery For Property Loss Or Damage~~ |
| ~~3515.4~~ | ~~Recovery For Property Loss Or Damage~~ |
| ~~3541~~ | ~~Transportation Routes And Services~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~3553~~ | ~~Free And Reduced Price Meals~~ |
| ~~3553~~ | ~~Free And Reduced Price Meals~~ |
| ~~4112.9~~ | ~~Employee Notifications~~ |
| ~~4112.9-E(1)~~ | ~~Employee Notifications~~ |
| ~~4131~~ | ~~Staff Development~~ |
| ~~4212.9~~ | ~~Employee Notifications~~ |
| ~~4212.9-E(1)~~ | ~~Employee Notifications~~ |
| ~~4231~~ | ~~Staff Development~~ |
| ~~4312.9~~ | ~~Employee Notifications~~ |
| ~~4312.9-E(1)~~ | ~~Employee Notifications~~ |
| ~~4331~~ | ~~Staff Development~~ |
| ~~5111~~ | ~~Admission~~ |
| ~~5111~~ | ~~Admission~~ |
| ~~5113.1~~ | ~~Chronic Absence And Truancy~~ |
| ~~5113.1~~ | ~~Chronic Absence And Truancy~~ |

| | |
|---|---|
| ~~5113.11~~ | ~~Attendance Supervision~~ |
| ~~5125~~ | ~~Student Records~~ |
| ~~5125~~ | ~~Student Records~~ |
| ~~5132~~ | ~~Dress And Grooming~~ |
| ~~5132~~ | ~~Dress And Grooming~~ |
| ~~5141.26~~ | ~~Tuberculosis Testing~~ |
| ~~5141.31~~ | ~~Immunizations~~ |
| ~~5141.31~~ | ~~Immunizations~~ |
| ~~5141.32~~ | ~~Health Screening For School Entry~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5144.1~~ | ~~Suspension And Expulsion/Due Process~~ |
| ~~5144.1~~ | ~~Suspension And Expulsion/Due Process~~ |
| ~~5144.2~~ | ~~Suspension And Expulsion/Due Process (Students With Disabilities)~~ |
| ~~5145.6~~ | ~~Parent/Guardian Notifications~~ |
| ~~5145.6-E(1)~~ | ~~Parent/Guardian Notifications~~ |
| ~~5148.2~~ | ~~Before/After School Programs~~ |
| ~~5148.2~~ | ~~Before/After School Programs~~ |
| ~~5148.3~~ | ~~Preschool/Early Childhood Education~~ |
| ~~5148.3~~ | ~~Preschool/Early Childhood Education~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6145~~ | ~~Extracurricular And Cocurricular Activities~~ |
| ~~6145~~ | ~~Extracurricular And Cocurricular Activities~~ |
| ~~6145.2~~ | ~~Athletic Competition~~ |
| ~~6145.2~~ | ~~Athletic Competition~~ |
| 6146.3~~1~~ | ~~Reciprocity Of Academic Credit~~High School Graduation Requirements |
| 6146.3 | ~~Reciprocity Of Academic Credit~~Reciprocity Of Academic Credit |
| ~~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 |
| 6171 | Title I Programs |
| 6171 | Title I Programs |
| 6172 | Gifted And Talented Student Program |
| 6172 | Gifted And Talented Student Program |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |
| 6177 | Summer Learning Programs |
| 6179 | Supplemental Instruction |
| 6190 | Evaluation Of The Instructional Program |

## Exhibit 6173-E(2): Education For Homeless Children

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2022 **| Last Revised Date:** 02/01/2026**| Last Reviewed Date:** ~~03~~02/01/~~2022~~2026

SCOE NOTE: REVISED SCOE form will be added once policy has been adopted by the Board

**DISPUTE FORM**

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared orally with the county office of education (COE) liaison for homeless students.

Date submitted:_____
Student's name:_____
Name of person completing form:_____
Relation to student:_____
Address:_____
Email address:_____
Phone number:_____

Name of school requested:_____

I wish to appeal the decision made by the COE liaison regarding:

□ Eligibility
□ School selection
□ Enrollment

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation orally.
_____
_____
_____

I have been provided with:

□ A written explanation of the COE liaison's decision
□ Contact information for the COE liaison
□ Contact information for the state homeless coordinator
□ A copy of this dispute form

**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 39807.5 | Payment of transportation costs by parents |
| Ed. Code 48850 | Academic achievement of students in foster care and homeless children |
| Ed. Code 48851 | Identification of homeless children and youths and unaccompanied youths; housing questionnaire |
| Ed. Code 48851.3 | Homeless education program policies; liaison responsibilities |
| Ed. Code 48851.5 | Local educational agency liaison for homeless children and youths |
| Ed. Code 48852.3 | Monitoring for compliance with chapter |
| Ed. Code 48852.5 | Notice of educational rights of ~~homeless~~ students experiencing homelessness |
| Ed. Code 48852.6 | ~~Web site~~Website posting of information regarding homelessness |
| Ed. Code 48852.7 | Education of ~~homeless~~ students experiencing homelessness; immediate enrollment |
| Ed. Code 48859 | Definitions |
| Ed. Code 48915.5 | Recommended expulsion; ~~homeless~~ student experiencing homelessness with disabilities |
| Ed. Code 48918.1 | Notice of recommended expulsion |
| Ed. Code 48985 | Notices to parents/~~guardian~~guardians in language other than English |
| Ed. Code 51225.1-51225.3 | Graduation requirements |
| Ed. Code 52052 | Accountability; numerically significant student subgroups |
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| Website | National Law Center on Homelessness and Poverty |
| Website | National Center for Homeless Education at SERVE |
| Website | California State University |
| Website | California Interscholastic Federation |
| Website | California Department of Education, Homeless Children and Youth Education |
| Website | California Community Colleges |
| Website | California Child Welfare Council |

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| 0460 | Local Control And Accountability Plan |
| ~~0500~~ | ~~Accountability~~ |
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| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113-E(1)~~ | ~~County Office of Education And School Websites~~ |

| | |
|---|---|
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3250 | Transportation Fees |
| 3250 | Transportation Fees |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3541 | Transportation Routes And Services |
| 3550 | Food Service/Child Nutrition Program |
| 3550 | Food Service/Child Nutrition Program |
| 3553 | Free And Reduced Price Meals |
| 3553 | Free And Reduced Price Meals |
| 4112.9 | Employee Notifications |
| 4112.9-E(1) | Employee Notifications |
| 4131 | Staff Development |
| 4212.9 | Employee Notifications |
| 4212.9-E(1) | Employee Notifications |
| 4231 | Staff Development |
| 4312.9 | Employee Notifications |
| 4312.9-E(1) | Employee Notifications |
| 4331 | Staff Development |
| 5111 | Admission |
| 5111 | Admission |
| 5113.1 | Chronic Absence And Truancy |
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| 5113.11 | Attendance Supervision |
| 5125 | Student Records |
| 5125 | Student Records |
| 5132 | Dress And Grooming |
| 5132 | Dress And Grooming |
| 5141.26 | Tuberculosis Testing |
| 5141.31 | Immunizations |
| 5141.31 | Immunizations |

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|---|---|
| ~~5141.32~~ | ~~Health Screening For School Entry~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5144.1~~ | ~~Suspension And Expulsion/Due Process~~ |
| ~~5144.1~~ | ~~Suspension And Expulsion/Due Process~~ |
| ~~5144.2~~ | ~~Suspension And Expulsion/Due Process (Students With Disabilities)~~ |
| ~~5145.6~~ | ~~Parent/Guardian Notifications~~ |
| ~~5145.6-E(1)~~ | ~~Parent/Guardian Notifications~~ |
| ~~5148.2~~ | ~~Before/After School Programs~~ |
| ~~5148.2~~ | ~~Before/After School Programs~~ |
| ~~5148.3~~ | ~~Preschool/Early Childhood Education~~ |
| ~~5148.3~~ | ~~Preschool/Early Childhood Education~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6145~~ | ~~Extracurricular And Cocurricular Activities~~ |
| ~~6145~~ | ~~Extracurricular And Cocurricular Activities~~ |
| ~~6145.2~~ | ~~Athletic Competition~~ |
| ~~6145.2~~ | ~~Athletic Competition~~ |
| 6146.3~~1~~ | ~~Reciprocity Of Academic Credit~~High School Graduation Requirements |
| 6146.3 | ~~Reciprocity Of Academic Credit~~Reciprocity Of Academic Credit |
| ~~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~~ |

| | |
|---|---|
| ~~6171~~ | ~~Title I Programs~~ |
| ~~6171~~ | ~~Title I Programs~~ |
| ~~6172~~ | ~~Gifted And Talented Student Program~~ |
| ~~6172~~ | ~~Gifted And Talented Student Program~~ |
| ~~6173.1~~ | ~~Education For Foster Youth~~ |
| ~~6173.1~~ | ~~Education For Foster Youth~~ |
| ~~6177~~ | ~~Summer Learning Programs~~ |
| ~~6179~~ | ~~Supplemental Instruction~~ |
| ~~6190~~ | ~~Evaluation Of The Instructional Program~~ |

## County Board Bylaw 9250: Remuneration, Reimbursement And Other Benefits

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2016 | **Last Revised Date:** 02/01/2026 | **Last Reviewed Date:** ~~01~~02/01/~~2016~~2026

~~**Compensation**~~

~~CSBA NOTE: Education Code 1090 authorizes County Board of Education members to receive compensation for their services, with a maximum amount prescribed based on the county classification. For County Boards that are fiscally independent, the amount of compensation is determined by the County Board. For others, the amount of compensation is determined by the County Board of Supervisors.~~

~~Any County Board whose members receive maximum compensation allowed should select Option 1 below and may, at its discretion, revise the paragraph to reflect the actual dollar amount. A County Board whose members elect to receive less than the maximum amount provided in law should select Option 2 and specify the amount. County Boards whose members do not receive compensation should select Option 3.~~

~~OPTION 1: Each member of the County Board of Education who attends all of the board meetings in a month may receive the maximum monthly compensation as provided for in Education Code 1090.~~

~~OPTION 2: Each member of the County Board of Education who attends all of the board meetings in a month may receive a monthly compensation of $ _____. (Education Code 1090)~~

~~OPTION 3: The members of the County Board of Education view their service as a voluntary contribution to the community and elect not to receive the compensation to which they are entitled pursuant to Education Code 1090.~~

~~CSBA NOTE: The remainder of this section is for use by County Boards that selected Option 1 or 2 above.~~

~~On an annual basis, the County Board may increase the compensation of County Board members beyond the limit delineated in Education Code 1090 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 1090)~~

~~County Board members are not required to accept payment for meetings attended.~~

~~Any County Board member who does not attend all County Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the County Board in accordance with law. (Education Code 1090)~~

~~CSBA NOTE: Pursuant to Education Code 1090, the County Board may adopt a resolution authorizing a County Board member to be compensated for meetings he/she missed under specified circumstances. See the accompanying exhibit for a sample resolution.~~

**Compensation**

CSBA NOTE: Education Code 1090 authorizes County Board of Education members to receive compensation for their services, with a maximum amount prescribed based on the county classification, and, as amended by AB 1390 (Ch. 639, Statutes of 2025), increases the maximum monthly compensation amount. For County Boards that are fiscally independent, the amount of compensation is determined by the County Board. For others, the amount of compensation is determined by the County Board of Supervisors. For a chart with the maximum amount of monthly compensation amounts per county classification, see Exhibit (2).

In order to receive the entire compensation amount for a given month, a County Board member is required to attend all County Board meetings held that month, including special and emergency County Board meetings. Pursuant to Education Code 1090, a County Board member who is absent from a meeting shall not receive the pro rata monthly compensation for that meeting unless the County Board finds, via resolution, that the County Board member was absent due to one or more specified circumstances. For a sample resolution authorizing compensation for an absent County Board member, see Exhibit (1).

Additionally, pursuant to Education Code 1090, the County Board may annually increase the monthly compensation of County Board members beyond the applicable maximum amount delineated in Education Code 1090 by an amount not to exceed five percent.

Each member of the County Board of Education shall be provided monthly compensation of $106.09 , less any amounts deducted for meeting absences which are not excused by the County Board. (Education Code 1090)

County Board members are not required to accept the monthly compensation.

At the May Board meeting the County Board may amend this Bylaw to increase the compensation of County Board members beyond the limit delineated in Education Code 1090 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 1090)

CSBA NOTE: In order to receive the entire compensation amount for a given month, a County Board member is required to attend all County Board meetings held that month, including special and emergency County Board meetings. Pursuant to Education Code 1090, a County Board member who is absent from a meeting shall not receive the pro rata monthly compensation for that meeting unless the County Board finds, via resolution, that the County Board member was absent due to one or more specified circumstances. For a sample resolution authorizing compensation for an absent County Board member, see Exhibit (1).

A County Board member ~~may be compensated for meetings he/she missed when the County Board, by~~who is absent from a County Board meeting shall not receive the pro rata monthly compensation for that meeting unless the County Board finds, via resolution, ~~finds that he/she was performing designated services for the districtt~~that at the time of the County Board meeting ~~or that he/she~~the County Board member was absent ~~because of~~due to the need to perform services on behalf of the County Board, illness, jury duty, or a hardship deemed acceptable by the County Board. (Education Code 1090)

Student Board member compensation shall be provided in accordance with County Board Bylaw 9150 - Student Board Members.

CSBA NOTE: The following optional paragraph is for use by any County Board whose quorum also serves as another legislative body that receives additional compensation. Pursuant to Government Code 54952.3, the disclosure requirements described below are not applicable if the compensation of the legislative body is set by statute.

Whenever a quorum of ~~the~~ County Board members serves as another legislative body which will meet simultaneously or in serial order to a County Board meeting, the County Board clerk or a member of the County Board shall, when required by law, verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

**Reimbursement of Expenses**

CSBA NOTE: County Board members may be reimbursed for expenses incurred when performing their official duties. ~~Pursuant to Government Code 8314, it is unlawful for any elected official to use or permit others to use public resources for personal purposes not authorized by law. As defined, "personal purposes" include activities for personal enjoyment, private gain or advantage, or an outside endeavor not related to agency business, but do not include the incidental and minimal use of public resources (e.g., equipment or office space) for personal purposes, including an occasional telephone call.~~

Pursuant to Education Code 1090, any County Board member who uses a privately owned vehicle in the performance of their official duties may be reimbursed for mileage at the same rate as any other county official. In counties where county officials are not reimbursed for mileage, County Board members are still entitled to be reimbursed for actual and necessary traveling expenses pursuant to Education Code 1091. Additionally, Education Code 1094 authorizes reimbursement for printing required by the County Board, including all incidental expenses incurred for stationery or other purposes in the performance of its duties; Education Code 1095 authorizes reimbursement for costs incurred for membership in specified education related organizations; and Education Code 1096 authorizes reimbursement for the actual expenses of attending specified meetings or conferences.

However, Article XVI, section 6, of the California Constitution generally prohibits gifts of public funds and Government Code 8314 prohibits the use of public resources for campaign activity or personal purposes which are not authorized by law.

County Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the County Board, including expenses for travel, printing, or membership in any state or local organization of governing boards of school districts or county boards ~~of education.~~. Additionally, County Board members shall ~~also~~ be reimbursed for the actual expenses of attending, with prior approval, meetings or conferences of any society, association, or organization to which the County Board subscribes for membership. (Education Code 1091, 1094-1096)

Locally established timelines and procedures for reimbursement shall be utilized when reimbursing County Board members.

CSBA NOTE: The ~~remainder of this section is optional and may be revised~~following paragraphs should be modified to reflect ~~district~~local practice.

~~Personal~~All other expenses, including personal expenses, shall be the responsibility of individual County Board members~~.~~ and shall not be paid or reimbursed by the county office of education (COE). (Government Code 8314)

Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the County Board member on official business, personal use of an automobile, and personal losses and traffic violation fees incurred while on official business.

~~**Health and Welfare Benefits for Current Board Members**~~

**Credit Cards**

CSBA NOTE: Although some county offices of education (COE) issue credit cards to County Board members, a policy statement issued by the Institute for Local Government, primarily applicable to city and county governments, indicates that many local agencies have decided not to issue credit cards to local officials because of the potential for confusing an agency credit card with a personal card and the negative consequences of personal use of an agency card. The following optional paragraph should be deleted if the COE does not issue credit cards to County Board members.

County Board members may use COE-issued credit cards while on official COE business, consistent with locally established limits. Personal expenses shall not be charged on a COE-issued credit card, even if the County Board member intends to subsequently reimburse the COE for the personal charges.

**Benefits for County Board Members**

CSBA NOTE: The following section is optional. ~~The~~Pursuant to Government Code 53201 and 53205, the County Board has the option of providing health and welfare benefits to its members ~~pursuant to Government Code 53201 and 53205~~ and has flexibility in selecting the types of coverage and the methods of payment for such coverage. Pursuant to Government Code 53200, health and welfare benefits may include, but are not limited to, hospital, medical, surgical, dental, disability, group life, legal expense, and income protection insurance or benefits. However, Internal Revenue Service Publication 571, which was last revised in January 2025, indicates that, as elected officials, County Board members are not eligible to participate in ~~district~~COE programs for the purchase of tax sheltered annuities pursuant to 26 USC 403 and 26 CFR 1.403(b)-2.

Pursuant to Government Code 53208.5, the health and welfare benefits of a County Board member ~~can~~may not be ~~no~~ greater than that received by nonsafety employees of the ~~county office of education~~ (COE) or, if the COE has different benefit structures, ~~no~~not greater than the most generous schedule of benefits being received by any category of nonsafety employees. Nonsafety employees are those employees not otherwise included in Government Code 20420-20445 defining "safety members" for purposes of membership in the Public Employees' Retirement System. Additionally, Government Code 53208.5 ~~also~~ provides that County Board members shall not be eligible to accrue multiple health and welfare benefits from two or more public agencies for concurrent service, unless the County Board member serves as a regular full-time employee in a separate public agency.

Government Code 53202 authorizes the County Board to contract with one or more insurers, health service organizations, or legal service organizations for health and welfare benefits. Alternatively, the County Board may approve an existing health care arrangement between a County Board member and an insurer or health care provider. In 83 Ops.Cal.Atty.Gen. 124 (2000), the Attorney General opined that, if a ~~school~~ district chooses to approve such an arrangement, the district may pay for this benefit by way of reimbursement to the ~~school district board~~Board member who has paid for the benefit instead of ~~making~~ a direct payment to the insurer. However, according to the Attorney General, a ~~school~~ district may not make cash payments to ~~governing~~ board ~~member~~ members in lieu of providing them with health insurance benefits. Although the Attorney General's Opinion does not specifically address ~~county boards~~COEs, the same requirements would likely apply to county board members. For County Boards considering the reimbursement of County Board members for the cost of health and welfare benefits, it is recommended that the County Board consult CSBA's District and County Office of Education Legal Services or other legal counsel.

County Board members may participate in the health and welfare benefits program provided for ~~county office of education~~ (COE) employees.

~~Health~~ as permitted by law. However, health and welfare benefits for County Board members shall be no greater than ~~that~~benefits received by nonsafety employees with the most generous schedule of benefits. (Government Code 53201, 53205, 53208.5)

CSBA NOTE: The County Board may choose and/or revise any of the following options to reflect local practice.

The COE shall pay the premiums required for County Board members electing to participate in the ~~County Board's~~COE's health and welfare benefits program ~~shall have the premiums required for the benefit selected~~ paid to the same ext~~e~~nt as that it pays for COE employees.

CSBA NOTE: ~~The following optional paragraph is for use by county boards that~~Pursuant to Government Code 53205.1, the County Board may choose to pay all or a portion of premiums, dues, or other charges for health and welfare benefits for a County Board member's spouse or dependent children~~, as authorized by Government Code 53205.1. The County Board may revise the paragraph to specify a different portion of payment.~~.

Pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses under California law. Therefore, to the extent that the ~~district~~County Board provides health benefits under state law to spouses of County Board members, the same coverage must be provided to registered domestic partners.

Pursuant to Health and Safety Code 1373 and Insurance Code 10277, ~~the age at which~~ a person ceases to be a dependent child ~~is age~~at 26 years of age or higher as specified in the health plan, unless otherwise provided under a plan that qualifies as a grandfathered plan pursuant to 42 USC 18011. ~~In addition~~ Additionally, a health services plan or insurer is required to continue coverage for a dependent child who attains the age specified in the plan if ~~he/she~~the child is incapable of self-sustaining employment by reason of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the subscriber or insured for support. In addition, Health and Safety Code 1373 and Insurance Code 10277 ~~also~~ require that, if the plan provides coverage for a dependent child who is over 26 years of age ~~26~~ and enrolled at a secondary or postsecondary

educational institution, continued coverage must be provided during any break in the school calendar and during a medical leave of absence as specified.

The following paragraph should be deleted or modified to reflect local practice.

Health and welfare benefits provided to County Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as ~~extended to nonsafety employees and as~~ specified in law and the health plan. Family Code 297.5; Government Code 53205.1)

~~**Health and Welfare Benefits for Former Board Members**~~ (

CSBA NOTE: ~~The following section is optional.~~ Pursuant to Government Code 53201 ~~authorizes~~, the County Board ~~to~~may pay premiums for health and welfare benefits for former County Board members under ~~the~~very limited circumstances ~~described below. Any~~ . It is recommended that the County Board ~~that does not offer benefits to former County Board members should delete this entire section.~~consult CSBA's District and County Office of Education Legal Services or other legal counsel before adding, modifying, or deleting the following paragraph.

Former County Board members, and their spouse/registered domestic partner and eligible dependent children, may participate in the health and welfare benefits program provided for COE employees ~~under the conditions specified below.~~

~~Health and welfare benefits for former County Board members shall be no greater than those received~~only as permitted by ~~the COE's nonsafety employees with the most generous schedule of benefits.~~ ~~(Government Code 53208.5)~~

~~CSBA NOTE: Pursuant to Government Code 53201, a County Board may pay premiums for health and welfare benefits for former County Board members only if all of the following conditions are satisfied: (1) the County Board paid for benefits for former County Board members before January 1, 1994; (2) the former County Board member served in office after January 1, 1981; (3) the former County Board member's term began before January 1, 1995; and (4) the former County Board member served for 12 or more years. If the County Board did not pay benefits for former County Board members before January 1, 1994, benefits may be provided to former County Board members only on a self-pay basis, even if a former member has served in office for the requisite amount of time.~~

~~Because this is a complex area of law, it is strongly recommended that the district consult with legal counsel before offering paid health benefits to former County Board members.~~

~~The following optional paragraph is for use only by County Boards that meet all the conditions specified above. All other County Boards should delete the paragraph.~~

~~Any former County Board member who began his/her term before January 1, 1995 and served for 12 or more years shall be entitled to County Board paid health and welfare benefits. (Government Code 53201)~~

~~CSBA NOTE: The following paragraph is optional. If the County Boards allows members elected on or after January 1, 1995 to continue benefits at their own expense after leaving service, as authorized by Government Code 53201, it may revise the following paragraph to require more than one term of service at its discretion. At its discretion, the County Board may revise the following paragraph to require more than one term of office.~~

~~Any former County Board member leaving the County Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)~~

~~CSBA NOTE: The following optional paragraph is for use by all County Boards. Government Code 53205.1 authorizes the County Board to fund health and welfare benefits for spouses and dependent children of former County Board members.~~

~~If health and welfare benefits are provided to a former County Board member, it shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as authorized by law and the health plan.~~

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| State | Description |
|---|---|
| Cal. Const. Art. XVI, Sec. 6 | Prohibition on gifts of public funds |
| Ed. Code 1090-1096 | Stipends and expenses |
| Ed. Code 33362-33363 | Reimbursement of expenses; county board member or member-elect |
| Ed. Code 44038 | Cash deposits for transportation purchased on credit |
| Fam. Code 297-297.5 | Rights, protections, benefits under the law; registered domestic partners |
| ~~Fam. Code 300~~ | ~~Definition of marriage~~ |
| Gov. Code 20322 | Elective officers; election to become member |
| Gov. Code 20420-20445 | Membership in Public Employees' Retirement System; definition of safety employees |
| Gov. Code 3543.7 | Duty to meet and negotiate in good faith |
| Gov. Code 53200-53209 | Group insurance |

| | |
|---|---|
| Gov. Code 54952.3 | Simultaneous or serial meetings; announcement of compensation |
| Gov. Code 8314 | Use of public resources |
| H&S Code 1373 | Health services plan~~,~~; coverage for dependent children |
| Ins. Code 10277-10278 | Group and individual health insurance~~,~~; coverage for dependent children |

| **Federal** | **Description** |
|---|---|
| 26 CFR 1.403(b)-2 | Tax-sheltered annuities~~,~~; definition of employee |
| 26 USC 403 | Tax-sheltered annuities |
| 42 USC 18011 | Right to maintain existing health coverage |

| **Management Resources** | **Description** |
|---|---|
| Attorney General Opinion | 91 Ops.Cal.Atty.Gen. 37 (2008) |
| Attorney General Opinion | 83 Ops.Cal.Atty.Gen. 124 (2000) |
| Court Decision | Thorning v. Hollister School District~~,~~ (1992) 11 Cal.App.4th 1598 |
| Court Decision | Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County~~,~~ (1979) 93 Cal.App.3d 578 |
| Institute for Local Government Publication | Sample Expense and Use of Public Resources Policy Statement, January 2006 |
| Internal Revenue Service Publication | Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. January ~~2015~~2025 |
| Website | CSBA District and County Office of Education Legal Services |
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**Cross References**

| **Code** | **Description** |
|---|---|
| 1160 | Political Processes |
| 3100 | Budget Adoption And Revision |

| | |
|---|---|
| 9150 | Student Board Members |
| 9240 | Board Training |
| 9324 | Minutes And Recordings |

## County Exhibit 9250-E(1): Remuneration, Reimbursement And Other Benefits

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2016 | **Last Revised Date:** 02/01/2026 | **Last Reviewed Date:** ~~01~~02/01/~~2016~~2026

SCOE NOTE: REVISED SCOE form will be added once policy has been adopted by the Board

**RESOLUTION ON EXCUSING COUNTY BOARD MEMBER ABSENCE FOR PURPOSES OF MONTHLY COMPENSATION ~~FOR MISSED MEETINGS~~**

~~The following optional exhibit is for use by any County Board of Education that offers compensation to its members for their service; see Options #1 and 2 in the accompanying Board bylaw. Pursuant to Education Code 1090, a County Board member may receive compensation for County Board meetings that he/she missed if the County Board makes a finding, by resolution that one or more specified circumstances exist.~~

~~WHEREAS, the _____ County Board of Education appreciates the services provided by members of the County Board and provides compensation for meeting attendance in accordance with Education Code 1090 and Board Bylaw 9250; and~~

CSBA NOTE: Pursuant to Education Code 1090 and the accompanying County Board Bylaw, a County Board of Education member who is absent from a meeting shall not receive the pro rata monthly compensation for that meeting unless the County Board finds, via resolution, that the County Board member was absent due to one or more specified circumstances. The following optional exhibit provides such a resolution for use by county boards that offer monthly compensation to members of the County Board.

WHEREAS, the members of the Siskiyou County Board of Education (County Board) receive monthly compensation for meeting attendance in accordance with Education Code 1090 (EC 1090) and County Board Bylaw 9250 – Remuneration, Reimbursement and Other Benefits (BB 9250);

~~WHEREAS, Education Code~~(EC 1090 ~~provides that the monthly compensation provided to County Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by~~ ) and County Board ~~resolution;~~Bylaw 9250 – Remuneration, Reimbursement and Other Benefits (BB 9250);

WHEREAS, ~~Education Code~~pursuant to EC 1090 ~~specifies limited circumstances under which the~~ and BB 9250, a County Board ~~is authorized to compensate~~member who is absent from a County Board ~~member for meetings he/she missed; and~~

~~WHEREAS,~~meeting shall not receive the pro rata monthly compensation for that meeting unless the

County Board finds, via resolution, that (name of Board member) did not attend the County Board member was absent due to the need to perform services for the County Board, illness, jury duty, or a hardship deemed acceptable by the County Board at the time of the County Board meeting; and (Exhibit will be formatted once the Siskiyou County Board adopts this exhibit)

WHEREAS, _____(name of County Board member) was absent from the County Board meeting(s) on (dates) for the following reason(s): (check applicable reasons)

[ ] Performance of designated duties for the County Board during the time of the meeting
[ ] Illness or jury duty
[ ] Hardship deemed acceptable by the County Board

_____ (date(s)).

NOW THEREFORE BE IT RESOLVED that the _____ , the County Board of Education approves full compensation of (finds that the absence of _____(name of County Board member) for the month of _____.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a regular meeting, by from the following vote:

AYES:_____ NOES:_____ ABSENT:_____

Attest:

_____ _____
County Board Secretary meeting(s) on _____ (date(s)) is excused for the following reason(s):

[ ] Performance of other designated duties on behalf of the County Board President
[ ] Illness
[ ] Jury duty
[ ] Hardship deemed acceptable by the County Board

; and

BE IT FURTHER RESOLVED, the County Board authorizes _____ (name of County Board member) to be compensated for the County Board meeting(s) on _____(date(s)).

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| Ed. Code 44038 | Cash deposits for transportation purchased on credit |
| Fam. Code 297-297.5 | Rights, protections, benefits under the law; registered domestic partners |
| ~~Fam. Code 300~~ | ~~Definition of marriage~~ |
| Gov. Code 20322 | Elective officers; election to become member |
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| Gov. Code 3543.7 | Duty to meet and negotiate in good faith |
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| Ins. Code 10277-10278 | Group and individual health insurance~~,~~; coverage for dependent children |

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| Management Resources | Description |
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| Website | CSBA District and County Office of Education Legal Services |
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| Website | Internal Revenue Service |
| Website | Institute for Local Government |
| Website | CSBA |

**Cross References**

| Code | Description |
|---|---|
| 1160 | Political Processes |
| 3100 | Budget Adoption And Revision |
| 9150 | Student Board Members |
| 9240 | Board Training |
| 9324 | Minutes And Recordings |

# County Exhibit 9250-E(2): Remuneration, Reimbursement And Other Benefits

**Status:** ADOPTED

**Original Adopted Date:** 02/01/2026 | **Last Revised Date:** 02/01/2026

## CHART OF COUNTY BOARD MEMBER MONTHLY COMPENSATION

CSBA NOTE: Education Code 1090 authorizes County Board of Education members to receive compensation for their services with a maximum amount prescribed based on the county classification, and, as amended by AB 1390 (Ch. 639, Statutes of 2025), increases the maximum monthly compensation amount. For county boards that are fiscally independent, the amount of compensation is determined by the County Board. For others, the amount of compensation is determined by the County Board of Supervisors. The following chart provides the maximum statutory monthly compensation amount for each county classification.

Additionally, pursuant to Education Code 1090, the County Board may annually increase the monthly compensation of County Board members beyond the applicable maximum amount delineated in the chart by an amount not to exceed five percent of individual County Board members' present monthly compensation.

| County Classification | Monthly Compensation Limit |
|---|---|
| Class One County | $3,000 |
| Class Two County | $2,000 |
| Class Three County | $1,500 |
| Class Four County | $1,000 |
| Class Five, Six, Seven, or Eight County | $800 |

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| Ed. Code 33362-33363 | Reimbursement of expenses; county board member or member-elect |
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| Gov. Code 3543.7 | Duty to meet and negotiate in good faith |
| Gov. Code 53200-53209 | Group insurance |
| Gov. Code 54952.3 | Simultaneous or serial meetings; announcement of compensation |
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| 26 USC 403 | Tax-sheltered annuities |
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| Website | CSBA District and County Office of Education Legal Services |
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**Cross References**

| **Code** | **Description** |
|---|---|

| | |
|---|---|
| 1160 | Political Processes |
| 3100 | Budget Adoption And Revision |
| 9150 | Student Board Members |
| 9240 | Board Training |
| 9324 | Minutes And Recordings |

## County Board Bylaw 9320: Meetings And Notices

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2021 | **Last Revised Date:** ~~03~~02/01/~~2024~~2026 | **Last Reviewed Date:** ~~03~~02/01/~~2024~~2026

CSBA NOTE: The following bylaw is **mandated** pursuant to Education Code 1011 and Government Code 54954, which require the County Board of Education to fix the time and location for its regular County Board meetings by rule and regulation. See "Regular Meetings" below for language fulfilling this mandate.

Meetings of the County Board of Education are conducted for the purpose of accomplishing County Board business. ~~In~~The County Board may meet in open session or closed session, as necessary, in accordance with applicable open meeting laws (Brown Act), ~~the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools,~~and County Board ~~meetings shall provide the opportunity for members of the public to directly address the~~County Bylaw 9320.1 – Remote Meetings and Attendance, County Board~~. All meetings shall be conducted in accordance with law and the County Board's bylaws, policies~~ Bylaw 9321 – Closed Session, County Board Bylaw 9322 – Agenda/Meeting Materials, and ~~administrative regulations~~County Board Bylaw 9323 – Meeting Conduct.

A County Board meeting exists whenever a majority of County Board members ~~gather~~gathers at the same time and location, including ~~teleconference location as permitted by Government Code 54953~~remotely or electronically, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

~~CSBA NOTE: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of County Board of Education business.~~

~~This prohibition against serial meetings also applies to communications via technology. Email exchanges, text/chat threads, or comments posted on a blog or social media account that result in a majority of the County Board "discussing among themselves" an item within the subject matter jurisdiction of the County Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, County Board members may engage in separate conversations or communications with members of the public on an Internet-based social media platform that is open and accessible to the public as long as a majority of the County Board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the County Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications~~

made by other County Board members. Additionally, a County Board member is prohibited from responding directly to any communication from other members of the County Board on a social media platform regarding matters that are within the subject matter jurisdiction of the County Board. See BB 9012 - Board Member Electronic Communications.

In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the County Board from sending emails to each other to develop a collective concurrence as to action to be taken by the County Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the website of the County Board and/or the county office of education (COE), and (3) distributed (in a printed version) at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the County Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

CSBA NOTE: Government Code 54952.2 specifies that briefings between staff and County Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other County Board member.

However, the County Superintendent of Schools or designee may engage in separate conversations or communications with County Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board, as long as the County Superintendent or designee does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

CSBA NOTE: Government Code 54953.2 requires that all County Board meetings meet the protections of the Americans with Disabilities Act (ADA) (42 USC 12132) and implementing regulations. Such protections require the County Board to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

Government Code 54953 requires the County Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility.

~~In order to help ensure the participation of individuals with disabilities at County Board meetings, appropriate disability-related accommodations or modifications shall be provided upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)~~

CSBA NOTE: The Brown Act prohibits serial County Board meetings, which are defined by Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of County Board of Education business.

This prohibition against serial County Board meetings also applies to communications via technology. Email exchanges, text/chat threads, or comments posted on a blog or social media account that result in a majority of the County Board "discussing among themselves" an item within the subject matter jurisdiction of the County Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, County Board members may engage in separate conversations or communications with members of the public on social media that is open and accessible to the public as long as a majority of the County Board does not use the platform to directly communicate among themselves regarding matters within the subject matter jurisdiction of the County Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other County Board members. Additionally, a County Board member is prohibited from responding directly to any communication from other members of the County Board on a social media platform regarding matters that are within the subject matter jurisdiction of the County Board. For more information regarding County Board member communications via technology, see BB 9012 - Board Member Electronic Communications.

However, Government Code 54952.2 specifies that briefings between less than a quorum of the County Board and staff, whether in-person, virtual, or via email, are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other County Board member.

It is recommended that county boards with questions regarding serial County Board meetings consult CSBA's District and County Office of Education Legal Services or other legal counsel.

In accordance with County Board Bylaw 9012 - Board Member Electronic Communications, a majority of the County Board shall not use a series of communications of any kind, directly or through intermediaries or technology, including official or personal social media accounts, to discuss, deliberate, or take action on any matter that is within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

However, the County Superintendent of Schools or designee may engage in separate conversations or communications with County Board members in order to answer questions or provide information regarding any matter within the subject matter jurisdiction of the County Board, as long

as the County Superintendent or designee does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

**Regular Meetings**

CSBA NOTE: Education Code 1011 and Government Code 54954 **mandate** the County Board to fix the time and location ~~of~~for its regular County Board meetings by rule and regulation. The following paragraph should be revised to reflect local practice.

Unless otherwise determined by the County Board, the County Board shall hold one regular County Board meeting(s) each month starting at 2:00 p.m. on the third Wednesday of the month, (except for September's meeting which will start at 6:00 p.m.) at the Siskiyou County Office of Education, 609 S. Gold Street, Yreka, CA 96097

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular County Board meeting ~~must~~is required to be posted at least 72 hours prior to the meeting~~,~~ at a location that is freely accessible to the public. Additionally, Government Code 54954.2 ~~also~~ requires that the agenda be posted on the County Board's and/or the ~~COE's~~county office of education's (COE) website. Other posting requirements may apply where County Board members ~~are participating by teleconference~~attend and participate remotely as specified ~~below~~in BB 9320.1 – Remote Meetings and Attendance.

The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular board meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda ~~must~~is required to also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. ~~The~~Additionally, the Attorney General ~~also~~ opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

At least 72 hours prior to a regular County Board meeting, the agenda shall be posted at one or more locations freely accessible to members of the public ~~and~~, on the website of the County Board and/or the county office of education (COE)~~.~~), and at any location required by County Board Bylaw 9320.1 – Remote Meetings and Attendance. (Government Code 54954.2)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda ~~must~~is required to list the address where the public can inspect agenda materials that are distributed to County Board members less than 72 hours before a regular County Board meeting. Pursuant to Government Code 54957.5, when agenda materials are distributed to all or a majority of the County Board less than 72 hours before a regular County Board meeting and outside of regular business hours, the materials may be posted on the County Board's or COE's website in satisfaction of the Brown Act if specified requirements are met. It is recommended that county boards and COEs with questions regarding this exception ~~are encouraged to~~ consult CSBA's District and County Office of Education

Legal Services or ~~COE~~other legal counsel. ~~Also~~For more information on distributing agenda materials to County Board members, see BB 9322 - Agenda/Meeting Materials.

~~In addition~~Additionally, pursuant to the California Public Records Act (Government Code 7920.000~~-~~ - 7930.215), agenda materials related to an open session of a County Board's regular County Board meeting are "public records" and are subject to inspection by any member of the public as specified in BP/AR 1340 - Access to County Office Records.

Consistent with ~~Government Code 54957.5 and~~County Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular County Board meeting are distributed to the County Board less than 72 hours before the meeting, the secretary to the County Board or the secretary's designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the ~~COE~~County Board's or COE's website at the time the materials are distributed to all or a majority of the County Board if distributed outside of business hours. (Government Code 54957.5)

**Special Meetings**

CSBA NOTE: Government Code 54956 permits the County Board president or a majority of the County Board to call a special County Board meeting. When a majority of the County Board has requested a special County Board meeting on the same specific topic, the secretary to the County Board or the secretary's designee shall inform the County Board and the meeting shall be organized and called. If an individual County Board member desires a special County Board meeting on a specific topic that has not been called by the County Board president, the County Board member should inform the County Superintendent of Schools or designee rather than other County Board members in order to comply with the Brown Act.

Special meetings of the County Board may be called at any time by the presiding officer or a majority of the County Board members on any topic within the subject matter jurisdiction of the County Board unless otherwise prohibited by law or as specified in BB 9323.2 - Actions by the Board. (Government Code 54956)

At least 24 hours before the noticed start time ~~of the meeting~~, written notice of a special ~~meetings~~County Board meeting shall be ~~delivered~~: (Government Code 54953.8, 54953.8.3, 54956)

1. Delivered personally or by any other means to all County Board members and the local media who have requested such notice in writing~~. The notice also shall be posted~~

2. Posted on the County Board's and/or COE's website~~,~~ and~~, at least 24 hours before the time of the meeting,~~ in a location freely accessible to the public~~.~~

3. Posted in any location required by County Board Bylaw 9320.1 - Remote Meetings and Attendance

The notice shall specify the time and location of the special County Board meeting and the business to be transacted or discussed. No other business shall be considered ~~at this meeting~~. (Government Code 54956)

Any County Board member may waive the 24-hour written notice requirement prior to the time of the special County Board meeting by filing a written waiver of notice with the clerk or secretary of the County Board or by being present at the meeting at the time it convenes. ~~(Government Code 54956)~~

~~Every notice of a special meeting shall provide an opportunity for members of the public to directly address the County Board concerning any item that has been described in the meeting notice, before or during the item's consideration.~~ ~~(Government Code 54954.3)~~ (Government Code 54956)

**Emergency Meetings**

CSBA NOTE: The emergency County Board meeting provisions in Government Code 54956.5 differ from the provisions in Government Code 54953.8.2, as added by SB 707 (Ch. 327, Statutes of 2025), that permit a remote County Board meeting based on a proclaimed state of emergency or local emergency. The former permits the County Board to hold an urgent County Board meeting without the 24-hour notice and posting requirements, while the latter permits the County Board to meet remotely without the requirement to post the physical location of County Board members.

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board may hold an emergency County Board meeting ~~without complying~~as long as it complies with all requirements of a special County Board meeting, except the 24-hour notice and/or 24-hour posting ~~requirement for special meetings pursuant to Government Code 54956.~~requirements. (Government Code 54956.5)

The County Board may meet in closed session during an emergency ~~meetings~~County Board meeting so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

~~The County Board shall comply with all other requirements for special meetings during an emergency meeting.~~ ~~(Government Code 54956.5)~~

CSBA NOTE: Government Code 54956.5 requires the County Board president or designee to give notice of an emergency County Board meeting by telephone at least one hour before the meeting to the local media that have requested notice of special County Board meetings or, as amended by AB 2350 (Ch. 565, Statutes of 2024), by email.

Except in the case of a dire emergency, the County Board president or designee shall give notice of the emergency County Board meeting by telephone or email at least one hour before the meeting to the local media that have requested notice of special County Board meetings. ~~All~~As applicable, all telephone numbers or email addresses provided by the media in the most recent request for

notification shall be exhausted. If telephone or internet services are not functioning, the notice requirement of one hour is waived and, as soon after the emergency County Board meeting as possible, the County Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the County Board. In the case of a dire emergency, the County Board president or designee shall give such notice at or near the time notification as is given to the other members of the County Board. (Government Code 54956.5)

The minutes of the emergency County Board meeting, a list of persons the County Board president or designee notified or attempted to notify, a copy of the ~~rollcall~~roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon as possible after the meeting ~~as possible~~. (Government Code 54956.5)

An *emergency* means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the County Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the County Board to provide one-hour notice before holding an emergency County Board meeting may endanger the public health and/or safety as determined by a majority of the members of the County Board. (Government Code 54956.5)

**Adjourned/Continued Meetings**

The County Board may adjourn/continue any regular or special County Board meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the County Board may adjourn/continue such a meeting. If no County Board members are present, the secretary or the clerk may declare the County Board meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special County Board meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where the County Board meeting was held. (Government Code 54955)

**Study Sessions, Retreats, Public Forums, and Discussion Meetings**

CSBA NOTE: The following section is optional and may be revised to reflect ~~County Board~~local practice. Pursuant to Government Code 54954.2, the County Board ~~must still~~is required to comply with the public notice requirements when holding a study session, retreat, public forum, or other such County Board meeting.

The County Board may convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. ~~The~~Additionally, the County Board may ~~also~~ convene a retreat ~~or discussion meeting~~ to discuss County Board roles and relationships. Any such County Board meeting, regardless of title or topic, shall be held as a regular

or special County Board meeting, as appropriate, and shall comply with all other requirements for regular or special County Board meetings. (Government Code 54956)

**Other Gatherings**

Attendance by a majority of County Board members at any of the following events is not subject to the Brown Act provided that a majority of the County Board members do not discuss specific County Board business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to county board members

2. An open, publicized meeting organized by a person or organization other than the County Board or COE to address a topic of local community concern

3. An open and noticed meeting of another body of the COE

4. An open and noticed meeting of a legislative body of another local agency

5. A purely social or ceremonial occasion

6. An open and noticed meeting of a standing committee of the County Board established pursuant to County Board Bylaw 9130 - Board Committees, provided that the County Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a County Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

**Location of Meetings**

Unless the County Board is holding a ~~teleconference~~remote County Board meeting during a proclaimed state of emergency or local emergency in accordance with County Board Bylaw 9320.1 - Remote Meetings and Attendance, all County Board meetings shall be held within COE boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the COE is a party

2. Inspect real or personal property which cannot conveniently be brought into the county, provided that the topic of the meeting is limited to items directly related to the property

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law

4. Meet in the closest meeting facility if the COE has no meeting facility within its boundaries or if its principal office is located outside the county

5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the COE over which the state or federal officials have jurisdiction

6. Meet in or near a facility owned by the COE but located outside the county, provided the meeting agenda is limited to items directly related to that facility

7. Visit the office of ~~the~~ ~~County~~ ~~Board's~~ legal counsel ~~for~~ ~~a~~to meet in closed session on pending litigation, when doing so would reduce legal fees or costs

8. Attend conferences on nonadversarial collective bargaining techniques

All County Board meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special County Board meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the County Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the

most rapid available means of communication.

**Traditional Teleconferencing**

A County Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met (Government Code 54953): (Government Code 54954)

1. All votes taken during the meeting are by rollcall

2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency

3. The location of the County Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the County Board member participating by teleconference, may hear/listen to the meeting to the same extent as the County Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the County Board member participating by teleconference

4. The location of the County Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the County Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting

5. At least a quorum of the members is within the COE boundaries

**Teleconferencing by Individual County Board Member Due to Just Cause**

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a County Board member, until January 1, 2026, to participate in a meeting by teleconference for just cause, as described below. County Boards should be aware that the choice to participate in a meeting by teleconference due to just cause is at the sole discretion of the County Board member and can be exercised at any time. Therefore, it is recommended that the County Board consider including teleconference access, as described below, as part of every meeting. The County Board is also encouraged to consult CSBA's District and County Office of Education Legal Services or COE legal counsel to determine the best means of complying with Government Code 54953.

Until January 1, 2026, when there is "just cause" preventing a County Board member from attending a County Board meeting in person, that County Board member may participate in that meeting by teleconference without: (Government Code 54953):

1. Including the location of the County Board member participating by teleconference in the agenda

2. Making the location of the County Board member participating by teleconference open and accessible to the public

3. Posting the agenda at the location of the County Board member participating by teleconference

A County Board member needing to participate by teleconference for just cause shall notify the County Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

For the County Board member to participate by teleconference under this section, all of the following are required (Government Code 54953):

1. All votes taken during the meeting are by rollcall

2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda

3. The County Board member utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953 requires County Board members participating by teleconference due to just cause to publicly disclose whether any individual 18 years of age or older is present at the County Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" County Board action is taken, but does not specify the frequency of such disclosures. One option is for the County Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the County Board member's location. Another option is for the County Board member to make separate disclosures before each County Board action. County boards are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual

5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the COE.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A County Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a County Board member to participate remotely

2. A contagious illness prevents a County Board member from attending in person

3. A County Board member has a need related to a physical or mental disability not otherwise reasonably accommodated

4. A County Board member is traveling while on official business of the County Board or another state or local agency

**Teleconferencing by Individual County Board Member Due to Emergency Circumstances**

CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a County Board member, until January 1, 2026, to participate in a meeting by teleconference due to emergency circumstances, as described below.

Until January 1, 2026, when a physical or family medical emergency would prevent a County Board member from attending a County Board meeting in person, that County Board member may request to participate in such meeting by teleconference. The County Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The County Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken

up by the County Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the County Board. (Government Code 54953, 54954.2)

If the request is granted by the County Board, the County Board member may participate by teleconference without: (Government Code 54953):

1. Including the location of the County Board member participating by teleconference in the agenda

2. Making the location of the County Board member participating by teleconference open and accessible to the public

3. Posting the agenda at the location of the County Board member participating by teleconference

For the County Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953):

1. All votes taken during the meeting are by rollcall

2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda

3. The County Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953 requires County Board members participating by teleconference due to emergency circumstances to publicly disclose whether any individual 18 years of age or older is present at the County Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" County Board action is taken, but does not specify the frequency of such disclosures. One option is for the County Board member to make the initial disclosure at the start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the County Board member's location. Another option is for the County Board member to make separate disclosures before each County Board action. County boards are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement.

4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual

5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the

platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the COE.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a County Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the County Board's regular meetings or for more than three consecutive months. If the County Board meets less than 10 times in a calendar year, a County Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

**Teleconference Meetings During a Proclaimed State of Emergency**

CSBA NOTE: Pursuant to Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), county boards are authorized to conduct meetings by teleconference as specified below when holding a meeting during a proclaimed state of emergency.

The County Board may conduct a County Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency

2. When the County Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The County Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of County Board members in the agenda

2. Making the locations of County Board members open and accessible to the public

3. Posting the agenda at the locations of County Board members

For the County Board to hold such meeting, all of the following are required: (Government Code 54953):

1. All votes taken during the meeting are by rollcall

2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

   If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the COE.

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the County Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the County Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The County Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the County Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the County Board to meet safely in person. (Government Code 54953)

**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 1011 | Times of regular meetings |
| Ed. Code 1012 | Special meetings |
| Ed. Code 35140 | Time and place of meetings |
| Ed. Code 35143 | Annual organizational meetings; date and notice |
| Ed. Code 35144 | Special meeting |

| | |
|---|---|
| ~~Ed. Code 35145~~ | ~~Public meetings~~ |
| ~~Ed. Code 35145.5~~ | ~~Agenda; public participation and regulations~~ |
| ~~Ed. Code 35146~~ | ~~Closed sessions; student matters~~ |
| ~~Ed. Code 35147~~ | ~~Open meeting laws exceptions~~ |
| Gov. Code 11135 | ~~Unlawful~~Prohibition of discrimination |
| Gov. Code 3511.1 | Local agency executives |
| Gov. Code 54950-54963 | The Ralph M. Brown Act |
| ~~Gov. Code 54953~~ | ~~Meetings to be open and public; teleconferencing~~ |
| ~~Gov. Code 54954~~ | ~~Time and place of regular meetings~~ |
| ~~Gov. Code 54954.2~~ | ~~Agenda posting requirements; board actions~~ |
| ~~Gov. Code 54956~~ | ~~Special meetings~~ |
| ~~Gov. Code 54956.5~~ | ~~Emergency meetings~~ |
| Gov. Code 7920.000-7930.215 | California Public Records Act |
| Gov. Code 8625-8629 | California Emergency Services Act |

| **Federal** | **Description** |
|---|---|
| 28 CFR 35.160 | ~~Effective communications~~Effective communications for individuals with disabilities |
| 28 CFR 36.303 | ~~Auxiliary aids and services~~Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services |
| 42 USC 12101-12213 | ~~Equal opportunity for individuals with disabilities~~Americans with Disabilities Act |

| **Management Resources** | **Description** |
|---|---|
| Attorney General Opinion | 78 Ops.Cal.Atty.Gen. 327 (1995) |
| Attorney General Opinion | 88 Ops.Cal.Atty.Gen. 218 (2005) |
| Attorney General Opinion | 84 Ops.Cal.Atty.Gen. 30 (2001) |
| Attorney General Opinion | 84 Ops.Cal.Atty.Gen. 181 (2001) |
| Attorney General Opinion | 79 Ops.Cal.Atty.Gen. 69 (1996) |
| Court Decision | Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226 |
| Court Decision | Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208 |
| Court Decision | Wolfe v. City of Fremont (2006) 144 Cal.App.4th 533 |

| | |
|---|---|
| CSBA Publication | The Brown Act: School Boards and Open Meeting Laws, rev. 2014 |
| Institute for Local Government Publication | The ABCs of Open Government Laws |
| League of California Cities Publication | ~~Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010~~Open and Public V: A Guide to the Ralph M. Brown Act, 2016 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | CSBA, GAMUT Meetings |
| Website | Institute for Local Government |
| Website | League of California Cities |
| ~~Website~~ | ~~Institute for Local Government~~ |
| Website | California Attorney General's Office |
| Website | CSBA |

**Cross References**

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0420.44 | Appeals Of District Decisions Regarding Charter Schools |
| ~~0450~~0420.4 | ~~Comprehensive Safety Plan~~Authorization of County Charter Schools |
| ~~0450~~0420.43 | ~~Comprehensive Safety Plan~~Revocation of County Charter Schools |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113~~ | ~~County Office of Education And School Websites~~ |
| ~~1113-E(1)~~ | ~~County Office of Education And School Websites~~ |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| ~~1160~~ | ~~Political Processes~~ |
| ~~1220~~ | ~~Citizen Advisory Committees~~ |

| | |
|---|---|
| ~~1220~~ | ~~Citizen Advisory Committees~~ |
| ~~1330~~ | ~~Use Of County Office Facilities~~ |
| ~~1330~~ | ~~Use Of County Office Facilities~~ |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| ~~3280~~1431 | ~~Sale Or Lease Of County Office-Owned Real Property~~Waivers |
| ~~3280~~3100 | ~~Sale Or Lease Of County Office-Owned Real Property~~Budget Adoption and Revision |
| ~~3311~~3100 | ~~Bids~~Budget Adoption and Revision |
| ~~3311~~9000 | ~~Bids~~Role Of The Board |
| ~~3312~~9005 | ~~Contracts~~Governance Standards |
| ~~3314~~ | ~~Payment For Goods And Services~~ |
| ~~3314~~ | ~~Payment For Goods And Services~~ |
| ~~3471~~ | ~~Parcel Taxes~~ |
| ~~3516~~ | ~~Emergencies And Disaster Preparedness Plan~~ |
| ~~3516~~ | ~~Emergencies And Disaster Preparedness Plan~~ |
| ~~4117.14~~ | ~~Postretirement Employment~~ |
| ~~4141.6~~ | ~~Concerted Action/Work Stoppage~~ |
| ~~4141.6~~ | ~~Concerted Action/Work Stoppage~~ |
| ~~4241.6~~ | ~~Concerted Action/Work Stoppage~~ |
| ~~4241.6~~ | ~~Concerted Action/Work Stoppage~~ |
| ~~4317.14~~ | ~~Postretirement Employment~~ |
| 9012 | Board Member Electronic Communications |
| 9100 | Organization |
| 9121 | President |
| 9130 | Board Committees |
| 9140 | Board Representatives |
| 9220 | Governing Board Elections |
| 9220-E(1) | Governing Board Elections |
| 9230 | Orientation |

| | |
|---|---|
| 9240 | Board Training |
| 9270 | Conflict Of Interest |
| 9270-E(1) | Conflict Of Interest |
| 9310 | Board Policies |
| 9320.1 | Remote Meetings and Attendance |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |
| 9322 | Agenda/Meeting Materials |
| 9323 | Meeting Conduct |
| 9323.2 | Actions By The Board |
| 9323.2-E(1) | Actions By The Board |
| 9324 | Minutes And Recordings |
| 9400 | Board Self-Evaluation |
| 9500 | County Superintendent's Remuneration |

## County Board Bylaw 9320.1: Remote Meetings and Attendance

**Status:** ADOPTED

**Original Adopted Date:** 02/01/2026 **| Last Reviewed Date:** 02/01/2026

CSBA NOTE: The following County Board bylaw specifies the circumstances in which the County Board of Education is legally permitted to meet remotely and in which individual County Board members are permitted to attend and participate remotely in a County Board meeting.

The County Board of Education recognizes the need, when permitted by law, to hold County Board meetings in which the County Board members meet remotely or in which individual County Board members attend and participate remotely.

**Definitions**

*Local emergency* means either of the following that impacts persons under the jurisdiction of the county office of education (COE) or property within the boundaries of the COE: (Government Code 54953.8.2)

1. A condition of extreme peril proclaimed by a city, county, or city and county pursuant to Government Code 8630

2. A local health emergency proclaimed pursuant to Health and Safety Code 101080

*Remote* means not being physically present at the primary in-person location of a County Board meeting, and includes the terms "teleconference" and "virtual."

*Remote attendance and participation* means the ability to attend and participate in a County Board meeting by electronic means, through either audio or visual technology, or both.

*Remote County Board Member* means a County Board member, not physically present at the County Board meeting, who nonetheless seeks to attend and participating in a County Board meeting.

*State of Emergency* means state of emergency proclaimed pursuant to Government Code 8625.

**Traditional Method of Remote Attendance**

A remote County Board member may attend and participate in a County Board meeting so long as all of the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall

2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board

3. The physical location of the remote County Board member is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the remote County Board member; may hear, listen to, or watch the meeting to the same extent as the remote County Board member; and may make public comment during the same portion of the agenda as other members of the public from the

same location as the remote County Board member

4. The location from which the remote County Board member will attend the meeting is noted in the agenda and the agenda is posted at that location in advance of the meeting as statutorily required based on the type of meeting

5. At least a quorum of the County Board is within COE boundaries

**Remote Attendance as an Accommodation**

CSBA NOTE: In 107 Ops.Cal.Atty.Gen. 107, the Attorney General opined that a Board member with a qualifying disability under the federal Americans with Disability Act (ADA) is required to be offered remote attendance and participation as a reasonable accommodation. While the Attorney General did not prescribe all of the conditions and requirements of such a reasonable accommodation, the opinion found that it is required to be "done in a manner that simulates in-person attendance." Additionally, Government Code 54953, as amended by SB 707 (Ch. 327, Statutes of 2025), permits remote attendance and participation as a reasonable accommodation for a County Board member with a disability but requires that the County Board member (1) participate through both audio and visual technology, except that any County Board member with a disability may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera, and (2) disclose at the County Board meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the County Board member, and the general nature of the member's relationship with any of those individuals. The remote County Board member in this circumstance is considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location.

With respect to the requirement to disclose whether any other individuals 18 years of age or older are present in the room at the location with the remote County Board member, and the general nature of the member's relationship with any of those individuals, Government Code 54953, as amended by SB 707, does not specify the frequency of such disclosures. One option is for the remote County Board member to make the initial disclosure at the start of the County Board meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the room. Another option is for the remote County Board member to make separate disclosures before each County Board action. It is recommended that county boards consult CSBA's District and County Office of Education Legal Services or other legal counsel to determine the best means of complying with this requirement.

A County Board member with a qualifying disability under the Americans with Disabilities Act that precludes the County Board member from attending a County Board meeting in person or from attending and participating remotely in a County Board meeting using the method specified in "Traditional Method of Remote Attendance" above may request to attend and participate remotely as a reasonable accommodation for the County Board member's disability.

If the request is granted based on the County Board's process for reviewing reasonable accommodations, the remote County Board member shall be permitted to attend and participate in the County Board meeting as long as the following requirements are met: (Government Code 54953)

CSBA NOTE: While Government Code 54953 does not require that all votes be taken by rollcall when a remote County Board member attends and participates as an accommodation, it is the practice required for every other situation in which there is remote attendance and participation as a means to ensure vote clarity. Item #1 below incorporates this approach and should be modified to reflect local practice.

1. All votes taken during the meeting are by rollcall

2. The remote County Board member utilizes both audio and visual technology to participate in the meeting, except no visual technology shall be required if a physical condition related to their disability results in a need to participate off camera

3. The remote County Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the County Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the following conditions are not required: (Government Code 54953)

1. Including the location of the remote County Board member in the agenda

2. Making the location of the remote County Board member open and accessible to the public

3. Posting the agenda at the location of the remote County Board member

Additionally, in this circumstance, the remote County Board member shall be considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location. (Government Code 54953)

These requirements and conditions may be modified as required by law or another reasonable accommodation may be offered as appropriate.

**Remote Attendance Due to Just Cause**

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, authorizes a remote County Board member to attend and participate in a County Board meeting for "just cause," as described below. This authorization, which goes into effect July 1, 2026, replaces prior provisions which authorized a remote County Board member to attend and participate in a County Board meeting for "just cause" or "emergency circumstances."

Beginning July 1, 2026, a remote County Board member may attend and participate in a County Board meeting based on any of the following "just cause" reasons: (Government Code 54953.8.3)

1. A childcare or caregiving need of a County Board member's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the County Board member to attend and participate remotely

2. A contagious illness that prevents a County Board member from attending in person

   CSBA NOTE: Item #3 below is for a County Board member's physical or mental condition for which remote attendance is not required as a reasonable accommodation under the ADA. For more information about reasonable accommodations under the ADA, see "Remote Attendance as an Accommodation" above.

3. A need related to a County Board member's physical or mental condition not otherwise reasonably accommodated

4. A County Board member is traveling while on official business of the County Board or another state or local agency

5. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of a County Board member requires the County Board member to attend and

participate remotely

6. A physical or family medical emergency prevents a County Board member from attending in person

7. Military service obligations that result in a County Board member being unable to attend in person because the County Board member is serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the County Board member to be at least 50 miles outside the boundaries of the COE

The remote County Board member shall notify the County Board at the earliest possible opportunity, including at the start of a County Board meeting, of the need to attend and participate remotely for just cause, including the general circumstances of the County Board member's need to attend and participate remotely. The remote County Board member need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law. The minutes for the County Board meeting shall identify the specific provision that is the basis for the just cause. (Government Code 54953, 54953.8.3)

Additionally, when a remote County Board member attends and participates in a County Board meeting based on just cause, all of the following conditions shall be met: (Government Code 54953, 54953.8, 54953.8.3)

1. All votes taken during the meeting are by rollcall

2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board

3. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

   The platform or service may require members of the public to register in order to make public comments as long as the platform or service is not controlled by the COE.

4. The agenda for the meeting includes information describing how members of the public can access the platform or service and how members of the public can offer public comment

5. The minutes of the County Board meeting state that the remote County Board member attended and participated remotely

6. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda and which is within COE boundaries and is open to the public

7. The remote County Board member utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, requires a remote County Board member attending and participating due to just cause to publicly disclose whether any individual 18 years of age or older is present in the room with the remote County Board member and, if so, the general nature of the member's relationship with each such individual before "any" County Board action is taken, but does not specify the frequency of such disclosures. One option is for the remote County Board member to make the initial disclosure at the start of the County Board meeting and then make additional disclosures, if

needed, each time an individual 18 years of age or older enters or exits the room. Another option is for the remote County Board member to make separate disclosures before each County Board action. It is recommended that county boardss consult CSBA's District and County Office of Education Legal Services or other legal counsel to determine the best means of complying with this requirement.

8. The remote County Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the County Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the agenda need not include the location of the remote County Board member or be posted at that location, and the location of the remote County Board member need not be open and accessible to the public. (Government Code 54953, 54953.8)

The County Board shall give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. (Government Code 54953.8)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the County Board meeting may continue but the County Board may not take action on any agenda item until public access to the meeting is restored. (Government Code 54953.8)

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, sets an annual limit on the number of times a remote County Board member can attend and participate in a County Board meeting for just cause, which is based on the frequency of the County Board's regular meetings. County Boards should select the option below which best aligns with its regular County Board meeting frequency.

A remote County Board member may attend and participate in no more than two County Board meetings per year for just cause. (Government Code 54953.8.3)

CSBA NOTE: Pursuant to Government Code 54953.8.3, as added by SB 707, a "meeting," for the purpose of counting remote attendance and participation, is defined as any number of County Board meetings that begin on the same calendar day.

A remote County Board member's attendance and participation in multiple County Board meetings that begin on the same calendar day shall only count as one County Board meeting for purposes of this limit.

**Remote County Board Meetings During a Proclaimed State of Emergency**

CSBA NOTE: Government Code 54953.8.2, added by SB 707, supplanted the authority previously contained in Government Code 54953 related to remote County Board meetings during a proclaimed state of emergency and expanded that authority to address local emergencies.

The County Board may conduct a remote County Board meeting during a proclaimed state of emergency or local emergency in either of the following circumstances: (Government Code 54953.8.2)

1. For the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency

2. When the County Board, pursuant to Item #1 above, has determined that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

In either such circumstance, the County Board may hold a remote County Board meeting without: (Government Code 54953.8, 54953.8.2)

1. Including the location of County Board members in the agenda

2. Making the locations of County Board members open and accessible to the public

3. Posting the agenda at the locations of County Board members

4. Having at least a quorum of the County Board members within the COE boundaries

When the County Board holds such a meeting, all of the following shall be followed: (Government Code 54953.8, 54953.8.2)

1. All votes taken during the meeting are by rollcall

2. The public is able to access the meeting via a call-in or audiovisual platform or service, with real-time observation of the meeting and public comment being allowed via the platform or service

   The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the COE.

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

The County Board may continue to conduct all County Board meetings remotely throughout one or more 45-day periods as long as, prior to the beginning of each 45-day period, the County Board has reconsidered the circumstances of the proclaimed state of emergency or local emergency and determined that it continues to directly impact the ability of the County Board to meet safely in person. (Government Code 54953.8.2)


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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 1011 | Time of regular meetings |
| Ed. Code 1012 | Special meetings |
| Gov. Code 11135 | Prohibition of discrimination |
| Gov. Code 3511.1 | Local agency executives |
| Gov. Code 54950-54963 | The Ralph M. Brown Act |
| Gov. Code 7920.000-7930.215 | California Public Records Act |
| Gov. Code 8625-8629 | California Emergency Services Act |
| Gov. Code 8630 | Local emergency |
| H & S Code 101080 | Local health emergency |

| Federal | Description |
|---|---|
| 28 CFR 35.160 | Effective communications for individuals with disabilities |
| 28 CFR 36.303 | Nondiscrimination on the basis of disability; public accommodations, auxiliary aids, and services |
| 42 USC 12101-12213 | Americans with Disabilities Act |

| Management Resources | Description |
|---|---|
| Attorney General Opinion | 78 Ops.Cal.Atty.Gen. 327 (1995) |
| Attorney General Opinion | 79 Ops.Cal.Atty.Gen. 69 (1996) |
| Attorney General Opinion | 84 Ops.Cal.Atty.Gen. 181 (2001) |
| Attorney General Opinion | 84 Ops.Cal.Atty.Gen. 30 (2001) |
| Attorney General Opinion | 88 Ops.Cal.Atty.Gen. 218 (2005) |
| Attorney General Opinion | 107 Ops.Cal.Atty.Gen. 107 (2024) |
| Court Decision | Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226 |
| Court Decision | Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208 |
| Court Decision | Wolfe v. City of Fremont (2006) 144 Cal.App.4th 533 |
| CSBA Publication | The Brown Act: School Boards and Open Meeting Laws, rev. 2023 |
| Institute for Local Government Publication | The ABCs of Open Government Laws |

| | |
|---|---|
| League of California Cities Publication | Open and Public V: A Guide to the Ralph M. Brown Act, 2016 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | CSBA, GAMUT Meetings |
| Website | Institute for Local Government |
| Website | League of California Cities |
| Website | California Attorney General's Office |
| Website | CSBA |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| 9000 | Role Of The Board |
| 9005 | Governance Standards |
| 9012 | Board Member Electronic Communications |
| 9100 | Organization |
| 9121 | President |
| 9130 | Board Committees |
| 9140 | Board Representatives |
| 9230 | Orientation |
| 9240 | Board Training |
| 9310 | Board Policies |
| 9320 | Board Meetings And Notices |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |
| 9322 | Agenda/Meeting Materials |
| 9323 | Meeting Conduct |
| 9323.2 | Actions By The Board |

| | |
|---|---|
| 9323.2-E(1) | Actions By The Board |
| 9324 | Minutes And Recordings |
| 9400 | Board Self-Evaluation |

## County Board Bylaw 9322: Agenda/Meeting Materials

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2016 **| Last Revised Date:** ~~06~~02/01/~~2023~~2026 **| Last Reviewed Date:** ~~06~~02/01/~~2023~~2026

~~**Agenda Content**~~

County Board of Education meeting agendas shall reflect the County Board's vision and goals, including a focus on student learning and well-being.

CSBA NOTE: Government Code 54954.2 requires County Board of Education meeting agendas to briefly describe each item to be discussed, including closed session items, and states that a brief general description of an item generally need not exceed 20 words. For information regarding the different types of meetings and meeting location requirements, including those related to teleconferenced meetings, see BB 9320 - Meetings and Notices. For information regarding remote meetings and attendance, see BB 9320.1 – Remote Meetings and Attendance. For agenda requirements regarding closed session agenda items, see BB 9321 - Closed Session.

Each agenda shall state the meeting time and ~~place~~location(s) and shall briefly describe each item ~~of business to be transacted or discussed~~listed in the agenda, including items to be discussed in closed session~~.~~ in accordance with County Board Bylaw 9321 – Closed Session. (Government Code 54954.2)

~~CSBA NOTE: The following optional paragraph is for county boards that use a consent agenda or calendar (i.e., the practice of grouping together as one agenda item several matters of a routine nature for which discussion may not be necessary and voting on them together as one item rather than taking action on each separate matter). It is important to limit the use of the consent agenda to noncontroversial matters and to establish rules that help ensure that any use of the consent agenda does not reduce transparency in the conduct of County Board business or result in violation of the open meeting laws. In addition, the County Board should be aware that, by law, certain items may not be placed on the consent agenda. For example, pursuant to Government Code 54960.2, the County Board's decision to approve or rescind its unconditional commitment to refrain from taking certain actions in violation of the Brown Act must be made as a separate item and not on the consent agenda. See BB 9323.2 - Actions by the Board.~~

For a regular meeting, the County Board may consider an item not included in the posted agenda in accordance with County Board Bylaw 9323.2 – Actions by the Board.

~~In order to promote efficient meetings, the County Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall address matters of a routine nature for which County Board discussion is not anticipated and for which approval is recommended. When any County Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item.~~

## Public Comment

CSBA NOTE: Education Code 35145.5 **mandates** the County Board to adopt regulations which ensure that the public can address the County Board regarding matters within the subject matter jurisdiction of the County Board.

The agenda shall provide members of the public an opportunity to address the County Board on any agenda item~~, including any consent agenda item,~~ before or during the County Board's consideration of the item~~. The agenda for a regular meeting shall also provide members of the public an opportunity~~, including items to ~~address the~~be considered in closed session in accordance with County Board Bylaw 9321 – Closed Session and items listed on ~~matters within the subject matter jurisdiction of the County Board which are not on the agenda.~~the consent agenda. (Education Code 35145.5; Government Code 54954.3)

CSBA NOTE: Government Code 54954.3 authorizes reasonable regulations regarding public comment, including establishing limits on the total amount of time allocated for public testimony and for each individual speaker.

There are different practices regarding public comment. Option 1 below reflects that members of the public are provided with one opportunity to address the County Board on all open session agenda items. Option 2 below reflects that members of the public are provided with separate opportunities to address the County Board on each open session agenda item. County Boards should select and complete the option below that reflects local practice or modify an option below to reflect local practice.

~~The~~ Before any other open session agenda ~~does not~~item, there shall be one public comment item on every meeting agenda to give members of the public the opportunity to address the County Board on any item on the open session agenda. The public comment period shall last no longer than 20 minutes unless extended in accordance with County Board Bylaw 9323 – Meeting Conduct. No member of the public may be permitted to speak more than once during this item.

CSBA NOTE: Government Code 54954.3 provides an exception to the public comment requirement when the item was previously considered by a committee comprised exclusively of County Board

members and, as amended by SB 707 (Ch. 327, Statutes of 2025), imposes additional requirements for when the exceptions may apply.

The agenda need ~~to~~not provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of County Board members, provided that ~~members of the public were afforded an opportunity to comment on the item before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it.~~ ~~(Government Code 54954.3)~~

~~The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a County Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953~~all of the following conditions were met: (Government Code 54954.3)

1. Members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item

2. The item has not been substantially changed since the committee considered it

3. A quorum of the committee attended and participated in the committee meeting at which the item was considered from a singular physical location that was clearly identified on the agenda, open to the public, and situated within the boundaries of the county office of education (COE)

4. Any other applicable provisions of Government Code 54954.3

Additionally, the agenda for a regular meeting shall provide members of the public with an opportunity to address the County Board regarding matters within the subject matter jurisdiction of the County Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The notice and agenda shall include information describing how members of the public can access the platform or service and how members of the public can offer public comment if required pursuant to County Board Bylaw 9320.1 – Remote Meetings and Attendance.

**Disability-Related Accommodations or Modifications**

CSBA NOTE: Government Code 54954.2 requires that the agenda include information regarding how, when, and to whom a request for a disability-related accommodation or modification may be made. Additionally, Government Code 54953.8, as ~~amended~~added by ~~AB 2449 (Ch. 285, Statutes of 2022), requires~~SB 707, restates the requirements from Government Code 54953 which provides that county boards ~~to~~ maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the

Americans with Disabilities Act~~,~~ (ADA) (42 USC 12132), and to resolve any doubt in favor of accessibility. ~~See BB 9320 - Meetings and Notices.~~ The following paragraph should be modified to reflect ~~county office of education (COE)~~local practice as to when and to whom such a request should be made.

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the ~~County Board~~ meeting, as well as the procedure for receiving and resolving such requests as required by law. ~~(Government Code 54953, 54954.2)~~

~~Any County Board action that involves borrowing $100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda.~~ ~~(Government Code 53635.7~~(Government Code 54953.8, 54954.2)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda for a regular meeting ~~must~~is required to include the address of the location where the public can inspect any materials that are related to an open session item and are distributed to the County Board less than 72 hours before that meeting. In *Fowler v. City of Lafayette*, the ~~court~~California Appellate Court clarified that the disclosure requirements of Government Code 54957.5 also apply to claims or written threats of litigation pursuant to Government Code 54956.9.

~~See section below entitled "~~For more information regarding the dissemination of agenda materials to the public, see "Regular Meeting Agenda Dissemination to Members of the Public~~."~~" and "Special Meeting Agenda Dissemination to Members of the Public" below.

Each agenda for a regular meeting shall list the address designated for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the ~~county office of education (COE)~~COE to be discussed in closed session, when such documents have been distributed to the County Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

CSBA NOTE: ~~The following paragraph is optional.~~ Pursuant to Education Code 49073.2, the County Board is prohibited from including in its minutes a student's directory information, as defined in Education Code 49061, or a parent/guardian's personal information, as defined in Education Code 49073.2, when the student or parent/guardian requests that such information be excluded; see BB 9324 - Minutes and Recordings. In order to notify students and parents/guardians of the right to request that such information be withheld, the ~~County Board should consider~~following paragraph requires including such a statement in each agenda and should be modified to reflect local practice.

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. ~~The~~Additionally, the agenda shall ~~also~~ state that the request must be made in writing to the secretary or clerk of the County Board.

**Agenda Preparation**

CSBA NOTE: The involvement of the County Superintendent of Schools in County Board agenda preparation is based on the County Superintendent's role as the ex officio secretary and executive officer of the County Board, pursuant to Education Code 1010.

The County Board president and the County Superintendent of Schools, as secretary to the County Board, shall work together to develop the agenda for each ~~regular and special meeting~~meeting, including whether an item requires County Board action and whether an item shall be considered in open or closed session.

CSBA NOTE: Education Code 35145.5 mandates that district boards adopt reasonable regulations to ensure that members of the public can place matters directly related to school district business on board meeting agendas. Although 35145.5 does not explicitly discuss county boards, the same requirements likely apply to county boards.

The County Board is free to establish its own timelines for placing an item on the agenda, taking into account staff time and resources, as long as the established timeline is a reasonable one. In *Caldwell v. Roseville Joint Union High School District*, a federal district court upheld a school district bylaw requiring members of the public to submit a written request in order to place items on a meeting agenda. The case involved a violation of plaintiff's First Amendment rights when the district did not place an item on the agenda in response to plaintiff's oral request, allegedly because the district disagreed with plaintiff's religious beliefs. However, the court held that the district's bylaw requiring that requests first be made in writing was content-neutral and thus a reasonable restriction. The following paragraph, including the timelines, should be revised to reflect ~~County Board~~local practice.

Any member of the public, or an individual County Board member ~~or~~acting in that County Board member's capacity as a member of the public, may request that a matter within the subject matter jurisdiction of the County Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the County Superintendent and County Board president with supporting documents and information.

CSBA NOTE: In *Mooney v. Garcia*, ~~a~~the California ~~appeals court~~Appellate Court reaffirmed a board's discretion in determining whether an agenda item is within the subject matter jurisdiction of a governing board.

The County Board president and County Superintendent shall ~~initially~~ decide whether such a request ~~from a member of the public~~ is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board shall not be placed on the agenda. ~~In addition, before placing the item on the agenda, the~~ Additionally, if the County Board president and County Superintendent ~~shall~~ determine ~~if~~that the ~~item~~request is merely a request for information, ~~and if so, respond accordingly.~~

~~If a request from a County Board member to place an item on the agenda is denied, the member may ask the County Board to take action during a County Board meeting to determine whether the item shall~~then the request shall not be placed on the agenda.

~~The County Board president and County Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, whether the item should be an action item subject to County Board vote or an information item, and when the item is placed on the agenda.~~

~~Agenda Dissemination to County Board Members~~

~~CSBA NOTE: The following section is optional and should be modified to reflect County Board practice~~

CSBA NOTE: It is common practice for individual County Board members to be permitted to request that matters within the subject matter jurisdiction of the County Board be placed on an agenda. However, even if no such explicit permission exists, County Board members may do so as members of the public pursuant to Government Code 35145.5. The following two paragraphs, which should be modified to reflect local practice, create separate authority for individual County Board members to request that matters within the subject matter jurisdiction of the County Board be placed on an agenda and a process by which that request can be voted on by the County Board if it is denied.

A County Board member may request in writing, at a meeting as part of a related open session item, or at a meeting as part of an open session item intended for this purpose that a specific matter within the subject matter jurisdiction of the County Board be placed on an upcoming County Board agenda. Within thirty (30) days of receiving the request, the County Board member shall be informed by the County Board president if the request has been approved or denied by the County Board president and County Superintendent.

If the request is approved, the County Board president and County Superintendent shall inform the County Board member of the general timeframe that the matter will be placed on an agenda, on which part of the agenda the item will appear, and whether the item requires action by the County Board. If the request is denied, the County Board president and County Superintendent fail to provide a response to the request, or the requesting County Board member disagrees with the timeframe that the matter will be placed on an agenda, on which part of the agenda the item will appear, or whether the item requires action by the County Board, then the County Board member may appeal the response to the request to the County Board. The County Board president and County Superintendent shall place the appeal on the next upcoming regular meeting agenda for County Board action, but only as to whether, when, and how to agendize the requested matter. If a majority of the County Board agrees with the appeal, the item will be considered in accordance with the decision of the majority of the County Board.

CSBA NOTE: The following optional paragraph is for county boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. It is important for such county boards to limit the use of the consent agenda to noncontroversial matters and to establish rules that help ensure that any use of the consent agenda does not reduce transparency in the County Board's conduct of county office of education (COE) business or result in violation of the open meeting laws. Additionally, county boards should be aware that, by law, certain items may not be placed on the consent agenda. For more information regarding what item may not be placed on the consent agenda, see BB 9323.2 - Actions by the Board.

In order to promote efficient meetings, the County Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda, except as required by law. Consent items shall be items of a routine nature for which County Board discussion is not anticipated and for which the County Superintendent recommends approval.

## Agenda Dissemination to County Board Members

CSBA NOTE: Pursuant to Government Code 7921.310, when the County Board, in the conduct of its duties, is authorized by law to access any writing of the COE, including the agenda and supporting documents, discrimination between or among County Board members as to when and which records will be made available is prohibited.

~~CSBA's GAMUT Meetings, an electronic board meeting agenda service for use by COEs, allows development of and access to County Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's website.~~

At least 72 hours before each regular meeting, each County Board member shall be provided a copy of the agenda and ~~agenda packet~~all related materials, including any reports from the County Superintendent; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting. Additional materials related to agenda items may be distributed to the County Board less than 72 hours before each regular meeting, as permitted by law.

CSBA NOTE: Government Code 54956, as amended by SB 707, only refers to the authority to "call" and "notice" a special meeting. However, in practice these terms, particularly "notice," are synonymous with "agenda." The following paragraph utilizes the term "agenda" and should be modified to reflect local practice.

When special meetings are called, County Board members shall receive~~,~~ the agenda and all related materials at least 24 hours prior to the meeting~~, notice of the business to be transacted.~~. (Government Code 54956)

County Board members shall review the agenda and all related materials before each regular or special meeting. Individual County Board members may confer directly with the County Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of County Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the County Board.

### Regular Meeting Agenda Dissemination to Members of the Public

~~Agenda~~The agenda and all related materials distributed to the County Board related to a regular meeting shall be made available to the public upon request without delay. However, only those documents which are public records under the California Public Records Act (CPRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be disclosed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

~~CSBA NOTE: Pursuant to Government Code 54954.2, at least 72 hours prior to a regular County Board meeting, the agenda for the meeting must be posted on the COE's website, if it has one, and at a location that is freely accessible to the public. The Attorney General has determined~~CSBA NOTE: The Attorney General opined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may

be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the ~~term~~ ~~"freely~~ ~~accessible"~~ ~~requires~~ ~~that~~requirement for the agenda to be posted in a ~~"freely~~ accessible" location ~~where~~means it can be read by the public at any time, including evening hours, during the 72 hours immediately preceding the meeting. ~~Also see BB 9320 - Meetings and Notices.~~

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.2 requires that the agenda be posted on the homepage of the COE's website, if it has one, in accordance with law. COEs that use an integrated agenda management platform, such as CSBA's GAMUT Meetings, may provide a direct link on the homepage of the COE's website to access agendas posted on the platform. Pursuant to Government Code 54954.2, the link must not be solely accessible through a contextual menu, and the agenda must be posted in a format which is retrievable, downloadable, indexable, electronically searchable by commonly used Internet search applications, available to the public free of charge, and without any restriction that would impede the reuse or redistribution of the agenda.

The Attorney General has opined in 99 Ops.Cal.Atty.Gen. 11 (2016) that the Brown Act regular meeting online agenda posting provision contained within Government Code 54954.2 is not necessarily violated when a local agency's website experiences technical difficulties that cause the agenda to become inaccessible to the public for a portion of the 72 hours that precede the scheduled meeting. If the local agency has otherwise substantially complied with the Brown Act agenda posting requirements, the legislative body may lawfully hold its regular meeting as scheduled.

Pursuant to Government Code 54957.5, ~~as amended by AB 2647 (Ch. 971, Statutes of 2022),~~ the COE may post on the COE's website any writing related to an open session item of a regular County Board meeting which is distributed to County Board members less than 72 hours before the meeting, when, due to the closure of the location designated for inspection, the writing is not available for inspection by the public. To post such a writing, the requirements specified in Items #1-4 below must be met. COEs with questions regarding this exception are encouraged to consult CSBA's District and County Office of Education Legal Services or ~~COE~~other legal counsel.

~~In addition~~Additionally, the agenda shall be posted on the homepage of the COE website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the COE's agenda management platform in accordance with Government Code 54954.2. When the COE utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the website with the County Board meeting agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a writing which relates to an open session agenda item, or which contains a claim or written threat of litigation which will be discussed in closed session during a regular County Board meeting is distributed to the County Board less than 72 hours prior to the meeting, the writing shall be made available for public inspection at a designated location at the same time the document is distributed to all or a majority of the County Board. However, if the writing is distributed to at least a majority of the County Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the COE website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting

2. The writing is immediately posted on the COE's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting

3. The COE lists the website address where such writings may be accessed on all County Board meeting agendas

4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the ~~relevant~~ ~~County~~ ~~Board~~ meeting

~~CSBA NOTE: The following paragraph should be revised to reflect local practice. Pursuant to Government Code 54954.1, any COE that has a website is required to email a copy of, or a website link to, the County Board agenda or the documents constituting the agenda packet to any person who requests that such items by delivered by email. However, if it is determined that it is technologically infeasible to send the documents constituting the agenda packet by email or other electronic means, a copy of the agenda or a website link to the agenda must be sent by email, and a copy of the documents constituting the agenda packet must then be mailed to the person who requested the materials.~~

As County Board secretary, it is the responsibility of the County Superintendent or designee to mail a copy of the agenda or the documents constituting the agenda packet to any person who requests the items ~~and, if the person requests delivery by email, to email the materials or a website link to the materials to that person. The requested materials shall be emailed or~~. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the County Board, whichever occurs first. (Government Code 54954.1)

The County Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the County Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

~~CSBA NOTE: The following optional paragraph is for use by county boards that charge a fee for mailing the agenda or agenda packet.~~CSBA NOTE: Government Code 54954.1 authorizes the County Board to charge a fee for mailing the agenda or agenda packet as long as the fee does not exceed the cost of providing the service. Pursuant to Government Code 54957.5, a surcharge may not be imposed for providing the agenda and other public record documents in alternative formats to persons with disabilities. The following optional paragraph is for use by county boards that

charge a fee for mailing the agenda or agenda packet and should be deleted or modified to reflect local practice.

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the County Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the County Board or COE and distributed during ~~a public~~an open meeting shall be made available for public inspection at the meeting. Any document prepared by another person ~~and presented at the meeting~~ shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the ~~Public Records Act.~~CPRA. (Government Code 54957.5)

CSBA NOTE: Pursuant to Government Code 54954.1, upon request, the agenda and supporting documentation must be made available in appropriate alternative formats to persons with a disability, as required under the ~~Americans with Disabilities Act (42 USC 12132).~~ADA. Examples of alternative formats, also referred to as "auxiliary aids and services," are listed in 28 CFR 36.303 and include accessible electronic and information technology, audio recordings, or Braille materials.

Upon request, the County Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

**Special Meeting Agenda Dissemination to Members of the Public**

CSBA NOTE: The portions of the Brown Act related to the dissemination of the agenda and related materials are inconsistent in regard to whether they apply solely to regular meetings or are silent as to which type of meeting they apply. Out of an abundance of caution and to reflect common practice among county boards, the following section, which should be modified to reflect local practice, is written to extend the agenda dissemination requirements for regular meetings to special meetings. It is recommended that county boards with questions regarding special meeting agenda dissemination consult CSBA's District and County Office of Education Legal Services or other legal counsel.

The requirements for the dissemination of regular meeting agendas and related materials and writings to members of the public found in "Regular Meeting Agenda Dissemination to Members of the Public" shall be applicable to the dissemination of special meeting agendas and related materials and writings to members of the public except that the 24-hour requirement shall apply rather than the 72-hour requirement.

**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 35144 | Special meeting |
| Ed. Code 35145 | Public meetings |
| Ed. Code 35145.5 | Agenda; public participation and regulations |
| Ed. Code 49061 | Student records; definitions |
| Ed. Code 49073.2 | Privacy of student and parent/guardian personal information; minutes of board meeting |
| Gov. Code 53635.7 | Separate item of business |
| Gov. Code 54953 | Meetings; Americans with Disabilities Act accessibility |
| Gov. Code 54953.8 | Remote Meetings and Attendance |
| Gov. Code 54953.8.2 | State of emergency |
| Gov. Code 54954.1 | Mailed notice to property owners |
| Gov. Code 54954.2 | Agenda posting requirements; board actions |
| Gov. Code 54954.3 | Opportunity for public to address legislative body |
| Gov. Code 54954.5 | Closed session item descriptions |
| Gov. Code 54956 | Special meetings |
| Gov. Code 54956.5 | Emergency meetings |
| Gov. Code 54956.9 | Lawyer-client privilege for purpose of conducting closed session |
| Gov. Code 54957.5 | Public records |
| Gov. Code 54960.2 | Challenging board actions; cease and desist |
| ~~Gov. Code 7920.000-7930.170~~ | ~~California Public Records Act~~ |
| Gov. Code 7920.000-7930.215 | California Public Records Act |
| Gov. Code 95000-95029 | California Early Intervention Services Act |

| **Federal** | **Description** |
|---|---|
| 28 CFR 35.160 | Effective communications |
| 28 CFR 36.303 | Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services |
| 42 USC 12101-12213 | Equal opportunity for individuals with disabilities |

| **Management Resources** | **Description** |
|---|---|
| Attorney General Opinion | 78 Ops.Cal.Atty.Gen. 327 (1995) |
| Attorney General Opinion | 99 Ops.Cal.Atty.Gen. 18 (2016) |
| Attorney General Publication | The Brown Act: Open Meetings for Legislative Bodies, rev. 2003 |

| | |
|---|---|
| Court Decision | Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68 |
| Court Decision | Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86 |
| Court Decision | Mooney v. Garcia (2012) 207 Cal.App.4th 229 |
| Court Decision | Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318 |
| CSBA Publication | The Brown Act:  School Boards and Open Meeting Laws, rev. 2019 |
| CSBA Publication | Call to Order: A Blueprint for Great Board Meetings, 2018 |
| Website | CSBA |
| Website | California Attorney General's Office |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0420.44 | Appeals Of District Decisions Regarding Charter Schools |
| 1100 | Communication With The Public |
| 1112 | Media Relations |
| 1113 | County Office of Education And School Websites |
| 1113 | County Office of Education And School Websites |
| 1113-E(1) | County Office of Education And School Websites |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2-E(1) | Complaints Concerning Instructional Materials |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3100 | Budget Adoption And Revision |
| 3312 | Contracts |
| 3320 | Claims And Actions Against The County Office of Education |
| 3460 | Financial Reports And Accountability |
| 3460 | Financial Reports And Accountability |
| 9121 | President |

| | |
|---|---|
| 9150 | Student Board Members |
| 9320 | Meetings And Notices |
| 9320.1 | Remote Meetings and Attendance |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |
| 9323 | Meeting Conduct |
| 9323.2 | Actions by the Board |
| 9324 | Minutes And Recordings |

## County Board Bylaw 9323: Meeting Conduct

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2020 **| Last Revised Date:** ~~12~~02/01/~~2022~~2026 **| Last Reviewed Date:** ~~12~~02/01/~~2022~~2026

~~CSBA NOTE: Education Code 1040 mandates the~~All County Board of Education ~~to adopt rules~~meetings shall be conducted, and ~~regulations for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education. The following bylaw provides suggested rules and procedures for meeting conduct and reflects provisions of law as applicable.~~

~~The~~all County Board ~~of Education endeavors to conduct business efficiently and in a manner that promotes full and fair consideration of the issues and allows for meaningful participation of~~ members ~~of the public.~~

shall conduct themselves, in accordance with County Board Bylaw 9005 – Governance Standards.

**Meeting Procedures**

All County Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with County Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

CSBA NOTE: The law does not specify that a particular set of procedures ~~must~~is required to govern County Board of Education meetings. ~~Although~~However, it is common to use Robert's Rules of Order ~~can serve as a useful guide, the County Board may adopt any procedure that allows for the efficient and consistent conduct of meetings~~or Rosenberg's Rules of Order. The following paragraph should be modified to reflect local practice.

The County Board chair, who is either the County Board president or the County Board member chairing the meeting at the time if the County Board president is absent, shall conduct meetings in accordance with Robert's Rules of Order to enable the County Board by~~laws~~to efficiently consider issues and approved meeting ~~procedures~~carry out the will of the majority.

CSBA NOTE: The following optional paragraph limits the length of County Board meetings and should be revised to reflect ~~County Board~~local practice.

The County Board believes that late night meetings ~~discourage~~can deter public participation, ~~can~~ affect the County Board's decision-making ability, and ~~can~~ be ~~an unnecessary~~a burden on ~~County Board members~~, the County Superintendent of Schools, and staff. Regular meetings shall be adjourned ~~at the~~by __5:00___p.m. unless extended to a specific time determined by a majority of the County Board. The meeting may be extended no more than once and, if necessary, may subsequently be adjourned to a later date.

CSBA NOTE: The following optional paragraph, which should be revised to reflect local practice, is for county boards that use the consent agenda or calendar to take action on matters of a routine

nature for which discussion may not be necessary. For more information regarding the use of a consent agenda or calendar, see BB 9322 – Agenda/Meeting Materials.

When any~~, set by the~~ County Board ~~at the annual organizational meeting~~member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item. The County Board chair shall determine where on the agenda the former consent item is placed.

~~CSBA NOTE: In Rubin v. City of Burbank, an appellate court held that inclusion of "sectarian prayer" at city council meetings, which communicated a preference for a particular religious faith and advanced one faith over another, was unconstitutional by directing the prayer "in the name of Jesus." The court held that it would be constitutional to require the city to advise those people conducting the prayer of this limitation. This opinion is consistent with an unpublished Ninth Circuit federal court opinion which stated that an invocation "in the name of Jesus" was unconstitutional in that it displayed allegiance to a particular faith.~~

~~Some general guidelines for invocations can be found in an Attorney General's opinion (76 Ops.Cal.Atty.Gen. 281 (1993)) which stated that a county board of supervisors could open its sessions with an invocation when the invocation is (1) not required by law as a condition to the official proceedings; (2) not part of the deliberative agenda; (3) not offered, supervised, or approved as to content by a public officer; (4) not officially limited to a particular religion; (5) not disparaging of others; and (6) not directed towards proselytizing. However, because this is an unsettled area of law that is subject to frequent litigation, it is strongly recommended that the County Board consult CSBA District and County Office of Education Legal Services or legal counsel if it wishes to open meetings with an invocation.~~

**Quorum and Abstentions**

A majority of the members of the County Board shall constitute a quorum for the transaction of business. (Education Code 1013)

CSBA NOTE: Education Code 1015 provides that on the call of a County Board member, a vote shall be taken and recorded in the minutes. ~~Where~~When the County Board ~~president~~chair is unable to determine a majority by voice vote (ayes and nays), the president may ask for a show of hands or a roll call. ~~Government Code 54953 provides that all votes in a teleconference meeting shall be by roll call and prohibits County Board action by secret ballot.~~

On a call by any County Board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Education Code 1015)

CSBA NOTE: Education Code 35164 requires an affirmative vote of the majority of the membership of a school district board to approve a board action. Although Education Code 35164 does not specifically include county boards, requiring an affirmative vote of the majority of the membership is a common practice among county boards.

~~Unless otherwise provided~~ Except as required by law, ~~an affirmative vote~~ the County Board shall act by ~~a~~ majority vote of all the membership ~~of the County Board is required to approve any action under consideration, regardless of~~constituting the ~~number of members present~~County Board.

~~CSBA NOTE: The Attorney General opined in 61 Ops.Cal.Atty.Gen. 243 (1978) that members of a public body have a duty to vote on issues before them so that the public is represented and receives the services which the public body was created to provide. Issues arise when the vote on a motion is tied and one County Board member has abstained. The general parliamentary rule is that an abstention is counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively (66 Ops.Cal.Atty.Gen. 336 (1983)). However, an argument could be made that the parliamentary rule is in conflict with Education Code 35164 which requires a majority vote of a school district board in order for the board to act (i.e., a majority of all of the membership of the board must vote affirmatively in order to approve any action). In 55 Ops.Cal.Atty.Gen. 26 (1972), the Attorney General opined that, when a statutory requirement exists that requires an affirmative action of at least a majority of the members of the board, the general rule that members not voting were deemed to have agreed with the action taken by the majority of those that voted is not applicable.~~

~~The following optional paragraph is consistent with CSBA's opinion that a majority of the County Board must vote affirmatively for a motion to carry, but the law is not settled and contrary legal opinions may exist. It is strongly recommended that the County Board consult with CSBA District and County Office of Education Legal Services or legal counsel and modify the following paragraph to ensure consistency with County Board practice.~~

~~The County Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, the abstention shall not be counted as an affirmative vote~~Except when prohibited by law, the County Board expects its members to vote on all issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the County Board has taken action.

CSBA NOTE: The following paragraph applies only to county boards with seven members and should be deleted by county boards with five members.

Pursuant to Education Code 35165, under certain circumstances school district boards consisting of seven members do not count vacant seats for purposes of determining how many members of the board constitute a majority. This is also a good practice for county boards with seven members to follow even though county boards are not expressly included in Education Code 35165.

~~If~~Provided the County Board typically consists of seven members and ~~nott~~there are no more than two vacancies ~~occur~~ on the County Board, the vacant position(s) shall not be counted for purposes of determining how many members of the County Board constitute a majority. ~~In addition~~Additionally, whenever any provision of the Education Code requires unanimous action of all or a specific number of the members, any vacant position(s) shall ~~be~~ not be counted for purposes of determining the total membership constituting the County Board.

**Public Participation**

CSBA NOTE: Pursuant to Government Code 54953.3, members of the public cannot be required to register their names, complete a questionnaire, or provide other information as a condition of attending a County Board meeting, except that ~~if the meeting is conducted using remote public participating or with a County Board member attending remotely pursuant to Government Code 54953,~~ a member of the public desiring to observe the meeting or provide comment through the use of a third party internet website or online platform may be required to register as required by

the third party provider.

Members of the public may be given or asked for non-personal identifying information (e.g., a numbered ticket) to indicate speaking order for public comment. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it ~~must~~is required to clearly state that signing or completing the document is voluntary.

Members of the public are encouraged to attend County Board meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. ~~Although they may voluntarily do so~~So as not to inhibit public participation, members of the public attending a County Board meeting shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting, except ~~that~~ if ~~the meeting is conducted with remote public participation or a County Board member attending remotely pursuant to Government Code 54953,~~ a member of the public ~~desiring to provide~~ desires to observe the meeting or make public comment through the use of a third party internet website or online platform ~~may be required to register~~ as required by the third party provider.

To facilitate public comment, the County Board may request that members of the public who wish to give public comment provide their names or other identifying information to determine speaking order.

In order to conduct County Board business in an orderly and efficient manner, ~~the County Board requires~~ public ~~presentations to the~~comment shall occur in accordance with County Board ~~to comply~~Bylaw 9322 – Agenda Meeting/Materials and in compliance with the following procedures:

~~1. The County Board shall give members of the public an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board, either before or during the County Board's consideration of the item. (Government Code 54954.3)~~

~~2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the County Board matters that are not listed on the agenda. The County Board shall undertake no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Government Code 54954.2)~~

~~3. Without taking action, County Board members or county office of education (COE) staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, County Board members or COE staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)Furthermore, the County Board may provide a reference to COE staff or other resources for factual information, ask COE staff to report back to the County Board at a subsequent meeting concerning any matter, or take action to direct that a matter of business be placed on a future agenda. (Government Code 54954.2)~~

~~4. The County Board need not allow members of the public to speak on any item that has already been considered by a committee composed exclusively of County Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the County Board determines that the item has been substantially changed since the committee heard the item, the County Board shall provide an opportunity for the public to speak. (Government Code 54954.3)~~

~~5. A person wishing to be heard by the County Board shall first be recognized by the president.~~

CSBA NOTE: Government Code 54954.3 authorizes the adoption of reasonable regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Such regulations must ensure that the intent of allowing the public an adequate opportunity to speak to the County Board is carried out. The following paragraph should be revised to reflect County Board practice.

6. In general, individual speakers will be allowed three minutes to address the County Board on each agenda or nonagenda item, and the total time for public input on each item will be limited to 20 minutes. In exceptional circumstances, however, the County Board president may, with County Board consent, adjust the amount of time allowed for public input and/or the time allotted for each speaker, when such adjustment is necessary to ensure full opportunity for public input. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

   In order to ensure that non-English speakers receive the same opportunity to directly address the County Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the County Board, unless simultaneous translation equipment is used to allow the County Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

7. The County Board president may rule on the appropriateness of a topic, subject to the following conditions:

   a. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented.

   b. The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

CSBA NOTE: The following optional item addresses the issue of specific charges or complaints against employees in open County Board meetings. Because Education Code 1042 only authorizes the County Board to contract with and employ persons to work directly for the County Board in providing special services or advice in financial, economic, accounting, engineering, legal, or administrative matters, the County Board can only evaluate, discipline, or dismiss such persons. All other persons employed by the county office of education (COE) are employed by the County Superintendent of Schools and so they are subject to the authority of the County Superintendent. Consequently, the County Board president must first determine if the speech is a specific complaint or charge against a specific employee or contractor of the County Board. If the president determines that the complaint or charge is against a COE employee or contractor, the president shall advise the complainant to address the complaint to the County Superintendent. General criticisms of the County Board and its staff, no matter how harsh, may not be prohibited. County Board members may briefly respond to the concerns raised by the complainant at the meeting.

In Baca v. Moreno Valley Unified School District, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the

~~content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. County boards should note that this decision applied only to Moreno Valley Unified School District. However, a different federal court has also reached the same result in a case involving the Vista Unified School District.~~

~~It is recommended that the County Board consult CSBA District and County Office of Education Legal Services or legal counsel if a question arises regarding public criticism of an employee.~~

~~c. The County Board shall not prohibit public criticism of persons employed directly by the County Board. However, whenever a member of the public initiates specific complaints or charges against an individual COE employee, the County Board president shall inform the complainant that employment matters are the jurisdiction of the County Superintendent and shall advise the complainant to address the complaint to the County Superintendent using the appropriate complaint procedure.~~

~~CSBA NOTE: As provided in item #8 below, Government Code 54957.9 authorizes the County Board to remove persons who willfully disrupt or disturb a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In McMahon v. Albany Unified School District, a court held that a speaker's constitutional rights were not violated when the individual was removed from a board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the basis for removal was not the content of that person's speech, a court upheld the conviction for willful disruption of a public meeting. In City of San Jose v. Garbett, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place reasonable persons in fear for their safety or the safety of their immediate family.~~

~~However, the courts have found that a person's conduct must actually disrupt the meeting in order to warrant ejection. In Norse v. City of Santa Cruz, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.~~

~~8. The County Board president shall not permit actual disruption of meetings. Actual disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the County Board and remove the individual from the meeting.~~

~~CSBA NOTE: Government Code 54957.95, as added by SB 1100 (Ch. 171, Statutes of 2022), authorizes the presiding member of the County Board or designee to remove an individual for disrupting a County Board meeting, and establishes a procedure for warning the individual prior to removal, as specified below. However, no warning is required before removing an individual if their behavior constitutes a use of force or a true threat of force.~~

~~Because of the potential impact on the public's access to open meetings, it is recommended that the County Board consult CSBA District and County Office of Education Legal Services~~

~~or legal counsel if a question arises regarding the procedures for removing a disruptive individual, or if an individual's behavior warrants removal from a meeting.~~

CSBA NOTE: County office of education (COE) employees have the same right as members of the public to address the County Board during a public County Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

1. The County Board shall undertake no action or discussion on any item not appearing on the posted agenda, except as authorized by law (Government Code 54954.2)

2. County Board members or county office of education (COE) staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda (Government Code 54954.2)

   Additionally, on their own initiative or in response to questions posed by the public, County Board members or COE staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

   In addition, the County Board or a County Board member may provide a reference to COE staff or other resources for factual information, ask COE staff to report back to the County Board at a subsequent meeting concerning any matter, or take action to direct that a matter of business be placed on a future agenda. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.3 authorizes reasonable regulations, including the total amount of time allocated for each individual speaker and whether speakers may defer or combine time. The following paragraph may be modified to reflect local practice.

3. A member of the public wishing to be heard by the County Board shall first be recognized by the County Board chair

   An individual speaker shall be allowed a maximum of ____3__ minutes to address the County Board. However, the County Board chair, or a majority of the County Board, may adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. Additionally, the County Board chair may ask members of the public with the same viewpoint to select a few individuals to address the County Board on behalf of that viewpoint.

   In order to ensure that non-English speakers receive the same opportunity to directly address the County Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the County Board, unless simultaneous translation equipment is used to allow the County Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

4. An individual speaker may give some or all of the speaker's time to another speaker, provided that no individual speaker is permitted to speak more than the maximum time permitted per individual speaker pursuant to County Board Bylaw 9322 – Agenda/Meeting Materials

5. For any public comment period with a time limit when a remote County Board member is attending and participating based on just cause pursuant to County Board Bylaw 9320.1 –

Remote Meetings and Attendance, the County Board may not close that public comment period or the opportunity to register to provide public comment via the two-way audiovisual platform or two-way audio service until the full time for public comment has elapsed (Government Code 54953.8)

For any other public comment period when a remote County Board member is attending and participating based on just cause pursuant to County Board Bylaw 9320.1 – Remote Meetings and Attendance, the County Board shall allow a reasonable amount of time to permit members of the public to provide public comment and to register to do so via the two-way audiovisual platform or two-way audio service. (Government Code 54953.8)

6. The County Board chair shall determine whether an individual's public comment is within the scope of the public comment period, subject to the following conditions:

   a. If the public comment is within the scope of a different public comment period, the County Board chair shall so indicate

   b. Public criticism of the County Board, individual County Board members, the COE, its policies, procedures, programs, services, acts, or omissions shall not be prohibited (Government Code 54954.3)

      CSBA NOTE: The following optional item addresses the issue of specific charges or complaints against employees in open County Board meetings. Because Education Code 1042 only authorizes the County Board to contract with and employ persons to work directly for the County Board in providing special services or advice in financial, economic, accounting, engineering, legal, or administrative matters, the County Board may only evaluate, discipline, or dismiss such persons. All other persons employed by the COE are employed by the County Superintendent of Schools and so they are subject to the authority of the County Superintendent. Consequently, the County Board chair is required to first determine if the speech is a specific complaint or charge against a specific employee or contractor of the County Board. If the County Board chair determines that the complaint or charge is against a COE employee or contractor, the County Board chair shall advise the complainant to address the complaint to the County Superintendent. General criticisms of the County Board and its staff, no matter how harsh, may not be prohibited. County Board members may briefly respond to the concerns raised by the complainant at the meeting.

      In *Baca v. Moreno Valley Unified School District*, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. It is recommended that the County Board consult CSBA's District and County Office of Education Legal Services or other legal counsel if a question arises regarding public criticism of an employee.

   c. Public criticism of persons employed directly by the County Board shall not be prohibited

However, whenever a member of the public initiates specific complaints or charges against an individual COE employee, the County Board chair shall inform the complainant that employment matters are the jurisdiction of the County Superintendent and shall advise the complainant to address the complaint to the County Superintendent using the appropriate complaint procedure.

**Disruptions**

CSBA NOTE: Government Code 54957.95 authorizes the County Board to remove a person who willfully disrupts or disturbs a County Board meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In *McMahon v. Albany Unified School District*, a California Appellate Court held that a speaker's constitutional rights were not violated when the speaker was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In *City of San Jose v. Garbett*, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place reasonable persons in fear for their safety or the safety of their immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct is required to actually disrupt the meeting in order to warrant ejection. In *Norse v. City of Santa Cruz*, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

Because of the potential impact on the public's access to open meetings, it is recommended that the County Board consult CSBA District and County Office of Education Legal Services or other legal counsel if a question arises regarding the procedures for removing a disruptive individual, or if an individual's behavior warrants removal from a meeting.

The County Board ~~President or designee may remove~~ chair shall not permit an individual ~~for~~to actually ~~disrupting the~~ disrupt a County Board meeting. Actual disruption by an individual or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the County Board chair to terminate the privilege of addressing the County Board for that meeting and remove the individual from the meeting. (Government Code 54957.95)

Prior to removal, the individual shall be warned that ~~their~~the individual's behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the County Board ~~president~~chair, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a County Board meeting without a warning. (Government Code 54957.95)

*Disrupting* means engaging in behavior during a County Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body

pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

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

Additionally, the County Board may order the room cleared ~~if necessary.~~ when a group or groups of persons willfully interrupts so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the County Board. When the room is ordered cleared due to a disturbance, further proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

CSBA NOTE: In *Berkeley People's Alliance v. City of Berkeley*, the California Appellate Court held that Government Code 54957.9 requires a legislative body to clear the meeting room when a meeting is willfully disrupted and order cannot be restored by removing disruptive individuals and does not permit the legislative body to relocate the meeting to a different room in lieu of clearing the meeting room.

When disruptive conduct occurs, the County Board may decide to recess the meeting to help restore order, ~~or if removing~~remove the disruptive individual(s~~)~~), or ~~clearing~~clear the room ~~is infeasible, move~~. Additionally, the County Board may adjourn the meeting to another time and location~~.~~ ~~Law~~ specified in an order of adjournment. The County Board chair may direct that local law enforcement ~~shall~~ be contacted as necessary. (Government Code 54955, 54957.9, 54957.95, 54957.96)

**Recording by the Public**

CSBA NOTE: Government Code 54953.5 provides that any person attending an open meeting may record it with an audio or video recorder or a still or motion picture camera unless the County Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the County Board can prohibit or restrict a broadcast of its meetings.

The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.

Members of the public may record an open County Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The County Board may designate locations from which members of the public may make such recordings without causing a distraction.

If the County Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the County Board. (Government Code 54953.5, 54953.6)

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**Policy Reference Disclaimer:**
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| State | Description |
|---|---|
| Code of Civil Procedure 527.8 | Workplace violence safety |
| Ed. Code 32210 | Willful disturbance of public school or meeting |
| Ed. Code 35010 | Control of district; prescription and enforcement of rules |
| Ed. Code 35145.5 | Agenda; public participation and regulations |
| Ed. Code 35163 | Official actions, minutes and journal |
| Ed. Code 35164 | Actions by majority vote |
| Ed. Code 35165 | Effect of vacancies upon majority and unanimous votes by seven member board |
| Ed. Code 5095 | Powers of remaining board members and new appointees |
| Elec. Code 18340 | Preventing or hinderance of electors assembling in public meeting |
| Gov. Code ~~54953.3~~54950-54963 | ~~Meetings to be open and public; remote attendance~~Brown Act |
| ~~Gov. Code 54953.5~~ | ~~Audio or video recording of proceedings~~ |
| ~~Gov. Code 54953.6~~ | ~~Broadcasting of proceedings~~ |
| ~~Gov. Code 54954.2~~ | ~~Agenda posting requirements; board actions~~ |
| ~~Gov. Code 54954.3~~ | ~~Opportunity for public to address legislative body~~ |
| ~~Gov. Code 54957~~ | ~~Closed session personnel matters~~ |
| ~~Gov. Code 54957.9~~ | ~~Disorderly conduct of general public during meeting; clearing of room~~ |
| ~~Gov. Code 54957.95~~ | ~~Open meetings; orderly conduct~~ |
| Pen. Code 403 | Disruption of assembly or meeting |

| Management Resources | Description |
|---|---|
| Attorney General Opinion | 90 Ops.Cal.Atty.Gen. 47 (2007) |
| Attorney General Opinion | 76 Ops.Cal.Atty.Gen. 281 (1993) |
| Attorney General Opinion | 66 Ops.Cal.Atty.Gen. 336 (1983) |
| Attorney General Opinion | 63 Ops.Cal.Atty.Gen. 215 (1980) |
| Attorney General Opinion | 61 Ops.Cal.Atty.Gen. 243~~, 253~~ (1978) |

| | |
|---|---|
| Attorney General Opinion | 59 Ops.Cal.Atty.Gen. 532 (1976) |
| Attorney General Opinion | 55 Ops.Cal.Atty.Gen. 26 (1972) |
| Attorney General Publication | The Brown Act: Open Meetings for Legislative Bodies, rev. 2003 |
| Court Decision | Berkeley People's Alliance v. City of Berkeley (2025) 114 Cal.App.5th 984 |
| Court Decision | Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194 |
| Court Decision | Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966 |
| Court Decision | McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275 |
| Court Decision | City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526 |
| Court Decision | Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719 |
| CSBA Publication | The Brown Act: School Boards and Open Meeting Laws, rev. 2014 |
| CSBA Publication | Call to Order: A Blueprint for Great Board Meetings, 2018 |
| Website | CSBA |
| Website | California Attorney General's Office |

## Cross References

| Code | Description |
|---|---|
| 1100 | Communication With The Public |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.1 | Complaints Concerning County Office Employees |
| 3100 | Budget Adoption And Revision |
| 3312 | Contracts |
| 9005 | Governance Standards |
| 9121 | President |
| 9230 | Orientation |
| 9270 | Conflict Of Interest |
| 9270-E(1) | Conflict Of Interest |
| 9320.1 | Remote Meetings and Attendance |

| | |
|---|---|
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |
| 9322 | Agenda/Meeting Materials |
| 9324 | Minutes And Recordings |

# County Board Policy 1312.4: Williams Uniform Complaint Procedures

**Status:** ADOPTED

**Original Adopted Date:** 06/01/2022 **| Last Revised Date:** ~~09~~05/01/~~2024~~2026 **| Last Reviewed Date:** ~~09~~05/01/~~2024~~2026

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

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

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

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

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

## Reports

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

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

**Notices**

A notice containing the components specified in Education Code 35186 shall be posted in each classroom in each COE school/program. (Education Code 35186)

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| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| ~~5 CCR 4632~~ | ~~Appeal of LEA decision; grounds~~ |
| 5 CCR 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Health and safety complaints in license-exempt preschool programs |
| Ed. Code 1240 | County ~~superintendent~~Superintendent of ~~schools,~~Schools; duties |
| Ed. Code 17592.72 | ~~Urgent or emergency repairs,~~ School Facility Emergency Repair Account; urgent or emergency repairs |
| Ed. Code 1980-~~1984~~1986 | Establishment of county community school |
| Ed. Code 200-~~270~~280 | Prohibition of discrimination |
| Ed. Code 33126 | School accountability report card |
| Ed. Code 35145.5 | Agenda; public participation and regulations |
| Ed. Code 35186 | Williams uniform complaint procedure |
| Ed. Code 35292.5-35292.6 | Restrooms; maintenance and cleanliness |
| Ed. Code 44258.9 | Monitoring of educator assignments |
| Ed. Code 48660-48666 | Establishment of community day school |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48985 | Notices to parents/guardians in language other than English |
| Ed. Code 51501 | Nondiscriminatory subject matter |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |

| | |
|---|---|
| Ed. Code 60119 | Hearing on sufficiency of instructional materials |
| Ed. Code 60150-60152 | Penalty for insufficiency of textbooks and instructional materials |

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

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office for Civil Rights (https://www.ed.gov/about/ed-offices/ocr) |
| Website | Department of Justice |
| Website | CSBA |
| Website | California Department of Education |

## Cross References

| **Code** | **Description** |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0460 | Local Control And Accountability Plan |
| ~~1100~~ | ~~Communication With The Public~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~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-E(1) | Uniform Complaint Procedures |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 1312.3-E(3) | Uniform Complaint Procedures |

| | |
|---|---|
| 1340 | Access To County Office Records |
| ~~3270~~ | ~~Sale And Disposal Of Books, Equipment And Supplies~~ |
| ~~3270~~ | ~~Sale And Disposal Of Books, Equipment And Supplies~~ |
| ~~3514~~ | ~~Environmental Safety~~ |
| ~~3514~~ | ~~Environmental Safety~~ |
| ~~3514.2~~ | ~~Integrated Pest Management~~ |
| ~~3517~~ | ~~Facilities Inspection~~ |
| ~~3517-E(1)~~ | ~~Facilities Inspection~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.22~~ | ~~Staff Teaching English Learners~~ |
| ~~4113~~ | ~~Assignment~~ |
| ~~4113~~ | ~~Assignment~~ |
| ~~4144~~ | ~~Complaints~~ |
| ~~4144~~ | ~~Complaints~~ |
| ~~4244~~ | ~~Complaints~~ |
| ~~4244~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| ~~6142.92~~ | ~~Mathematics Instruction~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6161.1~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.1~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.1-E(1)~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.11~~ | ~~Supplementary Instructional Materials~~ |
| ~~6161.2~~ | ~~Damaged Or Lost Instructional Materials~~ |

## County Office Regulation 1312.4: Williams Uniform Complaint Procedures

**Status:** ADOPTED

**Original Adopted Date:** 06/01/2022 **| Last Revised Date:** ~~09~~05/01/~~2024~~2026 **| Last Reviewed Date:** ~~09~~05/01/~~2024~~2026

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

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

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

**Types of Complaints**

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

CSBA NOTE: Pursuant to Education Code 242, ~~as added by AB 1078 (Ch. 229, Statutes of 2023), requires~~ the California Department of Education (CDE) ~~to develop, by July 1, 2025,~~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 CDE's website.

Pursuant to Education Code 60119, ~~county boards are~~the County Board is required to hold a public hearing annually regarding the sufficiency of instructional materials. If, at the public hearing, the County Board makes a determination of "insufficient materials~~",~~," Education Code 1240~~, as amended by AB 1078, requires~~ and 60119 require the County Board to take certain actions and ~~specifies~~specify potential consequences for not remedying the deficiency as required by law. For more information regarding the County Board's responsibilities regarding the sufficiency of

instructional materials, see CSBA's Governance Brief, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and Fact Sheet, "Instructional Materials Adoptions: Local governing board responsibilities."

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

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

    b. A student does not have access to textbooks or instructional materials to use at home or after school

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

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

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

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

    a. A semester begins and a teacher vacancy exists

CSBA NOTE: Education Code 35186~~, as amended by SB 114 (Ch. 48, Statutes of 2023),~~ requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class. 5 CCR 4682 has not yet been amended to align with Education Code 35186 in this regard.

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

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

CSBA NOTE: Education Code 44258.9, as amended by AB 121 (Ch. 8, Statutes of 2025), does not alter the definition of "vacancy" for purposes of Education Code 35186.

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

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

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

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

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

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

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

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

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

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

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

In any COE school or program serving any students in any of grades 3-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and

make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

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

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

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

**Forms and Notices**

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

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

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

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

**Filing of Complaint**

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

Superintendent of Public Instructions (SPI), as detailed in the following section and ~~the section~~in "Investigation and Response~~"~~," below.

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

CSBA NOTE: Pursuant to Education Code 35186~~, as amended by AB 1078,~~ complaints related to instructional materials alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the County Board, or the County Board's failure to remedy the deficiency, may be filed with the ~~Superintendent of Public Instruction (SPI)~~SPI directly in addition to or in lieu of being filed with the COE, and the SPI may directly intervene without waiting for an investigation, as described below.

Pursuant to Education Code 60150, ~~as added by AB 1078,~~ if the SPI finds that a COE has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, the SPI is required to assess a financial penalty against the COE's local control funding formula allocation, the calculation of which is specified in Education Code 60151, as amended by AB 121.

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

**Investigation and Response**

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

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

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

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

applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

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

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

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

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

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

**Reports**

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

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

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| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| ~~5 CCR 4632~~ | ~~Appeal of LEA decision; grounds~~ |
| 5 CCR 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Health and safety complaints in license-exempt preschool programs |
| Ed. Code 1240 | County ~~superintendent~~Superintendent of ~~schools,~~Schools; duties |

| | |
|---|---|
| Ed. Code 17592.72 | ~~Urgent or emergency repairs,~~ School Facility Emergency Repair Account; urgent or emergency repairs |
| Ed. Code 1980-~~1984~~1986 | Establishment of county community school |
| Ed. Code 200-~~270~~280 | Prohibition of discrimination |
| Ed. Code 33126 | School accountability report card |
| Ed. Code 35145.5 | Agenda; public participation and regulations |
| Ed. Code 35186 | Williams uniform complaint procedure |
| Ed. Code 35292.5-35292.6 | Restrooms; maintenance and cleanliness |
| Ed. Code 44258.9 | Monitoring of educator assignments |
| Ed. Code 48660-48666 | Establishment of community day school |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48985 | Notices to parents/guardians in language other than English |
| Ed. Code 51501 | Nondiscriminatory subject matter |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 60119 | Hearing on sufficiency of instructional materials |
| Ed. Code 60150-60152 | Penalty for insufficiency of textbooks and instructional materials |

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

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office for Civil Rights (https://www.ed.gov/about/ed-offices/ocr) |
| Website | Department of Justice |

| | |
|---|---|
| Website | CSBA |
| Website | California Department of Education |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0460 | Local Control And Accountability Plan |
| ~~1100~~ | ~~Communication With The Public~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~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-E(1) | Uniform Complaint Procedures |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 1312.3-E(3) | Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| ~~3270~~ | ~~Sale And Disposal Of Books, Equipment And Supplies~~ |
| ~~3270~~ | ~~Sale And Disposal Of Books, Equipment And Supplies~~ |
| ~~3514~~ | ~~Environmental Safety~~ |
| ~~3514~~ | ~~Environmental Safety~~ |
| ~~3514.2~~ | ~~Integrated Pest Management~~ |
| ~~3517~~ | ~~Facilities Inspection~~ |
| ~~3517-E(1)~~ | ~~Facilities Inspection~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.22~~ | ~~Staff Teaching English Learners~~ |
| ~~4113~~ | ~~Assignment~~ |
| ~~4113~~ | ~~Assignment~~ |

| | |
|---|---|
| ~~4144~~ | ~~Complaints~~ |
| ~~4144~~ | ~~Complaints~~ |
| ~~4244~~ | ~~Complaints~~ |
| ~~4244~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| ~~6142.92~~ | ~~Mathematics Instruction~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6161.1~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.1~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.1-E(1)~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.11~~ | ~~Supplementary Instructional Materials~~ |
| ~~6161.2~~ | ~~Damaged Or Lost Instructional Materials~~ |
| 9012 | Board Member Electronic Communications |

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

**Status:** ADOPTED

**Original Adopted Date:** 06/01/2022 **| Last Revised Date:** ~~09~~05/01/~~2024~~2026 **| Last Reviewed Date:** ~~09~~05/01/~~2024~~2026

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

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

Parents/Guardians, Students, and Teachers:

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

1. There should be sufficient textbooks and instructional materials

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

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

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

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

   CSBA NOTE: Education Code 35186~~, as amended by SB 114 (Ch. 48, Statutes of 2023),~~ requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class. 5 CCR 4682 has not yet been amended to align with Education Code 35186 in this regard.

3. There should be no teacher vacancies or misassignments

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

   *Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential

or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

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

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

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

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| ~~5 CCR 4632~~ | ~~Appeal of LEA decision; grounds~~ |
| 5 CCR 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Health and safety complaints in license-exempt preschool programs |
| Ed. Code 1240 | County ~~superintendent~~Superintendent of ~~schools,~~Schools; duties |
| Ed. Code 17592.72 | ~~Urgent or emergency repairs,~~ School Facility Emergency Repair Account; urgent or emergency repairs |
| Ed. Code 1980-~~1984~~1986 | Establishment of county community school |
| Ed. Code 200-~~270~~280 | Prohibition of discrimination |
| Ed. Code 33126 | School accountability report card |
| Ed. Code 35145.5 | Agenda; public participation and regulations |

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| Ed. Code 35186 | Williams uniform complaint procedure |
| Ed. Code 35292.5-35292.6 | Restrooms; maintenance and cleanliness |
| Ed. Code 44258.9 | Monitoring of educator assignments |
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| 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 51501 | Nondiscriminatory subject matter |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 60119 | Hearing on sufficiency of instructional materials |
| Ed. Code 60150-60152 | Penalty for insufficiency of textbooks and instructional materials |

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

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office for Civil Rights (https://www.ed.gov/about/ed-offices/ocr) |
| Website | Department of Justice |
| Website | CSBA |
| Website | California Department of Education |

## Cross References

| **Code** | **Description** |
|---|---|
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| | |
|---|---|
| 0460 | Local Control And Accountability Plan |
| ~~1100~~ | ~~Communication With The Public~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
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| ~~3514~~ | ~~Environmental Safety~~ |
| ~~3514.2~~ | ~~Integrated Pest Management~~ |
| ~~3517~~ | ~~Facilities Inspection~~ |
| ~~3517-E(1)~~ | ~~Facilities Inspection~~ |
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| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.2~~ | ~~Certification~~ |
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| ~~4113~~ | ~~Assignment~~ |
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| ~~4244~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |

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| 5145.3 | Nondiscrimination/Harassment |
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| ~~6161.11~~ | ~~Supplementary Instructional Materials~~ |
| ~~6161.2~~ | ~~Damaged Or Lost Instructional Materials~~ |
| 9012 | Board Member Electronic Communications |

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

**Status:** ADOPTED

**Original Adopted Date:** 06/01/2022 **| Last Revised Date:** ~~09~~05/01/~~2024~~2026 **| Last Reviewed Date:** ~~09~~05/01/~~2024~~2026

CSBA NOTE: Education Code 35186 creates the Williams uniform complaint procedures for the filing of complaints concerning deficiencies in textbooks or instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. ~~The~~Although complainants are not required to use the county office of education's (COE) complaint form in order to file a complaint, the following form contains elements required by Education Code 35186 and 5 CCR 4681-4683. During the Federal Program Monitoring process, California Department of Education staff will check to ensure that the complaint form includes all of the elements specified below. SCOE NOTE: REVISED SCOE form will be added once policy has been adopted by the Board

### ~~K-12~~ COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

Response requested? ___ Yes ___ No

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

Date problem was observed: _____

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

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

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

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

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

   b. [] A student does not have access to textbooks or instructional materials to use at home or after school

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

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

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

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

   a. [] A semester begins and a teacher vacancy exists

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

      CSBA NOTE: Education Code 35186~~, as amended by SB 114 (Ch. 48, Statutes of 2023),~~ requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class. 5 CCR 4682 has not yet been amended to align with Education Code 35186 in this regard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_____
_____
_____
_____
_____
_____
_____

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

Please file this complaint at the following location:

_____
(principal/program coordinator or designee)
_____
(address)

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

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

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

_____ _____
(Signature) (Date)

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| ~~5 CCR 4632~~ | ~~Appeal of LEA decision; grounds~~ |
| 5 CCR 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Health and safety complaints in license-exempt preschool programs |
| Ed. Code 1240 | County ~~superintendent~~Superintendent of ~~schools,~~Schools; duties |
| Ed. Code 17592.72 | ~~Urgent or emergency repairs,~~ School Facility Emergency Repair Account; urgent or emergency repairs |
| Ed. Code 1980-~~1984~~1986 | Establishment of county community school |
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| Ed. Code 33126 | School accountability report card |
| Ed. Code 35145.5 | Agenda; public participation and regulations |
| Ed. Code 35186 | Williams uniform complaint procedure |
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| Ed. Code 44258.9 | Monitoring of educator assignments |
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| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
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| Ed. Code 48985 | Notices to parents/guardians in language other than English |
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| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 60119 | Hearing on sufficiency of instructional materials |
| Ed. Code 60150-60152 | Penalty for insufficiency of textbooks and instructional materials |

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

| **Management Resources** | **Description** |
|---|---|

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|---|---|
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office for Civil Rights (https://www.ed.gov/about/ed-offices/ocr) |
| Website | Department of Justice |
| Website | CSBA |
| Website | California Department of Education |

**Cross References**

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0460 | Local Control And Accountability Plan |
| ~~1100~~ | ~~Communication With The Public~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~1250~~ | ~~Visitors/Outsiders~~ |
| ~~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-E(1) | Uniform Complaint Procedures |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 1312.3-E(3) | Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| ~~3270~~ | ~~Sale And Disposal Of Books, Equipment And Supplies~~ |
| ~~3270~~ | ~~Sale And Disposal Of Books, Equipment And Supplies~~ |
| ~~3514~~ | ~~Environmental Safety~~ |
| ~~3514~~ | ~~Environmental Safety~~ |

| | |
|---|---|
| ~~3514.2~~ | ~~Integrated Pest Management~~ |
| ~~3517~~ | ~~Facilities Inspection~~ |
| ~~3517-E(1)~~ | ~~Facilities Inspection~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~3550~~ | ~~Food Service/Child Nutrition Program~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.2~~ | ~~Certification~~ |
| ~~4112.22~~ | ~~Staff Teaching English Learners~~ |
| ~~4113~~ | ~~Assignment~~ |
| ~~4113~~ | ~~Assignment~~ |
| ~~4144~~ | ~~Complaints~~ |
| ~~4144~~ | ~~Complaints~~ |
| ~~4244~~ | ~~Complaints~~ |
| ~~4244~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |
| ~~4344~~ | ~~Complaints~~ |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| ~~6142.92~~ | ~~Mathematics Instruction~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6161.1~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.1~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.1-E(1)~~ | ~~Selection And Evaluation Of Instructional Materials~~ |
| ~~6161.11~~ | ~~Supplementary Instructional Materials~~ |
| ~~6161.2~~ | ~~Damaged Or Lost Instructional Materials~~ |
| 9012 | Board Member Electronic Communications |

## Board Bylaw 9200: Limits Of Board Member Authority

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2016 **| Last Revised Date:** 05/01/2026 **| Last Reviewed Date:** 0105/01/20162026

CSBA NOTE: The following option bylaw is optionalmay be revised to reflect County Board of Education practice.

The County Board of Education recognizes that it has authority only as unit and that a County Board member has no expects individual authority. County Board members shall hold to conduct themselves in accordance with County Board Bylaw 9000 - Role of the education of students above any partisan principle, group interest, or personal interest.

CSBA NOTE: The County Board of Education should carefully review the following paragraph Board and modify it to reflect local practiceCounty Board Bylaw 9005 – Governance Standards.

Unless agreed to by the County Board as a whole, an individual members of County Board member possesses no authority to represent the County Board shall notor the county office of education (COE) or exercise any authority with respect to any matter within the jurisdiction of the County Board. In appropriate circumstances

Additionally, individual County Board members may independently submit requests for information to the secretary of the County Board.

Individual County Board members do not have the authority to investigate, resolve , or otherwise actively engage with community members with respect to complaints. , personnel or student matters, or legal issues. Any County Board member approached directly by a person with a complaint should refer the complainant to the County Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate process. For the purpose of requesting information, County Board members shall also refer County Board-related correspondence to the president and the secretary of the County Board for disseminationwho receives a communication regarding such a topic shall forward the communication to the rest of the County Board or placement on the agenda, as appropriateor otherwise inform the County Superintendent of Schools or County Board president, as appropriate, who shall respond or otherwise follow-up, as needed. The County Board member shall not respond substantively to the communication beyond acknowledging receipt and explaining the limits of the County Board member's authority. It shall be the responsibility of the County Superintendent or County Board president to inform the County Board or place the topic on a future County Board agenda.

Individual County Board members are permitted to engage with community members, including responding to general inquiries or expressions of opinion. Such engagement shall be consistent with County Board policies and bylaws such as County Board Bylaw 9010 – Public Statements and County Board Bylaw 9012 – Board Member Electronic Communications, and may not purport to represent the position of the County Board.

Requests for information by an individual County Board member shall be submitted to the County Superintendent.

CSBA NOTE: ~~The following paragraph is optional.~~ Pursuant to Education Code 51101, parents/guardians have the right to observe and/or volunteer in ~~their child's~~a school or classroom~~.~~ in accordance with law. Although this right is not affected upon election to the County Board, County Board members ~~who have children attending schools within the jurisdiction of the county office of education~~ should be aware ~~of their status~~that county office of education employees may view them as County Board members ~~and the effect of that status on school employees~~even when visiting their child's school or classroom as a parent/guardian.

~~A County Board member whose child is attending a school within the jurisdiction of the county office of education (COE) should be aware of his/her role as a County Board member when interacting with COE employees about his/her child. The County Board member should inform the County Superintendent before volunteering in his/her child's classroom.~~A County Board member may observe and/or volunteer in a school or classroom, including in the school or classroom in which the County Board member's child is enrolled, in accordance with law. Prior to observing or volunteering, a County Board member shall inform the County Superintendent. Additionally, a County Board member who is present on COE property or at COE programs or activities is expected to be aware of the role and limits on authority as a County Board member.

A County Board member who chooses to observe or volunteer shall do so in a manner that does not disrupt school operations. Any questions or concerns regarding operational or personnel matters shall be directed to the County Superintendent or designee. Any questions or concerns specific to the County Board member's child may be directed to appropriate site staff. If a question or concern is both specific to the County Board member's child and involves operational or personnel matters, the County Board member shall collaborate with the County Superintendent or designee to determine whether the County Board member shall direct the question or concern to site staff or whether the responsibility to investigate or resolve the question or concern, if necessary, lies with the County Superintendent or designee.

**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 1040-1042 | Duties and responsibilities of County Boards |
| Ed. Code 200-270 | Prohibition of discrimination |
| Ed. Code 35160-35184 | Powers and duties |
| Ed. Code 51101 | Rights of parents/guardians |
| Gov. Code 54950-54963 | The Ralph M. Brown Act |
| Gov. Code 54952.1 | Member of a legislative body of a local agency |
| Gov. Code 54952.7 | Copies of chapter to members of legislative body |

| Management Resources | Description |
|---|---|
| California County Boards of Education Publication | County Board Member Handbook: A Guide to Effective Governance, 2015 |
| CSBA Publication | Professional Governance Standards for County Boards |
| Website | CSBA |
| Website | California County Boards of Education |

## Cross References

| Code | Description |
|---|---|
| ~~1160~~ | ~~Political Processes~~ |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2-E(1) | Complaints Concerning Instructional Materials |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| ~~5020~~ | ~~Parent Rights And Responsibilities~~ |
| ~~5020~~ | ~~Parent Rights And Responsibilities~~ |
| ~~6020~~ | ~~Parent Involvement~~ |
| ~~6020~~ | ~~Parent Involvement~~ |
| 9000 | Role of the Board |
| 9005 | Governance Standards |
| 9010 | Public Statements |
| 9012 | Board Member Electronic Communications |
| 9230 | Orientation |
| 9270 | Conflict Of Interest |
| 9270-E(1) | Conflict Of Interest |
| 9323.2 | Actions By The Board |
| 9323.2-E(1) | Actions By The Board |

# County Board Policy 0410: Nondiscrimination In County Office Programs And Activities

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2019 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: Pursuant to Education Code 234.1 ~~mandates,~~ county offices of education (COEs) are **mandated** to adopt policy, as well as a process for receiving and investigating complaints, to ensure that COE programs and activities are free from unlawful discrimination.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information specific to the protection of students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/E(1) 5145.7 - Sexual Harassment.

Government Code 12940 provides additional protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived age; religious creed; reproductive health decision-making; sex, which includes some of the characteristics listed in the prior paragraph, as well as breastfeeding; and veteran or military status.

~~Additionally,~~ Education Code ~~200~~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, COEs, 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~~and bias pursuant to Education Code 220. Additionally, pursuant to Education Code 280, as added by AB 715, the Superintendent of ~~two or more protected bases~~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 County Board of Education to monitor COE 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 COE programs and activities. Although the Title IX regulations were amended by 89

Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, ~~OCR's~~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 County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The County Board of Education is committed to providing equal opportunity for all individuals in county office of education (COE) programs and activities.

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

COE programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination or two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; a perception of one or more, 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 County Office Records and BP/AR 1445 - Response to Immigration Enforcement.

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

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

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

CSBA NOTE: Education Code 244 lists materials a County 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.

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 County Board or COE if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

CSBA NOTE: Pursuant to Education Code 51500, teachers may not give instruction and COEs 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 County 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 COE shall not sponsor any activity, and instruction shall not be provided, 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 Education Code 60200, and be consistent with accepted standards of professional responsibility rather than advocacy, personal opinion, bias, or partisanship. (Education Code 51500, 51501)

CSBA NOTE: Education Code 244, as amended by AB 715, prohibits the County 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.

In addition, the County 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/E(1) 1312.3 - Uniform Complaint Procedures.

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

Derogatory Native American terms~~,~~ including, 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), COEs 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 COE 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)

Annually, COE facilities, programs, and activities shall be reviewed to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing COE programs

and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

## 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 COE'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 COE. ~~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 COE 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 COE to issue a COE investigation report within the timeline required by the UCP. For more information regarding UCPs, see BP/E(1) 1312.3 - Uniform Complaint Procedures.

All complaints alleging unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. Complaints alleging sex discrimination, including sexual harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

## Notices

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

Pursuant to 34 CFR 104.8 and 106.8, students, parents/guardians, applicants for admission, and the public shall be notified about the County Board's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual ~~parental~~parent/guardian notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the COE. ~~The~~ Additionally, the notification shall ~~also~~ be posted on the COE'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 COE program sites 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 COE is required to include in the annual parent/guardian notification the protections, requirements, and responsibilities regarding discrimination, as described below.

Additionally, the annual parent/guardian notification shall include 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 COE 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.~~ Seerelated 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.

~~Additionally~~In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, and their rights related to immigration enforcement~~. Alternatively, such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)~~ in accordance with County Board Policy and 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 COEs receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

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

**Access for Individuals with Disabilities**

CSBA NOTE: Pursuant to the Americans with Disabilities Act (ADA) and its implementing regulations, COE facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a COE need not make structural changes to existing facilities if other methods are effective, the COE can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity, or the COE can demonstrate an undue financial or

administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice (DOJ).

Additionally, pursuant to 28 CFR 35.136, the COE is required to permit an individual with a disability to be accompanied by a service animal on COE premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a COE program or activity. It is recommended that ~~County boards with questions about compliance with the ADA consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted, as appropriate, with questions about compliance with the ADA consult.

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

CSBA NOTE: CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires COEs 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 COE 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 COE need not ~~provide them~~make such modifications.

Additionally, Government Code 54953.2 requires that all County Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The County Board is required to ensure that such meetings are accessible to persons with disabilities and that disability-related accommodations, such as auxiliary aids and services, are made available upon the request of any individual with a disability. In addition, Government Code 54953.8, as added by SB 707 (Ch. 327, Statutes of 2025), requires the County Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. ~~See~~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 COE websites be accessible to individuals with disabilities. In April 2024, the DOJ updated its regulations to include specific technical standards to ensure that content available through a COE's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see ~~OCR's~~USOCR's June 2010 and May 2011 Dear Colleague Letters.

The COE's web and mobile applications shall comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of COE services, programs, or activities. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase

accessibility to COE websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the ADA Coordinator if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

CSBA NOTE: CSBA NOTE: Pursuant to 28 CFR 35.107, a COE that has 50 or more employees is required to designate at least one employee to coordinate the COE's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the COE's compliance with state and federal laws and regulations governing educational programs as identified in the COE's UCP. The following paragraph, which identifies the person or position identified in E(1) 1312.3 - Uniform Complaint Procedures as the responsible employee, may be modified if the COE chooses to designate another person or position.

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

Associate Superintendent of Special Schools and Services/SELPA Executive Director
(title or position)
609 S. Gold Street_____
(address)
530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email)

**Policy Reference UPDATE Service**
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**Policy Reference Disclaimer:**
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the 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 education programs |
| Ed. Code 200-~~262.1~~280 | Educational equity; prohibition of discrimination ~~on the basis of sex~~ |
| 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 |

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| Ed. Code 51500-51501 | ~~Nondiscriminatory~~Prejudices; 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 | ~~Definitions~~State agency; definitions |
| Gov. Code 11135 | Unlawful 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 35.107 | Designation of responsible employee and adoption of grievance procedures |
| 28 CFR 35.136 | Service animals |
| 28 CFR 35.150-35.151 | Program accessibility; facilities |
| 28 CFR 35.160 | Effective communications |
| 28 CFR 35.200-35.205 | Web and mobile accessibility<br>(eCFR :: 28 CFR Part 35 Subpart H -- Web and Mobile Accessibility) |

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| 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<br><br>(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 |
| 42 USC 2000h-2-2000h-6 | Title IX of the Civil Rights Act of 1964 |
| **Management Resources** | **Description** |
| CA Civil Rights Department Publication | California Law Prohibits Workplace Discrimination and Harassment, January 2025<br><br>(CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT) |
| 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 | 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<br><br>(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) |
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 |
| Court Decision | McDonnell Douglas Corp v. Green (1973) 411 U.S. 792 |
| Court Decision | Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |

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| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | Students for Fair Admissions v. Harvard (2024) 600 U.S. 181 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Kennedy v. Bremerton (2022) 597 U.S. 507<br>(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<br>(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<br>(2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf) |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025<br>(https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf#https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf) |
| 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 |

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| 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. DOJ, Civil Rights Division Publication | Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024 |
| US Dept of Justice, Civil Rights Div. Publication | Accessibility of State and Local Government Websites to People with Disabilities, February 2020 |
| US Dept of Justice, Civil Rights Div. Publication | Guidance on Web Accessibility and the ADA, March 2022 |
| US Dept of Justice, Civil Rights Div. Publication | 2010 ADA Standards for Accessible Design, September 2010 |
| Website | ~~World Wide Web Consortium, Web Accessibility Initiative~~World Wide Web consortium, Web Content Accessibility Guidelines<br><br>(Web Content Accessibility Guidelines (WCAG) 2.1) |
| Website | California Civil Rights Department |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Equal Employment Opportunity Commission |
| Website | U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | Pacific ADA Center |
| Website | CSBA |
| Website | California Safe Schools Coalition |
| Website | California Office of the Attorney General |
| Website | California Department of Health Care Services |
| Website | California Department of Education |
| World Wide Web Consortium Publication | Web Content Accessibility Guidelines, September 2023 |

**Cross References**

| Code | Description |
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| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1100 | Communication With The Public |

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| 1113 | County Office of Education And School Websites |
| 1113 | County Office of Education And School Websites |
| 1113-E(1) | County Office of Education And School Websites |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1230 | School-Connected Organizations |
| 1230 | School-Connected Organizations |
| 1240 | Volunteer Assistance |
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| 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 |
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| 1312.3-E(2) | Uniform Complaint Procedures |
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| 3551 | Food Service Operations/Cafeteria Fund |
| 3551 | Food Service Operations/Cafeteria Fund |
| 3553 | Free And Reduced Price Meals |
| 3553 | Free And Reduced Price Meals |
| 3555 | Nutrition Program Compliance |
| 3555-E(1) | Nutrition Program Compliance |
| 3600 | Consultants |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4033 | Lactation Accommodation |
| 4040 | Acceptable Use Of Technology |
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| 4111 | Recruitment And Selection |
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| 4111.2 | Legal Status Requirement |
| 4119.11 | Sexual Harassment |
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| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
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| 6142.2 | World Language Instruction |
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| 6142.3 | Civic Education |
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## County Board Policy 1312.3: Uniform Complaint Procedures

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2021 **| 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** county offices of education (COEs) to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** COEs to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 **mandates** COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, COEs are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law~~; see the section~~, which is specified in "Complaints Subject to UCP," below.

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

The U.S. Department of Education's Office for Civil Rights (~~OCR~~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 COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, ~~OCR's~~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 County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/E(1) 1312.3 - Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. ~~See the section~~For more information regarding complaint procedures to address complaints of sexual harassment, see "Non-UCP Complaints" below, the accompanying administrative regulation,

BP/E(1) 5145.7 - Sexual Harassment, and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

For those COEs in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying exhibit for sample language.

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

**Complaints Subject to UCP**

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

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

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, COEs 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 COEs 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 COE programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; 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 COE 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 COE 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 COE adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth~~

~~year of high school. Additionally, pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education Code 51225.1 and 51225.2, as described above. The COE may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.~~

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

12. Every Student Succeeds Act (Education Code 12303, 52059.5, 64000; 20 USC 6301 et seq.)

CSBA NOTE: Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, 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 COE'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 COE's 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 COE. For more information regarding complaints concerning instructional materials, see AR 1312.4 - Williams Uniform Complaint Procedures.

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

Education Code 51500 and 51501, as amended by AB 715, require that instructional materials adopted by the County 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 County Office Programs and Activities. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," ~~and corresponding Fact Sheet and Reference,~~"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 COE, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

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

15. Migrant 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 COE is required to use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694. See "Health and Safety Complaints in License-Exempt Preschool Programs~~"~~," in the accompanying exhibit.

~~23.~~ 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 COE is required to use the UCP to resolve complaints related to school or athletic team names, mascots, or nicknames.~~

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

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

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

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

CSBA NOTE: 5 CCR 4631 authorizes the COE to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the COE should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student~~;~~. For more information regarding this prohibition and when an informal resolution process may be utilized to address complaints alleging sexual harassment, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

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

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

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination, the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the non-UCP allegation shall be referred to the appropriate staff or agency and the UCP-related allegation(s) shall be investigated, if appropriate, through the COE's UCP.

Training shall be provided to staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and any accompanying administrative regulation or exhibit.

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the COE is investigated by ~~OCR~~USOCR or CDE, these are important documents in demonstrating that the COE 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.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent of Schools policies and procedures.

**Non-UCP Complaints**

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

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

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

   CSBA NOTE: 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 ~~COEs consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted.

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

   Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Exhibit(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

   CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the COE is required to establish an impartial and prompt process for addressing such complaints. Additionally, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department.

4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using COE procedures, including the right to file the complaint with the California Civil Rights Department

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

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

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

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

CSBA NOTE: Education Code 35186 requires the COE to use the 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 County Board Policy 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations (Education Code 35186)

**Policy Reference UPDATE Service**
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**Policy Reference Disclaimer:**
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the 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 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Complaints regarding health and safety issues in license-exempt preschool programs |

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|---|---|
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary education programs |
| 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 | 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 49010-49014 | Student fees |
| Ed. Code 49060-49079 | Student records |
| Ed. Code 49069.5 | Records of foster youth |
| Ed. Code 49490-49590 | Child nutrition programs |
| Ed. Code 49701 | Interstate Compact on Educational Opportunity for Military Children |
| Ed. Code 51204.5 | Social sciences instruction; contributions of specified groups |
| Ed. Code 51210 | Courses of study grades 1-6 |
| Ed. Code 51222 | Physical education |
| Ed. Code 51223 | Physical education~~,~~; elementary schools |
| Ed. Code 51225.1-51225.25 | 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 | ~~Nondiscriminatory~~Prejudices; nondiscriminatory subject matter |
| Ed. Code 52059.5 | Statewide system of support |

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| Ed. Code 52060-52077 | Local control and accountability plan |
| Ed. Code 52075 | Complaint for lack of compliance with local control and accountability plan requirements |
| Ed. Code 52300-52462 | Career technical education |
| Ed. Code 52500-52617 | Adult schools |
| Ed. Code 54400-54425 | Compensatory education programs |
| Ed. Code 54440-54445 | Migrant education |
| Ed. Code 54460-54529 | Compensatory education programs |
| Ed. Code 59000-59300 | Special schools and centers |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 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-~~8498~~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 |

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| 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<br>(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; adoption of grievance procedures~~ |
| 34 CFR 110.25 | Notice of nondiscrimination on the basis of age |
| 34 CFR 299.13-299.17 | Complaint procedures<br>(eCFR :: 34 CFR Part 299 Subpart F -- Complaint Procedures) |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy Act |
| 42 USC 11431-11435 | McKinney-Vento Homeless Assistance Act |
| 42 USC 12101-12213 | Americans with Disabilities Act |
| 42 USC 2000d-2000d-7 | Title VI ~~and Title VII~~, Civil Rights Act of 1964, as amended |
| 42 USC 2000h-2-2000h-6 | Title IX of the Civil Rights Act of 1964 |
| 42 USC 6101-6107 | Age Discrimination Act of 1975 |

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 |
| California Department of Education Publication | Uniform Complaint Procedure ~~2020-21~~ Program Instrument |
| California Department of Education Publication | Sample UCP Board Policies and Procedures |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |

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| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| 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, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579<br><br>(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: Responding to Bullying of Students with Disabilities, October 2014 |
| U.S. DOJ Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | California Civil Rights Department |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Student Privacy Policy Office<br><br>(Student Privacy Policy Office \| U.S. Department of Education) |
| Website | U.S. Department of Justice |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | U.S. Department of Agriculture<br><br>(Child and Adult Care Food Program \| Food and Nutrition Service) |
| Website | CSBA |
| Website | California Department of Social Services<br><br>(Home \| California Dept. of Social Services) |
| Website | California Department of Fair Employment and Housing |

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| Website | California Department of Education |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0420 | School Plans/Site Councils |
| 0420 | School Plans/Site Councils |
| 0420.41 | Oversight Of County Charter Schools |
| 0420.41-E(1) | Oversight Of County Charter Schools |
| 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 | County Office of Education And School Websites |
| 1113 | County Office of Education And School Websites |
| 1113-E(1) | County Office of Education And School Websites |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.1 | Complaints Concerning County Office 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 | Williams Uniform Complaint Procedures |

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| 1312.4-E(1) | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| 1445 | Response To Immigration Enforcement |
| 1445 | Response To Immigration Enforcement |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3580 | County Office of Education Records |
| 3580 | County Office of Education 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 |
| 4119.1-E(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 |
| 4119.24 | Maintaining Appropriate Adult-Student Interactions |
| 4144 | Complaints |
| 4144 | Complaints |
| 4212.9 | Employee Notifications |
| 4212.9-E(1) | Employee Notifications |
| 4219.1 | Civil And Legal Rights |
| 4219.1-E(1) | Civil And Legal Rights |

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| 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 |
| 4219.24 | Maintaining Appropriate Adult-Student Interactions |
| 4244 | Complaints |
| 4244 | Complaints |
| 4312.9 | Employee Notifications |
| 4312.9-E(1) | Employee Notifications |
| 4319.1 | Civil And Legal Rights |
| 4319.1-E(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 |
| 4319.24 | Maintaining Appropriate Adult-Student Interactions |
| 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 |
| 5141.22 | Infectious Diseases |
| 5141.22 | Infectious Diseases |
| 5141.27 | Food Allergies/Special Dietary Needs |

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| 5141.27 | Food Allergies/Special Dietary Needs |
| 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-E(1) | Sexual Harassment |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(2) | Title IX Sexual Harassment Complaint Procedures |
| 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 |
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| 5148.3 | Preschool/Early Childhood Education |
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| 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 |

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| 6146.3 | Reciprocity Of Academic Credit |
| 6146.3 | Reciprocity Of Academic Credit |
| 6152 | Class Assignment |
| 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 |
| 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 |
| 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 |

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| 6178.1 | Work-Based Learning |
| 6186 | Juvenile Court Schools |
| 6200 | Adult Education |
| 6200 | Adult Education |
| 9012 | Board Member Electronic Communications |
| 9124 | Attorney |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |

## Exhibit 1312.3-E(1): Uniform Complaint Procedures

**Status:** ADOPTED

**Original Adopted Date:** 12/01/2021 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: The following exhibit presents sample procedures for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted as an administrative regulation, County Superintendent regulation, or COE regulation according to local practice.

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

Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, 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 COE's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the COE. For more information regarding complaints concerning the sufficiency of instructional materials, see AR 1312.4 - Williams Uniform Complaint Procedures.

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

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students;

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

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

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

**Compliance Officers**

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

The following paragraph specifies that the compliance officer be the same person designated to serve as the COE's Title IX Coordinator for addressing complaints of unlawful discrimination, harassment, intimidation, or bullying pursuant to AR 5145.3 - Nondiscrimination/Harassment, and complaints of sexual harassment pursuant to E(1) 5145.7 - Sexual Harassment and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. COEs may modify this regulation to designate different COE employees to serve these functions. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE.

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

Executive Director of Human Resources
(title or position)
Siskiyou County Office of Education_____

(unit or office)
609 S. Gold Street, Yreka, CA 96097_____
(address)
530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email)

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

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

In no instance shall a compliance officer 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 that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent of Schools or designee who shall determine how the complaint will be investigated.

CSBA NOTE: 5 CCR 4621 requires the COE's policy to include that employees responsible for compliance and/or for investigating and resolving complaints be knowledgeable about the laws and programs at issue in the complaints they are assigned. ~~Compliance~~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.

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

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, they shall be implemented and remain in place until it is determined that they are no longer necessary or until the COE issues its final written decision, whichever occurs first.

**Notifications**

The COE's UCP policy and processes shall be ~~posted in all schools~~prominently and ~~offices,~~conspicuously displayed at each school site and COE 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 COE's website. (Education Code 234.1)

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

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

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

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

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

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

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

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

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

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

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

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

8. A statement that complaints will be investigated in accordance with the COE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the

complaint, unless this time period is extended by written agreement of the complainant

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

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

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

CSBA NOTE: The following paragraph may be modified to reflect local practice. Pursuant to Education Code 221.61, a COE and COE school are required to post information related to Title IX on their websites, including specified information about complaint procedures under Title IX~~;~~. For more information regarding these required posting, see BP 5145.3 - Nondiscrimination/Harassment. A school that does not maintain a website may comply by posting the information on the website of the COE. 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 COE and school websites, published in handbooks or catalogs, and may be provided through COE-supported social media, if available.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires COEs to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

All students and parents/guardians, including students and parents/guardians with limited English proficiency, shall have access to the relevant information provided in the COE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular COE school speak a single primary language other than English, the COE's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the COE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

**Filing of Complaints**

CSBA NOTE: Complaints filed under the UCP may be filed directly with a compliance officer or with any site administrator. ~~See~~For more information regarding the process for initiating and responding to complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, see BP 5145.3 – Nondiscrimination/Harassment and BP 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. ~~The~~Additionally, a COE may

~~also~~ establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by the COE should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, COE staff shall assist in the filing of the complaint. (5 CCR 4600)

~~Complaints~~Additionally, complaints shall ~~also~~ be filed in accordance with the following rules, as applicable:

1. A complaint alleging COE violation of applicable state or federal law or regulations governing the programs specified in the accompanying County Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

   CSBA NOTE: Education Code 49013 and 52075 mandate COEs to adopt procedures that allow for anonymous complaints to be filed when a COE allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance (Education Code 49013, 52075)

   A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the site administrator of the school or with the County Superintendent or designee. (Education Code 49013)

   CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the SPI, the reviewing authority for COEs, approves the COE's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

   For complaints related to the LCAP, the date of the alleged violation is the date when the Superintendent of Public Instruction (SPI) approves the LCAP that was adopted by the County Board. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination (5 CCR 4630)

   The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

   CSBA NOTE: It is recommended that ~~COEs consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the COE's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the COE's ability to investigate the conduct or take other necessary action

   When honoring a request for confidentiality, the COE shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

   CSBA NOTE: Pursuant to Education Code 51500, as amended by AB 715, discriminatory bias in instruction and COE-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 COE-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 COEs 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 County Board policy. The following section may be modified to specify the ADR method and timelines used within the COE.

COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student~~;~~. For more information regarding restrictions on when an informal resolution process may be utilized for addressing complaints alleging sexual harassment, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However,

mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. ~~The~~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 COE'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 COE shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the COE shall then continue with subsequent steps specified in this exhibit.

**Investigation of Complaint**

CSBA NOTE: The timeline specified below may be modified to reflect local practice. 5 CCR 4631, which requires the COE to provide the complainant with the opportunity to present relevant information, does not provide any timeline.

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 local practice.

To investigate a complaint alleging discriminatory bias in instruction or COE-sponsored activities, the compliance officer is not required to interview members of the protected class.

CSBA NOTE: 5 CCR 4631 ~~allows~~authorizes the COE 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 COE 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 COE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint. Refusal by the COE to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

**Timeline for Investigation Report**

CSBA NOTE: Pursuant to 5 CCR 4631, the COE's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for COEs that do not allow complainants to appeal the compliance officer's decision to the County Board. Option 2 is for COEs that allow appeals to the County Board, and it requires the compliance officer's decision within 30 calendar days so that the County Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the County Board if dissatisfied with the compliance officer's decision. COEs may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommended that ~~the COE consult~~ CSBA's District and County Office of Education Legal services or other legal counsel be consulted, accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the COE, the 60-day period specified in 5 CCR 4631 begins when the COE receives the complaint.

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 COE 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.

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the COE's receipt of the complaint. (5 CCR 4631)

**Investigation Report**

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the COE's investigation report. Inclusion of these items will help protect the COE's position in case of an appeal to CDE, a complaint submitted to the U.S. Department of Education's Office for Civil Rights (~~OCR~~USOCR), or if litigation is filed.

For all complaints, the COE's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered

   For a complaint of discriminatory bias in instruction and COE-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 COE is in compliance with the relevant law

3. Corrective action(s) whenever the COE finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the COE's investigation report to CDE, except when the COE has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

In consultation with 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 COE response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed~~;~~. 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 COEs to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the COE's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the COE's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

**Corrective Actions**

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

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or COE environment may include, but are not limited to, actions to reinforce COE policies; training for faculty, staff, and students; updates to school practices or procedures; or school climate surveys.

CSBA NOTE: Pursuant to Education Code 48900.5, the COE is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity, and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. For more information regarding discipline and corrective actions for a student who has committed an act of bullying, see BP 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, appropriate action shall be taken, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The COE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the COE does not tolerate it, and how to report and respond to it.

CSBA NOTE: Pursuant to Education Code 244, as amended by AB 715, the County Board is required to take remedial action as described below, if the County 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.

If the County 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 County Board 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 COE decision regarding a

complaint, that a COE violated Education Code 244, CDE is required to notify the COE 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 County Board is notified by the SPI that the COE 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 COE 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 COE 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 COE 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 COE, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the COE is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. ~~COEs that do not serve students in grades transitional kindergarten-6 should delete the reference to physical education below.~~

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the COE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the COE, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

**Appeals to the California Department of Education**

CSBA NOTE: The following section includes information regarding the COE'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 COE or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision. 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 COE when certain conditions exist such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, (3) the complainant alleges that the COE 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 COE 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 COE 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 COE-wide policy that is in conflict with state or federal law and that filing a complaint with the COE would be futile.

Any complainant who is dissatisfied with the COE's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the COE's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the COE's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The COE failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the COE's investigation report lacks material findings of fact necessary to reach a conclusion of law

3. The material findings of fact in the COE's investigation report are not supported by substantial evidence

4. The legal conclusion in the COE's investigation report is inconsistent with the law

5. In a case in which the COE found noncompliance, the corrective actions fail to provide a proper remedy

CSBA NOTE: 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 COE 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 COE to issue a COE 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 COE 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 COE 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 COE to submit the following documents to CDE within 10 days after the COE has been notified that an appeal has been filed. The COE's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the COE.

Upon notification by CDE that the COE's investigation report has been appealed, the County Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint

2. A copy of the COE's investigation report

3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator

4. A report of any action taken to resolve the complaint

5. A copy of the COE's UCP

6. Other relevant information requested by CDE

If notified by CDE that the COE's investigation report failed to address allegation(s) raised by the complaint, the COE shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

~~CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances.~~

~~Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the COE when certain conditions exist such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a COE wide policy that is in conflict with state or federal law and that filing a complaint would be futile.~~

**Health and Safety Complaints in License-Exempt Preschool Programs**

CSBA NOTE: The following section is for use by COEs that operate any license-exempt CSPP program. Education Code 8212 **mandates** COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the COE must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the COE notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the County Superintendent or designee may download and post a notice available from CDE's website. (Education Code 8212; 5 CCR 4691)

The COE's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the County Superintendent or designee shall make all reasonable efforts to investigate any complaint within

their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, ~~OCR~~USOCR requires COEs to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the COE's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the COE's decision to the SPI in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

Summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, shall be reported to the County Board at a regularly scheduled County Board meeting. (5 CCR 4693)

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| 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 |

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|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Complaints regarding health and safety issues in license-exempt preschool programs |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary education programs |
| Ed. Code 18100-18203 | School libraries |
| Ed. Code 200-~~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 | 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 49010-49014 | Student fees |
| Ed. Code 49060-49079 | Student records |
| Ed. Code 49069.5 | Records of foster youth |
| Ed. Code 49490-49590 | Child nutrition programs |
| Ed. Code 49701 | Interstate Compact on Educational Opportunity for Military Children |
| Ed. Code 51204.5 | Social sciences instruction; contributions of specified groups |
| Ed. Code 51210 | Courses of study grades 1-6 |
| Ed. Code 51222 | Physical education |
| Ed. Code 51223 | Physical education~~,~~; elementary schools |
| Ed. Code 51225.1-51225.25 | Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements |
| Ed. Code 51226-51226.1 | Career technical education |

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| Ed. Code 51228.1-51228.3 | Course periods without educational content |
| Ed. Code 51500-51501 | ~~Nondiscriminatory~~Prejudices; nondiscriminatory subject matter |
| Ed. Code 52059.5 | Statewide system of support |
| Ed. Code 52060-52077 | Local control and accountability plan |
| Ed. Code 52075 | Complaint for lack of compliance with local control and accountability plan requirements |
| Ed. Code 52300-52462 | Career technical education |
| Ed. Code 52500-52617 | Adult schools |
| Ed. Code 54400-54425 | Compensatory education programs |
| Ed. Code 54440-54445 | Migrant education |
| Ed. Code 54460-54529 | Compensatory education programs |
| Ed. Code 59000-59300 | Special schools and centers |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 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-~~8498~~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 |

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|---|---|
| 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<br>(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; adoption of grievance procedures~~ |
| 34 CFR 110.25 | Notice of nondiscrimination on the basis of age |
| 34 CFR 299.13-299.17 | Complaint procedures<br>(eCFR :: 34 CFR Part 299 Subpart F -- Complaint Procedures) |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy Act |
| 42 USC 11431-11435 | McKinney-Vento Homeless Assistance Act |
| 42 USC 12101-12213 | Americans with Disabilities Act |
| 42 USC 2000d-2000d-7 | Title VI ~~and Title VII~~, Civil Rights Act of 1964, as amended |
| 42 USC 2000h-2-2000h-6 | Title IX of the Civil Rights Act of 1964 |
| 42 USC 6101-6107 | Age Discrimination Act of 1975 |

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 |
| California Department of Education Publication | Uniform Complaint Procedure ~~2020-21~~ Program Instrument |

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|---|---|
| California Department of Education Publication | Sample UCP Board Policies and Procedures |
| 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 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| 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, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579<br><br>(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: Responding to Bullying of Students with Disabilities, October 2014 |
| U.S. DOJ Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | California Civil Rights Department |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Student Privacy Policy Office<br><br>(Student Privacy Policy Office \| U.S. Department of Education) |
| Website | U.S. Department of Justice |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | U.S. Department of Agriculture<br><br>(Child and Adult Care Food Program \| Food and Nutrition Service) |
| Website | CSBA |
| Website | California Department of Social Services |

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| | (Home \| California Dept. of Social Services) |
| Website | California Department of Fair Employment and Housing |
| Website | California Department of Education |

**Cross References**

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0420 | School Plans/Site Councils |
| 0420 | School Plans/Site Councils |
| 0420.41 | Oversight Of County Charter Schools |
| 0420.41-E(1) | Oversight Of County Charter Schools |
| 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 | County Office of Education And School Websites |
| 1113 | County Office of Education And School Websites |
| 1113-E(1) | County Office of Education And School Websites |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2-E(1) | Complaints Concerning Instructional Materials |

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| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(1) | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| 1445 | Response To Immigration Enforcement |
| 1445 | Response To Immigration Enforcement |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3580 | County Office of Education Records |
| 3580 | County Office of Education 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 |
| 4119.1-E(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 |
| 4119.24 | Maintaining Appropriate Adult-Student Interactions |
| 4144 | Complaints |
| 4144 | Complaints |
| 4212.9 | Employee Notifications |
| 4212.9-E(1) | Employee Notifications |

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| 4219.1 | Civil And Legal Rights |
| 4219.1-E(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 |
| 4219.24 | Maintaining Appropriate Adult-Student Interactions |
| 4244 | Complaints |
| 4244 | Complaints |
| 4312.9 | Employee Notifications |
| 4312.9-E(1) | Employee Notifications |
| 4319.1 | Civil And Legal Rights |
| 4319.1-E(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 |
| 4319.24 | Maintaining Appropriate Adult-Student Interactions |
| 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 |
| 5141.22 | Infectious Diseases |

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| 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 |
| 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-E(1) | Sexual Harassment |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(2) | Title IX Sexual Harassment Complaint Procedures |
| 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 |

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| 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 |
| 6159.2 | 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 |
| 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 |

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| 6178 | Career Technical Education |
| 6178.1 | Work-Based Learning |
| 6178.1 | Work-Based Learning |
| 6186 | Juvenile Court Schools |
| 6200 | Adult Education |
| 6200 | Adult Education |
| 9012 | Board Member Electronic Communications |
| 9124 | Attorney |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |

## Exhibit 1312.3-E(2): Uniform Complaint Procedures

**Status:** ADOPTED

**Original Adopted Date:** 12/01/2021 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

~~CSBA NOTE:~~CSBA NOTE: The following exhibit is for county offices of education (COE) 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). 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 local practice, including adding the school and ~~County Office of Education~~COE website addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the ~~County Office~~county office of ~~Education's~~education's (COE) uniform complaint procedures as required by law. A complaint form may be obtained at the

school or COE office, or downloaded from the school or COE website. ~~You~~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 the COE's complaint form or the complaint form from CDE.

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| 5 CCR 4690-4694 | Complaints regarding health and safety issues in license-exempt preschool programs |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary education programs |
| Ed. Code 18100-18203 | School libraries |
| Ed. Code 200-~~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 |
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| Ed. Code ~~48853-48853.5~~48850-48859 | Foster youth |
| Ed. Code 48900.5 | Suspension; other means of correction |
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| 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 | ~~Nondiscriminatory~~Prejudices; nondiscriminatory subject matter |
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| Ed. Code 54400-54425 | Compensatory education programs |
| Ed. Code 54440-54445 | Migrant education |
| Ed. Code 54460-54529 | Compensatory education programs |
| Ed. Code 59000-59300 | Special schools and centers |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 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 |
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| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
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| ~~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~~ |
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| ~~34 CFR 106.8~~ | ~~Designation of coordinator; dissemination of policy; adoption of grievance procedures~~ |
| 34 CFR 110.25 | Notice of nondiscrimination on the basis of age |

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| 34 CFR 299.13-299.17 | Complaint procedures<br><br>(eCFR :: 34 CFR Part 299 Subpart F -- Complaint Procedures) |
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| Federal Register | ~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579<br><br>(Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance) |
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| Website | CSBA |
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| Website | California Department of Education |

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| 0420.41-E(1) | Oversight Of County Charter Schools |
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| 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 | County Office of Education And School Websites |
| 1113 | County Office of Education And School Websites |

| | |
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| 1113-E(1) | County Office of Education And School Websites |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.1 | Complaints Concerning County Office 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 | Williams Uniform Complaint Procedures |
| 1312.4-E(1) | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| 1445 | Response To Immigration Enforcement |
| 1445 | Response To Immigration Enforcement |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3580 | County Office of Education Records |
| 3580 | County Office of Education 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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|---|---|
| 4119.1 | Civil And Legal Rights |
| 4119.1-E(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 |
| 4119.24 | Maintaining Appropriate Adult-Student Interactions |
| 4144 | Complaints |
| 4144 | Complaints |
| 4212.9 | Employee Notifications |
| 4212.9-E(1) | Employee Notifications |
| 4219.1 | Civil And Legal Rights |
| 4219.1-E(1) | Civil And Legal Rights |
| 4219.11 | Sexual Harassment |
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| 4312.9-E(1) | Employee Notifications |
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| 4319.1-E(1) | Civil And Legal Rights |
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|---|---|
| 4319.24 | Maintaining Appropriate Adult-Student Interactions |
| 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 |
| 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 |
| 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-E(1) | Sexual Harassment |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(2) | Title IX Sexual Harassment Complaint Procedures |
| 5146 | Married/Pregnant/Parenting Students |
| 5148 | Child Care And Development |

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|---|---|
| 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 |
| 6159.2 | 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 |

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| 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 |
| 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 |
| 6186 | Juvenile Court Schools |
| 6200 | Adult Education |
| 6200 | Adult Education |
| 9012 | Board Member Electronic Communications |
| 9124 | Attorney |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |

## Exhibit 1312.3-E(3): Uniform Complaint Procedures

**Status:** ADOPTED

**Original Adopted Date:** 12/01/2021 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

SCOE NOTE: If applicable, REVISED SCOE form will be added once policy has been adopted by the Board

~~CSBA NOTE:~~CSBA NOTE: The following exhibit is for county offices of education (COE) 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 county office of education's (COE) uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

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

Date problem was observed: _____

Location of the problem that is the subject of this complaint:
School name/address: _____
Room number/name of room/location of facility: _____

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

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

☐ The preschool does not have outdoor shade that is safe and in good repair

☐ Drinking water is not accessible and/or readily available throughout the day

□ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children

□ Restroom facilities are not available only for preschoolers and kindergartners

□ The preschool program does not provide visual supervision of children at all times

□ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time

□ Playground equipment is not safe, in good repair, or age appropriate

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

_____
_____
_____
_____
_____
_____

CSBA NOTE: Education Code 8212 requires complaints identified above to be filed with the preschool administrator or designee. COEs should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

_____
(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 4680-4687 | Williams uniform complaint procedures |
| 5 CCR 4690-4694 | Complaints regarding health and safety issues in license-exempt preschool programs |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary education programs |
| Ed. Code 18100-18203 | School libraries |
| Ed. Code 200-~~262.4~~280 | Prohibition of discrimination |
| Ed. Code 32280-32289.~~5~~6 | School safety plans |
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| Website | U.S. Department of Justice |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | U.S. Department of Agriculture<br><br>(Child and Adult Care Food Program \| Food and Nutrition Service) |
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| Website | California Department of Social Services |

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| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
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## County Board Policy 5022: Student And Family Privacy Rights

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2002 **| Last Revised Date:** 08/~~15~~01/2026 **| Last Reviewed Date:** 08/~~15~~01/2026

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~

CSBA NOTE: Pursuant to 20 USC 1232h, the Protection of Pupil Rights Amendment~~,~~ (PPRA), any ~~district~~county office of education (COE) 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~~COE or a ~~Governing~~County Board of Education 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~~COE employee to lie to or mislead a ~~student's~~student's parent/guardian about the ~~student's~~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~~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.– Nondiscrimination/Harassment.

Because this area of law is complex and still evolving, it is recommended that CSBA's District and County Office of Education Legal Services or other legal counsel be consulted when disclosing a student's gender identity or when a parent/guardian objects to the COE treating a student in a manner inconsistent with the student's sex.

The GoverningCounty Board of Education respects the privacy rights of districtcounty office of education (COE) students and their families, which shall only be limited by law, and Boardlocal policy and administrative regulation.

CSBA NOTE: DistrictsCOEs 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 parentsParents/guardians shall 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

Students' personal information may be collected, disclosed, or used 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~~COEs adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes. Option 1 below is for use by ~~districts~~COEs that choose to prohibit the collection of personal information for marketing purposes. Option 2 is for use by ~~districts~~COEs that choose to authorize the collection of personal information for marketing purposes.

However, ~~the Superintendent or designee is prohibited from collecting, disclosing, or using~~ a student's individually identifiable information, including the ~~student's~~student's name, parent/guardian's name, home or other physical address, telephone number, or social security number, may not be collected, disclosed, or used for the purpose of marketing or selling that information or providing the information to others for that purpose.

**Surveys Requesting Information about Beliefs and Practices**

CSBA NOTE: Education Code 51513 provides that exams, surveys, or questionnaires containing questions about a student's or the student's family's personal beliefs or practices in sex, family life,

morality, and religion may not be administered 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 COEs and is **mandated**, pursuant to 20 USC 1232h, for COEs receiving funds from a program administered by the 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 informational items specified in Education Code 51513 or 20 USC 1232h.

CSBA NOTE: Pursuant to 20 USC 1232h, COEs receiving funds from a USDOE-administered program are **mandated** to adopt a policy regarding the COE'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.

A student's identity shall not be requested or disclosed if a student participates in such a survey requesting information about personal beliefs and practices.

CSBA NOTE: Education Code 51938 creates an exception to the requirement for prior written consent for students in grades 7-12 who are administered anonymous, voluntary surveys regarding student health behaviors and risks when written parent/guardian notification is provided and the parent/guardian is allowed to opt the student out of participation (i.e., "passive consent"). See "Parent/Guardian Access to Surveys and Instructional Materials" and "Notifications," below.

Notwithstanding the above requirements for prior written consent, an anonymous, voluntary, and confidential research and evaluation tool may be administered to students in grades 7-12 to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex 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, if a voluntary survey includes questions pertaining to sexual orientation and/or gender identity, those questions may not be removed.

If a voluntary survey is administered that already includes questions pertaining to sexual orientation and/or gender identity, such questions shall not be removed. (Education Code 51514)

**Parent/Guardian Access to Surveys and Instructional Materials**

CSBA NOTE: 20 USC 1232h mandates that COEs 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 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. Additionally, pursuant to Education Code 51938, COEs that administer to students in grades 7-12 anonymous, voluntary surveys regarding health behaviors and risks 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, COEs that authorize the collection of personal information for marketing or sale (Option 2 above) 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 COE student, upon request, shall have the right to inspect surveys or other instruments to be administered or distributed to the parents/guardians' child or any instructional material to be used as part of the child's educational curriculum in accordance with Education Code 51938 and 20 USC 1232h.

CSBA NOTE: 20 USC 1232h mandates COEs 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 local definition of a reasonable timeline and reasonable access.

Within a reasonable period of time after receiving a parent/guardian's request, the parent/guardian shall be permitted to view the survey or other requested document. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for exercise of any of the rights stated above.

**Health Examinations**

CSBA NOTE: 20 USC 1232h mandates a COE 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 parent/guardian notification, as provided below. This requirement does not apply to any physical examination or screening that is permitted without parent/guardian 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 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 COEs receiving funds from a USDOE-administered program notify parents/guardians of the following. A sample notification letter is available on USDOE's "Protecting Student Privacy, Annual Notices" website.

At the beginning of the school year, parents/guardians shall receive notifications as specified in 20 USC 1232h.

CSBA NOTE: The remainder of this policy is for use by all ~~districts~~COEs.

20 USC 1232h requires that the ~~district's~~COE'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~~local practice.

~~The Superintendent or designee shall consult with parents~~Parents/guardians shall be consulted regarding the development of regulations pertaining to other uses of personal information~~, which shall, at a minimum, address the following:~~ ( in accordance with 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 abov~~

~~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 #1-4 above. (20 USC 1232h).~~

**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 ~~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 |
| Ed. Code 49602 | Confidentiality of personal information received during counseling |
| 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 |
| 20 USC 1232h | Protection of pupil 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 Publication | 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 |

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|---|---|
| | 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 | U.S. Department of Education, Family Policy Compliance Office |
| Website | CSBA |
| Website | California Department of Education |

**Cross References**

| Code | Description |
|---|---|
| ~~0420~~1445 | ~~School Plans/Site Councils~~Response To Immigration Enforcement |
| ~~0420~~1445 | ~~School Plans/Site Councils~~Response To Immigration Enforcement |
| ~~1220~~ | ~~Citizen Advisory Committees~~ |
| ~~1220~~ | ~~Citizen Advisory Committees~~ |
| ~~1230~~ | ~~School-Connected Organizations~~ |
| ~~1230~~ | ~~School-Connected Organizations~~ |
| ~~1321~~ | ~~Solicitation Of Funds From And By Students~~ |
| ~~1321~~ | ~~Solicitation Of Funds From And By Students~~ |
| ~~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~~ |
| 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 |

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| ~~5126~~ | ~~Awards For Achievement~~ |
| ~~5126~~ | ~~Awards For Achievement~~ |
| ~~5131.6~~ | ~~Alcohol And Other Drugs~~ |
| ~~5131.6~~ | ~~Alcohol And Other Drugs~~ |
| ~~5131.62~~ | ~~Tobacco~~ |
| ~~5131.62~~ | ~~Tobacco~~ |
| ~~5141.21~~ | ~~Administering Medication And Monitoring Health Conditions~~ |
| ~~5141.21~~ | ~~Administering Medication And Monitoring Health Conditions~~ |
| ~~5141.22~~ | ~~Infectious Diseases~~ |
| ~~5141.22~~ | ~~Infectious Diseases~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5141.6~~ | ~~School Health Services~~ |
| ~~5142.1~~ | ~~Identification And Reporting Of Missing Children~~ |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| ~~5145.6~~ | ~~Parent/Guardian Notifications~~ |
| ~~5145.6-E(1)~~ | ~~Parent/Guardian Notifications~~ |
| ~~5148~~ | ~~Child Care And Development~~ |
| ~~5148~~ | ~~Child Care And Development~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6143~~ | ~~Courses Of Study~~ |
| ~~6144~~ | ~~Controversial Issues~~ |
| 6162.5 | Student Assessment |
| ~~6162.8~~ | ~~Research~~ |
| ~~6162.8~~ | ~~Research~~ |
| ~~6164.2~~ | ~~Guidance/Counseling Services~~ |
| ~~6164.5~~ | ~~Student Success Teams~~ |
| ~~6164.5~~ | ~~Student Success Teams~~ |

## County Board 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** County Board of Education policy 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 County Office Records and BB 9012 - County Board Member Electronic Communications.

Pursuant to 5 CCR 431, county offices of education (COEs) 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 COE, (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.

The County Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law.

### 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 COEs 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 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 website, "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 in 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 - Acceptable Use of Technology, BP 5131.9 - Academic Honesty, and BP/AR 6163.4 - Student Use of Technology.]

The confidentiality of student records shall be ensured as required by law. Processes and procedures shall be established to safeguard data against damage, loss, or theft, including damage, loss, or theft that may be caused by any technology used in the retention or disclosure of student records, such as artificial intelligence, or by a breach to the county office of education's (COE) digital infrastructure.

If the COE experiences a cyberattack that impacts more than 500 students or personnel, the cyberattack shall be reported to the California Cybersecurity Integration Center. (Education Code 35266)

[CSBA NOTE: Education Code 49073.1 authorizes COEs 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 COE 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.]

A contract may be entered into with a third party for the digital storage, management, and retrieval of student records and/or a third party provider of digital software may be authorized 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 COE 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~~), which~~). 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 COE 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 COE upon the request of the school or COE.

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 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~~, and any official records or files directly related to a student and maintained by the operator, school, or COE~~.~~.

~~If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the~~ The operator of a website, online service or application, or mobile application~~, and~~ that controls such student record shall delete any student data under the control of the school or COE upon request by the COE. Additionally, the student's parent/guardian, or the student~~,~~ if 18 years of age or older, ~~requests deletion of such records,~~may request the operator ~~shall be provided documentation that the student has not been enrolled in the COE for at least 60 days.~~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)

## Social Security Numbers

CSBA NOTE: Pursuant to Education Code 49076.7, a COE 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.

Social security numbers or the last four digits of social security numbers of students or their parents/guardians shall not be collected or solicited, 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 1340 - Access to County Office Records.

The immigration or citizenship status of a student or a student's family member may only be collected and disclosed in accordance with County Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement.

No list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation shall be compiled and no student information may be disclosed 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, COEs are required to develop protocols to comply with a court's restraining order that prohibits a party from accessing records and information pertaining to the education, daycare, health care, recreational activities, or employment of a minor child of the parties, which may include prohibiting access to a parent/guardian who would otherwise be entitled to the records. The protocols must, at a minimum, (1) designate an appropriate employee(s) who is responsible for receiving protective order(s), (2) establish a means of ensuring that the restrained party is not able to access the prohibited records or information, and (3) implement a procedure for submitting a copy of the restraining order including confirmation of when and to whom it was submitted. It is recommended that ~~COEs with questions about complying with these procedures consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted with questions about complying with these procedures.

Protocols shall be developed 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 local practice.~~CSBA NOTE: Pursuant to Education Code 49073.6, any COE 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 information from students' social media is not gathered, the following section may be deleted.

It is recommended that ~~the County Board consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted before gathering any other online information that does not meet the definition of social media in Education Code 49073.6.

Information from the social media of any COE student may be gathered and maintained, provided that the students and parents/guardians are first notified about the proposed program, offered an opportunity for public comment at a regularly scheduled County 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 COEs to consider whether information about students shared with or stored in an AI-enabled system is subject to federal or state privacy laws and whether interactions between students and AI systems may create records that are required to be protected by law, such as when a chatbot or automated tutor generates written guidance to a student.~~

~~Pursuant to Education Code 33328.5, the Superintendent of Public Instruction has convened a working group related to AI in public schools in order to develop guidance on the safe use of AI in education and, subsequently, to develop a model policy on the safe and effective use of AI. For more information on AI, see BP 0441 - Artificial Intelligence, BP/E(1) 4040 - Acceptable Use of Technology, BP 5131.9 - Academic Honesty, and BP/AR 6163.4 - Student Use of Technology.~~

~~The confidentiality of student records shall be ensured as required by law, and processes and procedures established, to safeguard data against damage, loss, or theft, including damage, loss, or theft which may be caused by the use of technology, including artificial intelligence and breaches to the COE's digital infrastructure, in the retention or disclosure of student records~~

~~If the COE experiences a cyberattack that impacts more than 500 students or personnel, the cyberattack shall be reported to the California Cybersecurity Integration Center. (Education Code 35266)~~

~~CSBA NOTE: Education Code 49073.1 authorizes COEs 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 COE 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.~~

~~A contract may be entered into with a third party for the digital storage, management, and retrieval of student records and/or a third party provider of digital software may be authorized to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.~~

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

| State | Description |
|---|---|
| 5 CCR 16020-16027 | Individual student records |
| 5 CCR 16020-16027 | Destruction of records of school districts |
| 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 |
| Ed. Code 220.5 | Prohibition of enactment or enforcement of policy, rule, or administrative regulation requiring employee or contractor to |

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| | 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 |
| 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 | California Longitudinal Pupil Achievement Data System |
| Ed. Code 69432.9 | Cal Grant program; notification of grade point average |
| Ed. Code 69475 | Conditional repeal of Cal Grant program |
| Fam. Code 3025 | Access to records by noncustodial parents |
| Fam. Code 6323.5 | Ex parte orders |
| Fam. Code 6552 | Caregiver's authorization affidavit |
| Gov. Code 7920.000-7930.215 | California Public Records Act |
| H&S Code 120440 | Immunizations; disclosure of information |

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| Pen. Code 245 | Assault with deadly weapon |
| W&I Code 16010 | Health and education records of a minor |
| W&I Code 681 | Truancy petitions |
| W&I Code 701 | Juvenile court law |

| **Federal** | **Description** |
|---|---|
| 15 USC 6501-6506 | Children's Online Privacy Protection Act |
| 16 CFR Part 312 | Children's Online Privacy Protection Rule |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1232h | Protection of Pupil Rights Amendment |
| 26 USC 152 | Definition of dependent child |
| 34 CFR 300.501 | Opportunity to examine records for parents/guardians of student with disability |
| 34 CFR 99.1-99.8 | Family Educational Rights and Privacy Act |
| 42 USC 11434a | McKinney-Vento Homeless Assistance Act; definitions |

| **Management Resources** | **Description** |
|---|---|
| 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 |

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| 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<br><br>(https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPO_DCL_Annual%20Notice_0.pdf) |
| 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 | A Parent Guide to the Family Educational Rights and Privacy Act (FERPA), July 2021 |
| 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 | School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA), February 2019 |
| 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 | Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008 |
| Website | California IT in Education, Student Data Privacy |
| Website | California Department of Education, Artificial Intelligence: Information regarding the role of artificial intelligence (AI) in California Public Schools<br><br>(https://www.cde.ca.gov/ci/pl/aiincalifornia.asp) |
| Website | California Department of Education, Resources to Include Immigrant Families |
| Website | California Department of Education, LEA Immigration Enforcement Policy Submission |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Protecting Student Privacy |
| Website | CSBA |
| Website | California Office of the Attorney General |
| Website | California Department of Education |

**Cross References**

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0440 | County Office of Education Technology Plan |
| 0441 | Artificial Intelligence |
| 1100 | Communication With The Public |
| 1113 | County Office of Education And School Websites |
| 1113 | County Office of Education And School Websites |
| 1113-E(1) | County Office of Education And School Websites |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3-E(1) | Uniform Complaint Procedures |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 1312.3-E(3) | Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office Records |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 1445 | Response To Immigration Enforcement |
| 1445 | Response To Immigration Enforcement |
| 3250 | Transportation Fees |
| 3250 | Transportation Fees |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3290 | Gifts, Grants And Bequests |
| 3312 | Contracts |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.3 | Campus Security Department |
| 3515.3 | Campus Security Department |
| 3553 | Free And Reduced Price Meals |
| 3553 | Free And Reduced Price Meals |

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| 3555 | Nutrition Program Compliance |
| 3555-E(1) | Nutrition Program Compliance |
| 3580 | County Office of Education Records |
| 3580 | County Office of Education Records |
| 4040 | Acceptable Use Of Technology |
| 4040-E(1) | Acceptable Use Of Technology |
| 4112.6 | Personnel Files |
| 4113.5 | Working Remotely |
| 4117.7 | Employment Status Reports |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4212.6 | Personnel Files |
| 4213.5 | Working Remotely |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4219.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4312.6 | Personnel Files |
| 4313.5 | Working Remotely |
| 4317.7 | Employment Status Reports |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5000 | Concepts And Roles |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5021 | Noncustodial Parents |

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| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5111 | Admission |
| 5111 | Admission |
| 5111.1 | County Residency |
| 5111.1 | County Residency |
| 5111.2 | Nonresident Foreign Students |
| 5112.1 | Exemptions From Attendance |
| 5112.1 | Exemptions From Attendance |
| 5112.2 | Exclusions From Attendance |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | County School Attendance Review Board |
| 5113.12 | County School Attendance Review Board |
| 5113.2 | Work Permits |
| 5113.2 | Work Permits |
| 5119 | Students Expelled From Other Districts |
| 5121 | Grades/Evaluation Of Student Achievement |
| 5121 | Grades/Evaluation Of Student Achievement |
| 5123 | Promotion/Acceleration/Retention |
| 5123 | Promotion/Acceleration/Retention |
| 5125.1 | Release Of Directory Information |
| 5125.1 | Release Of Directory Information |
| 5125.1-E(1) | Release Of Directory Information |
| 5125.2 | Withholding Grades, Diploma Or Transcripts |
| 5125.3 | Challenging Student Records |
| 5126 | Awards For Achievement |
| 5126 | Awards For Achievement |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.2 | Bullying |

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| 5131.2 | Bullying |
| 5131.61 | Drug Testing |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.9 | Academic Honesty |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.22 | Infectious Diseases |
| 5141.22 | Infectious Diseases |
| 5141.23 | Asthma Management |
| 5141.23 | Asthma Management |
| 5141.24 | Specialized Health Care Services |
| 5141.26 | Tuberculosis Testing |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.3 | Health Examinations |
| 5141.3 | Health Examinations |
| 5141.31 | Immunizations |
| 5141.31 | Immunizations |
| 5141.32 | Health Screening For School Entry |
| 5141.33 | Head Lice |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5141.6 | School Health Services |
| 5141.6 | School Health Services |
| 5142.1 | Identification And Reporting Of Missing Children |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |

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| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 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-E(1) | Sexual Harassment |
| 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 |
| 6142.7 | Physical Education And Activity |
| 6142.7 | Physical Education And Activity |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6146.2 | Certificate Of Proficiency/High School Equivalency |
| 6146.2-E(1) | Certificate Of Proficiency/High School Equivalency |
| 6158 | Independent Study |
| 6158 | Independent Study |
| 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 |
| 6162.5 | Student Assessment |

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| 6162.8 | Research |
| 6162.8 | Research |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6164.2 | Guidance/Counseling Services |
| 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 |
| 6172.1 | Concurrent Enrollment In College Classes |
| 6172.1 | Concurrent Enrollment In College Classes |
| 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 |
| 6178.1 | Work-Based Learning |
| 6178.1 | Work-Based Learning |
| 9011 | Disclosure Of Confidential/Privileged Information |
| 9012 | Board Member Electronic Communications |
| 9321 | Closed Session |
| 9321-E(1) | Closed Session |
| 9321-E(2) | Closed Session |

## County Board Policy 5131.8: Mobile Communication Devices

**Status:** ADOPTED

**Original Adopted Date:** ~~10~~08/01/~~2019~~ | **~~Last Revised Date:~~** ~~03/15/2025~~2026 | **Last Reviewed Date:** ~~03/15/2025~~08/01/2026

~~INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.~~

CSBA NOTE: The following policy ~~will be~~is **mandated** ~~beginning July 1, 2026,~~ and may be revised to reflect ~~district~~local practice. Pursuant to Education Code 48901.7, ~~as amended by AB 3216 (Ch. 500, Statutes of 2024),~~ the ~~Governing~~County Board of Education 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~~county office of education (COE) employee(s), and subsequently, to update the policy every five years.

Additionally, Education Code 48901.~~5 authorizes~~7 requires the ~~district~~development of the policy to ~~regulate the use of electronic signaling devices~~include significant stakeholder participation in order to ensure that ~~operate through~~ the ~~transmission~~policy is responsive to the unique needs and desires of students, parents/guardians, and educators in each community. Such participation may occur at County Board meetings, school site council meetings, or ~~receipt of radio waves, unless essential for a student's health.~~other appropriate meetings, in order to receive stakeholder input.

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 ~~Governing~~publication also includes core policy elements for K-12 education leaders, which may be helpful when revising this policy to reflect local practice, the grade levels served, and the unique needs and desires of COE schools.

The County Board of Education 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~~county office of education (COE) 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~~County Boards 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~~.~~, local 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~~COE employee.

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)

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

~~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: County Boards should choose Option 1 or Option 2 below irrespective of which option is chosen above. Education Code 48901.7 specifies circumstances in which the COE 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 use when students are not prohibited 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 use when students are prohibited 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.

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)

CSBA NOTE: Pursuant to Education Code 48901.7, ~~as amended by AB 3216, the district's~~the policy may include enforcement mechanisms that limit student access to smartphones. However, ~~the district is not permitted to monitor, collect~~monitoring, collecting, or otherwise ~~access~~accessing any information related to a student's online activities is not permitted.

~~The Superintendent or designee may undertake measures~~Measures or strategies may be undertaken 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~~E(1) 5145.12 - Search and Seizure. It is recommended that ~~the district consult~~ CSBA's District and County Office of Education Legal Services or ~~district~~other legal counsel~~,~~ be consulted 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~~COE employee, the student may be disciplined ~~and the district employee~~in accordance with law. Additionally, the device may be temporarily

~~confiscate the device. The employee shall store~~confiscated, in which case the device shall be stored securely until it is returned to the student or turned over to the principal or other site administrator, 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 was able to documented.

Pursuant to Education Code 48900, ~~districts have the authority to suspend or expel~~ students who engage in cyberbullying off campus may be suspended, 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~~other legal counsel be consulted 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~~and local 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~~COE property or substantially disrupts school activities.

The ~~district will~~COE 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 County 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)

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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 ~~or~~ /guardian for act of willful misconduct by a minor |
| Ed. Code 200-~~270~~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<br>(California Code, EDC 48901.8.) |
| Ed. Code 51512 | Prohibited use of electronic listening or recording device |
| Pen. Code 1546.1 | Electronic Communications Privacy Act<br>(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<br>(20 USC Ch. 38: DISCRIMINATION BASED ON SEX OR BLINDNESS) |

| Management Resources | Description |
| --- | --- |
| ~~California Department of Education Publication~~ | ~~Bullying at School, 2003~~ |
| Court Decision | Safford Unified School District V. Redding (2009) 557 US 364 |
| ~~Court Decision~~ | ~~J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094~~ |
| Court Decision | Mahanoy Area School District v. B.L. (2021) ~~141~~ 594 U.S.~~Ct. 2038~~ 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<br><br>(CyberbullyingPB_Final.ashx) |
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011<br><br>(Planning Together: A Playbook for Student Personal Device Policies) |
| ~~CSBA~~California Department of Education Publication | ~~Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010~~Bullying at School, 2003<br><br>(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<br><br>(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<br><br>(UCLACTSUCCSUCollaborative_K-12CellphonePoliciesBrief_FINALv.3.pdf) |

| | |
|---|---|
| Website | CSBA District and County Office of Education Legal Services |
| ~~Website~~ | ~~U.S. Department of Education~~ |
| 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 | ~~Center for Safe and Responsible Internet Use~~U.S. Department of Education |
| Website | ~~California Department of Education, Safe Schools~~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 |
| 5145.12-E(1) | 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 |

## County Board Policy 5145.3: Nondiscrimination/Harassment

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2019 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: The following **mandated** policy for county offices of education (COE) reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual.

The California Department of Education, through its Federal Program Monitoring process, reviews COEs' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with mandated policy requirements. Additionally, the U.S. Department of Education's Office for Civil Rights (~~OCR~~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 COE programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in County Office Programs and Activities, and regarding the protection of students against sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment~~.~~

~~Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases~~ and E(1)/E(2) 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 COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in *Tennessee v. Cardona* on January 9, 2025. Following this decision, ~~OCR's~~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 County Board of Education policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, staff development materials, or other curriculum for

classroom instruction, or any book or resource in a school library, see BP 0410 - Nondiscrimination in County Office Programs. Also see CSBA's ~~publication~~, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," ~~and corresponding Fact Sheet and Reference,~~"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."

For those COEs in which the County Board does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying administrative regulation for sample language.

The County Board of Education desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the county office of education's (COE) academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a COE school or program, to acts which occur off campus or outside of COE-related or COE-sponsored activities but which may have an impact on or create a hostile environment at school, and to all acts of the County Board and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

Unlawful discrimination against an individual or group in any COE school or school activity, including discriminatory harassment, intimidation, and bullying, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to any of the following is prohibited: race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; a perception of one or more, 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 COEs may not sponsor any activity that promotes a discriminatory bias. For more information regarding the prohibition of discriminatory bias, see BP 0410 – Nondiscrimination in County Office Programs and Activities.

Additionally, the COE shall not sponsor any activity, and instruction shall not be provided, that promotes a 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 COEs.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. ~~Unlawful~~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 COE programs or activities or the provision or receipt of educational benefits or services. ~~See BP 0410 - Nondiscrimination in County Office Programs and Activities.~~ Pursuant to Government Code 53080, as amended by AB 932 (Ch. 628, Statutes of 2025), COEs 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 COE programs and activities, see BP 0410 - Nondiscrimination in County Office 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 any COE programs or activities or the provision or receipt of educational benefits or services.

CSBA NOTE: The following paragraph addresses unlawful discrimination which may occur when disciplining students.

Because unlawful discrimination could occur when disciplining students, including suspension ~~and expulsion~~, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

~~The County Board also prohibits any~~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~~.~~, is also prohibited. 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 COE is required to publicize its nondiscrimination policies. Additionally, Education Code 234.1~~, as amended by SB 153 (Ch. 38, Statutes of 2024),~~ and 234.6 require the COE to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sexual harassment, suicide prevention, and other specified policies and information related to ~~specified state and federal laws and resources. In addition, 34 CFR 104.8 requires COEs to take "continuing steps" to notify students and~~

~~parents/guardians, that it does not discriminate on the basis of disability in its education programs or activities.~~

~~Beginning with the 2025-26 school year, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires COEs to ensure that~~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 COE's website in a manner that is easily accessible to parents/guardians and students~~. In addition, 34 CFR 104.8 requires COEs to take "continuing steps" to notify students and parents/guardians that it does not discriminate on the basis of disability in its education programs or activities.

For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

~~The COE shall facilitate students'~~Students' access to the educational program shall be facilitated by publicizing the COE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. ~~In addition~~Additionally, the COE's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information shall be posted on the COE's website in a manner that is easily accessible to 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)

Training and/or information on the scope and use of the policy and complaint procedures shall be provided and other measures designed to increase understanding of the requirements of law related to discrimination shall be taken. The implementation of the COE's nondiscrimination policies and practices shall regularly be reviewed and, as necessary, action to remove any identified barrier to student access to or participation in the COE's educational program shall be taken. The findings and recommendations shall be reported to the County Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action 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 COE from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel as necessary. 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, County Board policy, or ~~administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when~~

~~the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, related to a COE activity, attendance, or COE-related or COE-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal~~local administrative regulation, shall be subject to appropriate consequences or discipline.

CSBA NOTE: The following paragraph may be revised to reflect local practice. Pursuant to Education Code 48900.5 the COE is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph~~;~~. 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, school site administrator, 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, school site administrator, 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 may regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying or when otherwise required, the parents/guardians of victims and perpetrators shall be notified and law enforcement may be contacted.

CSBA NOTE: Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the COE's UCP specified in BP/E(1) 1312.3 - Uniform Complaint Procedures. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45~~, as added by 85 Fed.Reg. 30026~~)), 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 ~~COEs consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted.

For more information regarding sexual harassment against students in the school setting, see BP/E(1) 5145.7 - Sexual Harassment, and for the Title IX grievance procedures, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

When a complaint alleges disability discrimination, such a claim may be brought under the Individuals with Disabilities Education Act (IDEA), the Americans 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 COE programs and activities shall be investigated and resolved in accordance with County Board Policy 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 Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

**Record-Keeping**

A record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be maintained to enable the COE to monitor, address, and prevent repetitive prohibited behavior in COE schools.

**Antidiscrimination Measures**

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in COE schools, programs, and activities. COE nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

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| State | Description |
|---|---|
| 5 CCR 432 | Student records |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary education programs |
| Civ. Code 1714.1 | Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor |
| Ed. Code 17585 | School modernization project; all-gender restroom |
| Ed. Code 200-~~262.1~~280 | ~~Educational equity; prohibition of discrimination on the basis of sex~~Educational equity; 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 threats or harassment |
| Ed. Code 48900.5 | Suspension; other means of correction |
| Ed. Code 48904 | Liability of parent/guardian for willful student misconduct |

| | |
|---|---|
| Ed. Code 48907 | Students' exercise of free expression; rules and regulations |
| Ed. Code 48950 | Freedom of speech and other communication |
| Ed. Code 48985 | Notices to parents/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 | Unlawful discrimination |
| Gov. Code 12926 | Prohibition of discrimination; definitions |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes, harassment |
| **Federal** | **Description** |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act<br>(20 USC Ch. 33: EDUCATION OF INDIVIDUALS WITH DISABILITIES) |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 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<br>(eCFR :: 34 CFR 104.8 -- Notice.) |
| 34 CFR 106.1-106.82 | Discrimination on the basis of sex; effectuating Title IX<br>(eCFR :: 34 CFR Part 106 (Aug. 14, 2020) -- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance) |

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| 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 ~~and Title VII~~, Civil Rights Act of 1964, as amended<br>(42 USC CHAPTER 21, SUBCHAPTER V: FEDERALLY ASSISTED PROGRAMS) |
| 42 USC 2000e-2000e-17 | Title VII Civil Rights Act of 1964, as amended<br>(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, April 2018~~Enforcement Purposes, December 2025<br>(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) |
| California Department of Education Publication | Protection for LGBTQ+ Students: AB 1955 |
| Court Decision | A.J.T. v. Osseo (2025) 605 U.S. 335<br>(https://www.supremecourt.gov/opinions/opinions.aspx) |
| Court Decision | Kennedy v. Bremerton (2022) 142 S.Ct. 2407<br>(https://www.supremecourt.gov/opinions/opinions.aspx) |
| Court Decision | Mirabelli v. Bonta (2026) 146 S.Ct. 797<br>(https://www.supremecourt.gov/opinions/opinions.aspx) |
| Court Decision | McDonnell Douglas Corp v. Green (1973) 411 U.S. 792 |
| Court Decision | Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |

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| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | Students for Fair Admissions v. Harvard (2024) 600 U.S. 181 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| CSBA Publication | ~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~LGBTQ+ Students in Focus: Demographics and Academic Achievement, Governance Brief, June 2025<br><br>(Brief-Students-in-Focus-LGBTQ_2025-(1).ashx) |
| CSBA Publication | ~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 |
| CSBA Publication | ~~Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024~~Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024 |
| ~~Federal Register~~CSBA Publication | ~~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~~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, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579<br><br>(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~~Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026 |

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| | (2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf) |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 |
| U.S. DOE, Office for Civil Rights Publication | Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022 |
| U.S. DOE, Office for Civil Rights Publication | 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. DOJ Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | U.S Department of Justice, Civil Rights Division |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | ~~First Amendment Center~~ |
| Website | CSBA |
| Website | California Safe Schools Coalition |
| Website | California Office of the Attorney General |
| Website | California Interscholastic Federation |
| Website | California Department of Education |
| 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 |
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| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.1 | Complaints Concerning County Office 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-E(1) | Uniform Complaint Procedures |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 1312.3-E(3) | Uniform Complaint Procedures |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(1) | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office 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 | County Office of Education Records |
| 3580 | County Office of Education Records |
| 4112.6 | Personnel Files |

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| 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 |
| 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 |
| 5000 | Concepts And Roles |
| 5030 | Student Wellness |
| 5111 | Admission |
| 5111 | Admission |

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| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | County School Attendance Review Board |
| 5113.12 | County 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 |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 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 |
| 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 |

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| 5145.12 | Search And Seizure |
| 5145.12-E(1) | 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-E(1) | Sexual Harassment |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(2) | 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 |
| 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 |

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| 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 |

## County Office Regulation 5145.3: Nondiscrimination/Harassment

**Status:** ADOPTED

**Original Adopted Date:** 03/01/2022 **| Last Revised Date:** ~~06~~08/01/~~2025~~2026 **| Last Reviewed Date:** ~~06~~08/01/~~2025~~2026

CSBA NOTE: For those County Offices of Education (COE) in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this regulation, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent. The following regulation presents sample procedures recommended for use by the County Superintendent ~~of Schools~~ to complement and/or implement COE policy. It is recommended that any County Superintendent intending to adopt this sample regulation for use in the COE do so in cooperation with the County Board. This regulation may be revised to reflect local practice and may be adopted as a regulation or for the COE's use as a County Superintendent Policy.

CSBA NOTE: The following **mandated** administrative regulation provides measures that may be implemented to comply with state and federal laws and regulations prohibiting unlawful discrimination at any COE school or in COE-sponsored or COE-related activities, including discriminatory harassment, intimidation, and bullying, when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for COE programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in County Office Programs and Activities, and regarding the protection of students against sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment~~.~~

~~Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.~~

~~Federal and state law also~~ and E(1)/E(2) 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 each COE 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 COEs that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure compliance with federal laws and regulations governing the COE's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the COE's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (~~OCR~~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 discrimination policies and procedures, ~~OCR~~USOCR will examine whether a COE has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraph identifies the employee(s) designated to coordinate the COE's efforts to comply with state and federal civil rights laws as the same person designated to ensure COE compliance, and receive, investigate and resolve discrimination complaints under E(1) 1312.3 - Uniform Complaint Procedures, as well as the responsible employee to handle ~~sexual harassment complaints under Title IX. 34 CFR 106.8 requires the COE to designate at least one COE employee as the Title IX Coordinator to coordinate its responsibilities under Title IX. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the uniform complaint procedures (UCP) specified in E(1) 1312.3 - Uniform Complaint Procedures or in accordance with the Title IX complaint procedures specified in E(1) 5145.71 -~~Title IX sexual harassment complaints pursuant to E(1) 5145.7 – Sexual Harassment and E(1) 5145.71 – Title IX Sexual Harassment Complaint Procedures. It is recommended that the Title IX Coordinator be the same person designated below and in E(1) 1312.3 - Uniform Complaint Procedures. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE~~; see E(1) 1312.3 - Uniform Complaint Procedures and E(1) 5145.7 - Sexual Harassment~~.

COEs may modify the following paragraph to reflect local practice. If the COE designates more than one employee to coordinate compliance and/or receive and investigate complaints, each employee designated as a coordinator/compliance officer ~~must~~is required to be properly trained.

The County Superintendent of Schools designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the efforts of the County Office of Education (COE) to comply with applicable state and federal civil rights laws and to answer inquiries regarding the COE's nondiscrimination policies. ~~The~~Additionally, the individual(s) shall ~~also~~ serve as the Compliance Officer(s) specified in Exhibit (1) 1312.3 -- Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Exhibit (1) 5145.7- Sexual Harassment as the responsible employee to handle complaints alleging unlawful sexual harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Executive Director of Human Resources_____
(title or position)
609 S. Gold Street, Yreka, CA 96097_____

(address)
530-842-8400_____
(telephone number)
info@siskiyoucoe.net_____
(email)

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at COE schools or activities and to ensure equal access of all students to the educational program, the ~~County Superintendent or designee shall implement the~~ following measures shall be implemented:

CSBA NOTE: As part of its responsibility to monitor the COE's compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, ~~as amended by SB 153 (Ch. 38, Statutes of 2024),~~ CDE is required to ensure that the COE prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and COE office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the COE's website.

~~In addition~~Additionally, federal regulations enforced by ~~OCR~~USOCR require the COE to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25), and of related complaint procedures.

For additional notification requirements specific to sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment and E(1)/E(2) 5145.71 – Title IX Sexual Harassment Complaint Procedures.

1. Publicize the COE's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through COE-supported communications

   CSBA NOTE: Education Code 234.1~~, as amended by SB 153,~~ and 234.6 require the COE to post its nondiscrimination policies on its website as specified in Items #2 and #3 below. In addition to the policies specified in Item #2 below, if the COE has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. For more information regarding prevention strategies and complaints related to behavior motivated by hate, see BP 5145.9 - Hate-Motivated Behavior.

2. Post the COE'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 COE'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 COE'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 COEs and public schools to post on their websites information related to Title IX (20 USC 1681-1688). Education Code 234.6 requires COEs to post the Title IX information required pursuant to Education Code 221.61 in a prominent location on the COE's website in a manner that is easily accessible to students and parents/guardians ~~and students~~. Additionally, COEs are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8.

4. Post in a prominent location on the COE's website in a manner that is easily accessible to 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 COE's Title IX Coordinator, including the phone number and email address

    b. The rights of students and the public and the responsibilities of the COE under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (~~OCR~~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 COEs that participate in the California Interscholastic Federation (CIF). In order to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, Education Code 33353 requires a COE that participates in CIF to post on its website a standardized incident form

developed by CDE, including information on how to submit a completed incident form to the COE. The COE is required to submit information related to any completed standardized incident form to CDE, if requested.

5. Post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the COE (Education Code 33353)

~~CSBA NOTE: Beginning with the 2025-26 school, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires COEs, in addition to ensuring that other already specified policies and information is readily accessible on the COE's website, to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students.~~

6. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5-234.6)

   Such resources shall be posted in a prominent location on the COE's website in a manner that is easily accessible to 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 COE's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior

8. Annually notify all students and parents/guardians of the COE's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

   The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the COE's implementation of its nondiscrimination policies. ~~The~~Additionally, the notice shall ~~also~~ inform all students and parents/guardians that, to the extent possible, the COE will address any individual student's interests and concerns in private.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires COEs to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of K-12 students enrolled in the school speak a single primary language other than English.

9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the COE's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

   If 15 percent or more of students enrolled in a particular school speak a single primary language other than English, the COE's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code

234.1 and 48985. In all other instances, the COE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the COE's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

    Such training and information shall include details of guidelines the COE may use to provide a discrimination-free environment for all students.

    CSBA NOTE: ~~Item #11 applies to COEs that serve students in any of grades 7-12.~~ Pursuant to Education Code 234.1~~, as amended by SB 153~~, a COE is required to provide certificated school employees serving students in any of grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ ~~)~~+) students, or related to the support of students who may face bias or bullying as specified below.

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 COEs that serve students in any of grades 7-12. ~~Starting in the 2025-26 school year through the 2029-2030 school year,~~ Education Code 218.3 requires a COE serving students in any of grades 7-12 to provide at least one hour of training annually to all teachers and certificated employees serving students in grades 7-12 which incorporates CDE's online training curriculum to support LGBTQ+ cultural competency. The COE is required to maintain records documenting the date that each employee completed the training and the name of the entity that provided the training. Due to ongoing litigation related to the religious rights of teachers, it is recommended that CSBA's District and County Office of Education Legal Services or other legal counsel be consulted if a teacher objects to the content of this staff training on religious grounds.

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 local practice. In some situations, the COE may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

14. At the beginning of each school year, inform each principal or school site administrator of the COE's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

**Process for Initiating and Responding to Complaints**

CSBA NOTE: Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the UCP as specified in BP/E(1) - Uniform Complaint Procedures, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. Additionally, federal regulations require COEs to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8) and disability (34 CFR 104.7 and 28 CFR 35.107).

Students who feel that they have been subjected to unlawful discrimination described above or in COE policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal or school site administrator, 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 or school site administrator, regardless of whether the alleged victim files a complaint.

CSBA NOTE: The following paragraph related to employee reporting of unlawful discrimination should be revised to reflect the COE's timeline.

Any COE employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer, Title IX Coordinator, or principal or school site administrator, within one work day, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

CSBA NOTE: ~~Though~~Although a formal complaint ~~must~~is required to be in writing pursuant to 5 CCR 4600, the COE's obligation to provide a safe school environment for its students overrides the need to comply with ~~formalities.~~this formality requirement. Additionally, once the COE receives notice of an incident, whether verbally or in writing, it is recommended that the COE begin the investigation of the report and take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice.

Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the COE's UCP specified in BP/E(1) 1312.3 - Uniform Complaint Procedures. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45~~, as added by 85 Fed.Reg. 30026~~), 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 ~~COEs consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted.

For more information regarding sexual harassment against students in the school setting, see BP/E(1) 5145.7 - Sexual Harassment, and for the Title IX grievance procedures, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to, or received by, the principal or school site administrator, Compliance Officer, or Title IX Coordinator, the principal or school site administrator, Compliance Officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Exhibit (1) 1312.3 -- Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, Exhibit (1) 5145.71-- Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, 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 involving the principal or school site administrator, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

**Support for Intersex, Nonbinary, Transgender and Gender-Nonconforming Students**

CSBA NOTE: Pursuant to state law, a COE has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, and gender non-conforming students.

In light of recent federal executive orders 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 ~~COEs with questions about the rights of transgender and gender-nonconforming students consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel be consulted with questions about the rights of transgender and gender-nonconforming students.

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 COE shall ensure that all students, regardless of sex, gender, gender identity, or gender expression, are afforded the same rights, benefits, and protections provided to students by law and County Board of Education policy. ~~To do so, the County Superintendent or designee shall address each situation that arises on a case-by-case basis and in accordance with the following guidelines:~~ (Education Code 200)

To do so, the following guidelines may apply:

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 COE~~, including a County Board member,~~ may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same~~, without the student's consent unless otherwise required by state or federal law. CDE's, "Protection for LGBTQ Students: AB 1955," clarifies that Education Code 220.3 does not require nondisclosure.~~

~~It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel before disclosing a student's gender identity without the student's consent.~~

~~Pursuant to Education Code 221.5, a COE is required to permit a student to use facilities and participate in sex-segregated COE programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records.~~

~~Beginning July 1, 2026, Education Code 35292.5 requires each school maintaining any of grades 1-12 with more than one female student restroom and more than one male student restroom to provide and maintain at least one all-gender restroom for student use that meets the requirements of law.~~ 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 COE 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 CSBA's District and County Office of Education Legal Services or other legal counsel be consulted when disclosing a student's gender identity or when a parent/guardian objects to the COE treating a student in a manner inconsistent with the student's sex.

1. Acceptance and Treatment of a Student's Gender Identity: The COE shall accept the student's assertion of the student's gender identity and treat the student consistent with that gender identity unless the student's parent/guardian objects or COE personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

2. Use of Names and Pronouns: Upon request by a student, COE personnel shall address the student by the requested name and pronoun(s), without the necessity of a court order or a change to the student's mandatory permanent student record, unless the student's parent/guardian objects

   The use of the student's name and pronoun shall be consistent 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 COE personnel in the use of the student's name and/or pronouns may not constitute a violation of this administrative regulation or the accompanying County Board policy.

CSBA NOTE: Pursuant to Education Code 220, a COE is prohibited from discriminating on the basis of gender identity. This prohibition likely requires the COE to permit a student to use facilities and participate in sex-segregated COE 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 CSBA's District and County Office of Education Legal Services or other legal counsel be consulted with questions about student participation in interscholastic athletic activities consistent with a student's gender identity.

3. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the COE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity 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~~.~~

   ~~To~~ In addition, to address any student's privacy concerns in using sex-segregated facilities, the COE shall consider offering a gender-neutral or single-use ~~restroom or~~ changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, in no case shall the COE require a student to utilize these options because of the student's sex, gender, gender identify, or gender expression. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

CSBA NOTE: The following paragraph is for COE schools that are required to maintain an all-gender restroom, and may be revised to reflect local practice by COEs that do not meet such requirement. 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 COE 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 COE ~~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 COE shall disclose such information when the disclosure is required or permitted by law, with the student's prior written consent, or when the COE has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

CSBA NOTE: Pursuant to Education Code 49061-49072, only a parent/guardian may authorize a change to a student's gender in the student's mandatory permanent student record. It is recommended that ~~the COE consult~~ CSBA's District and County Office of Education Legal Services or other legal counsel ~~in~~be consulted when 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 County Superintendent or designee shall follow this~~ This guideline ~~such~~shall be followed in a manner that it does not change or alter the obligations of the COE to maintain ~~and~~ student records in accordance with County Board Policy 5125 – Student Records and to ensure access to such student records in accordance with County Board Policy 1340 – Access to County Office Records.

CSBA NOTE: To ensure that the COE's dress and grooming policy complies with law, it is recommended that the COE review local policy regarding dress and grooming, and any other school site adopted dress code, and consult CSBA's District and County Office of Education Legal Services or other legal counsel.

A student has the right to dress in any manner consistent with local policy, subject to any dress code adopted on a school site.

~~The~~ In accordance with law, the COE prohibits any act of verbal, nonverbal, or physical aggression, intimidation, or hostility, including any such act based on sex, gender, gender identity, or gender expression, or that ~~have~~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 |
|---|---|
| 5 CCR 432 | Student records |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary education programs |
| Civ. Code 1714.1 | Liability of parent ~~or~~ /guardian for act of willful misconduct by a minor |
| Ed. Code 17585 | School modernization project; all-gender restroom |
| Ed. Code 200-~~262.1~~280 | ~~Educational equity; prohibition of discrimination on the basis of sex~~Educational equity; 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 threats or harassment |
| Ed. Code 48900.5 | Suspension; other means of correction |

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| Ed. Code 48904 | Liability of parent/guardian for willful student misconduct |
| Ed. Code 48907 | Students' exercise of free expression; rules and regulations |
| Ed. Code 48950 | Freedom of speech and other communication |
| Ed. Code 48985 | Notices to parents/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 | Unlawful discrimination |
| Gov. Code 12926 | Prohibition of discrimination; definitions |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes, harassment |
| **Federal** | **Description** |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act<br>(20 USC Ch. 33: EDUCATION OF INDIVIDUALS WITH DISABILITIES) |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 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<br>(eCFR :: 34 CFR 104.8 -- Notice.) |
| 34 CFR 106.1-106.82 | Discrimination on the basis of sex; effectuating Title IX |

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| | (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 ~~and Title VII~~, Civil Rights Act of 1964, as amended<br>(42 USC CHAPTER 21, SUBCHAPTER V: FEDERALLY ASSISTED PROGRAMS) |
| 42 USC 2000e-2000e-17 | Title VII Civil Rights Act of 1964, as amended<br>(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, April 2018~~Enforcement Purposes, December 2025<br>(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) |
| California Department of Education Publication | Protection for LGBTQ+ Students: AB 1955 |
| Court Decision | A.J.T. v. Osseo (2025) 605 U.S. 335<br>(https://www.supremecourt.gov/opinions/opinions.aspx) |
| Court Decision | Kennedy v. Bremerton (2022) 142 S.Ct. 2407<br>(https://www.supremecourt.gov/opinions/opinions.aspx) |
| Court Decision | Mirabelli v. Bonta (2026) 146 S.Ct. 797<br>(https://www.supremecourt.gov/opinions/opinions.aspx) |
| Court Decision | McDonnell Douglas Corp v. Green (1973) 411 U.S. 792 |

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| Court Decision | Burlington Northern and Santa Fe Ry. Co. v. White (2006) 548 U.S. 53 |
| 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 |
| Court Decision | Students for Fair Admissions v. Harvard (2024) 600 U.S. 181 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| CSBA Publication | ~~Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024~~LGBTQ+ Students in Focus: Demographics and Academic Achievement, Governance Brief, June 2025<br><br>(Brief-Students-in-Focus-LGBTQ_2025-(1).ashx) |
| CSBA Publication | ~~Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024~~State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 |
| CSBA Publication | ~~Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024~~Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024 |
| ~~Federal Register~~CSBA Publication | ~~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~~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, Vol. 89, No. 83, pages 33474-33896~~Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579<br><br>(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~~ |

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| | ~~2023~~Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026<br><br>(2026-guidance-constitutionally-protected-prayer-and-religious-expression-public-elementary-and-secondary-schools-113182.pdf) |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 |
| U.S. DOE, Office for Civil Rights Publication | Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022 |
| U.S. DOE, Office for Civil Rights Publication | 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. DOJ Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | U.S Department of Justice, Civil Rights Division |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | ~~First Amendment Center~~ |
| Website | CSBA |
| Website | California Safe Schools Coalition |
| Website | California Office of the Attorney General |
| Website | California Interscholastic Federation |
| Website | California Department of Education |
| Website | The Trevor Project<br><br>(24/7 Suicide Hotline for LGBTQ Youth - We're here for you Now) |
| Website | The UC\|CSU Collaborative for Neuroscience, Diversity, and Learning<br><br>(UC\|CSU Collaborative) |

## Cross References

| Code | Description |
|---|---|
| 0410 | Nondiscrimination In County Office Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | County Office of Education-Sponsored Social Media |
| 1114 | County Office of Education-Sponsored Social Media |
| 1312.1 | Complaints Concerning County Office Employees |
| 1312.1 | Complaints Concerning County Office 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-E(1) | Uniform Complaint Procedures |
| 1312.3-E(2) | Uniform Complaint Procedures |
| 1312.3-E(3) | Uniform Complaint Procedures |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(1) | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1340 | Access To County Office Records |
| 1340 | Access To County Office 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 | County Office of Education Records |

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| 3580 | County Office of Education Records |
| 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 |
| 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 |
| 5000 | Concepts And Roles |
| 5030 | Student Wellness |

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| 5111 | Admission |
| 5111 | Admission |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | County School Attendance Review Board |
| 5113.12 | County 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 |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5132 | Dress And Grooming |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |
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| 5141.22 | Infectious Diseases |
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| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
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| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |

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| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.12 | Search And Seizure |
| 5145.12 | Search And Seizure |
| 5145.12-E(1) | Search And Seizure |
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| 5145.2 | Freedom Of Speech/Expression |
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| 5145.6-E(1) | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7-E(1) | Sexual Harassment |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
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| 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 |
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| 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 |

## Board Bylaw 9220: Governing Board Elections

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2019 **| 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 county board of education practice.~~ While many county board of education elections are governed by state law, some county board elections may be governed by the applicable county charter. This bylaw is written based on state law but should be modified to the extent a county charter applies.

~~The~~Because the filling of elective offices involves serious issues of constitutional and statutory concerns~~. Any~~, it is recommended that any county board ~~of education~~ with questions related to local elections ~~should~~ consult CSBA's District and County Office of Education Legal Services or other legal counsel.

Education Code 1000 provides that, except in a chartered county or a county unified school district, a county board will consist of five or seven members who are elected by trustee areas as determined by the county committee on school district organization. Additionally, Education Code 1002 provides that, upon requested by the County Board, the county committee, by a two-thirds vote of the members, may either change the boundaries of any or all of the County Board trustee areas, or propose to increase or decrease the number of members of the County Board, or both. In addition, Education Code 1002 provides that, following each decennial federal census, the county committee shall revise the trustee area boundaries in accordance with law.

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.

In a county unified school district or in a unified or elementary school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district serves as the county board.

The blank in the following paragraph should be filled in to reflect the size of the County Board.

The County Board of Education shall consist of 7 members whose terms shall be staggered as determined by the county committee on school district organization. (Education Code 1000, 1007)

### Board Member Qualifications

CSBA NOTE: Pursuant to Education Code 1006, the only eligibility criterion to run for a county board seat is the requirement to be registered to vote. Pursuant to Elections Code 2201, 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 County 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.

Other than the County Superintendent of Schools, a member of the county office of education (COE) staff, or an employee of a school district that is within the jurisdiction of the County Board, any registered voter is eligible to be a member of the County Board if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 1006)

A person is not eligible to be a member of the County 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.

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 County Board who holds an incompatible office at the time the County Board member is sworn in to office as a County 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 provided to candidates.

The County Board encourages all candidates to become knowledgeable about the role of County Board members. ~~A~~Upon request by a County Board candidate, the candidate shall be provided~~, upon request by the candidate, information that will enable them to understand~~ with:

1. Information regarding the responsibilities and expectations of ~~being~~ a County Board member, including information regarding available workshops, seminars, and/or training~~. Additionally, the candidate shall be provided, upon request by the candidate, the~~

2. The county election official's contact information and general information about ~~school~~COE programs, COE operations, and County Board responsibilities~~.~~

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 County 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 County Board Member**

~~A County Board member may be recalled as permitted by Elections Code 11000-11386.~~ To commence a recall of a County 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. (Elections Code 11000-11386)

CSBA NOTE: Pursuant to Elections Code 11240, within 14 days after the County Board meeting at which the County Board received a certificate of sufficiency to recall a County Board member, the County 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 County Board fails to do so, the elections official of the county 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 County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County Board shall order an election to be held to determine whether the County 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 County Board orders the election. However, the election may be conducted within 180 days after the issuance of the County Board's order to consolidate the election with a regularly scheduled election. (Elections Code 11240-11242)

A recall election of a County Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a County Board member is successful, that County Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-95 and County Board Bylaw 9223 - Filling Vacancies. (Education Code 1008)

CSBA Note: Pursuant to Elections Code 11382, as amended by AB 94 (Ch. 251, Statutes of 2025), a recalled County 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 County Board member may not be appointed to the seat that was vacated by the recall. (Elections Code 11382)

**Election Date**

CSBA NOTE: The County Board should select Option 1 or 2 below to reflect the date upon which the election of County Board members is held. Pursuant to Elections Code 1302, in non-chartered counties the election of County Board members must occur on the first Tuesday of November in each odd-numbered year (Option 1), unless the County Board adopts, and the County Board of Supervisors approves, a resolution to hold the election on the same day as the statewide direct primary election, the statewide general election, or the general municipal election (Option 2).

Pursuant to the Voter Participation Rights Act (VPRA), Elections Code 14050-14057, when the voter turnout in any past odd-numbered year election has been at least 25 percent less than the average voter turnout in the same jurisdiction in the past four statewide elections, the County Board is required to consolidate its election with the statewide election.

The election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5)

CSBA NOTE: The following paragraph is for use by county boards that hold their elections in odd-numbered years or have consolidated their election with a municipal election rather than a statewide election.

However, if a regularly scheduled County 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 County Board shall take action to consolidate County Board elections with statewide elections in accordance with Elections Code 14051-14052.

**Commencement of Term of Office**

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 Election Code 15400, after each election, the County Board is required to declare who has been elected to the County Board.

For each election, upon certification by the County Board of Supervisors, the County Board shall declare who has been elected to the County Board in accordance with law. (Election Code 15400)

A County 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: Option #1 below is for use ~~by counties in which~~where County Board members are elected on the same date as school district governing board members in the county. Option #2 is for use ~~by counties~~ where the County Board election is consolidated with the direct primary election.

The term of office for County Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017)

**Campaign ~~Conduct~~**

## Finance

CSBA NOTE: The Political Reform Act and its associated regulations establish campaign finance rules for county board elections. The following paragraph may be modified to reflect local 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 County Board consult CSBA's District and County Office of Education Legal Services or other legal counsel, in order to ensure that the limits satisfy legal restrictions.

All candidates, including current County Board members running as incumbents, shall abide by local, state, and federal requirements regarding campaign ~~donations~~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 County 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 County Board has established criteria for determining a candidate's qualifications. For County Board elections, candidate qualifications are governed by state law as specified in ~~state law (see section~~ "County Board Member Qualifications" above~~), and County Boards should not establish additional qualification requirements~~.

A County Board candidate shall not expend~~, and a candidate shall not~~ or accept~~,~~ any public money for the purpose of seeking elective office. However, the County Board may establish a dedicated fund for those seeking election to the County Board, provided that the funds are available to all candidates who are qualified without regard to incumbency or political preference. (Government Code 85300)

CSBA NOTE: Pursuant to Elections Code 20440, county election officials present each candidate running for public office with a voluntary Code of Fair Campaign Practices for the candidate to sign. However, neither the County Board nor ~~opposing~~ candidates have authority to enforce the pledge if it is violated. The following ~~optional~~ paragraph expresses the County Board's desire that candidates for County 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 County Board and the COE, the County 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 election, the County Board secretary or designee shall deliver a notice, bearing the secretary's signature and seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the County Board to be filled at the ~~general~~applicable election and which offices, if any, are for the balance of an unexpired term

2. Whether the County Board 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

Candidates for the County 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)

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, County Boards may choose, pursuant to Elections Code 13307, whether to permit County 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 ~~County Board~~local practice, is for use by any County Board 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 County 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 County Board to determine whether to 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 local agencies to pay for ~~the cost of~~ distributing candidate statements for nonpartisan elective offices, does not conflict with Education Code 7054, which prohibits the use of ~~district~~public resources for campaign purposes.

Option 1 below is for County Boards that assume the costs associated with producing candidate statements, and Option 2 is for County Boards 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 ~~COE~~county office of education.

Candidate Statement Paid by Candidate

The County Board 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 County Board may require candidates to pay their estimated pro rata share of these costs to the County Board in advance pursuant to Elections Code 13307.

**Tie Votes in County Board Member Elections**

CSBA NOTE: Pursuant to Education Code 1007, County Board elections are to be held in the same manner as district elections. Education Code 5016 requires the County 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 to provide certification of a tie vote in an election to the County Board.

Whenever the County Superintendent certifies to the County 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 County Board, the County 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 County Board. At that time and place the County Board shall determine the winner by lot. (Education Code 1007, 5016)

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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 1008 | County board of education vacancy procedures |
| 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 |

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|---|---|
| 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 |

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|---|---|
| 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 ~~12940~~1099 | ~~Unlawful discriminatory employment practices~~Incompatible offices |
| Gov. Code ~~1360~~12940 | ~~Necessity of taking constitutional oath~~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~~ | ~~85 Ops.Cal.Atty.Gen. 49 (2002)~~ |
| ~~Attorney General Opinion~~ | ~~83 Ops.Cal.Atty.Gen. 181 (2000)~~ |

| | |
|---|---|
| ~~Attorney General Opinion~~ | ~~81 Ops.Cal.Atty.Gen. 98 (1998)~~ |
| ~~Attorney General Opinion~~ | ~~69 Ops.Cal.Atty.Gen. 290 (1986)~~ |
| ~~Court Decision~~ | ~~Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660~~ |
| ~~Court Decision~~ | ~~Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223~~ |
| ~~Court Decision~~ | ~~Randall v. Sorrell, (2006) 126 S.Ct. 2479~~ |
| ~~Court Decision~~ | ~~Dusch v. Davis, (1967) 387 U.S. 112~~ |
| ~~CSBA Publication~~ | ~~Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017~~ |
| ~~Website~~ | ~~Institute for Local Government~~ |
| ~~Website~~ | ~~Fair Political Practices Commission~~ |
| ~~Website~~ | ~~CSBA~~ |
| ~~Website~~ | ~~California Secretary of State's Office~~ |

## Cross References

| Code | Description |
|---|---|
| 9100 | Organization |
| 9223 | Filling Vacancies |
| 9230 | Orientation |
| 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 County Board of Education member, 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

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| Ed. Code 35107 | School district employees |
| Ed. Code 35177 | Campaign expenditures or contributions |

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| Ed. Code 35239 | Compensation of governing board member of districts with less than 70 ADA |
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| 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 |
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| 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 ~~12940~~1099 | ~~Unlawful discriminatory employment practices~~Incompatible offices |
| Gov. Code ~~1360~~12940 | ~~Necessity of taking constitutional oath~~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~~ | ~~85 Ops.Cal.Atty.Gen. 49 (2002)~~ |
| ~~Attorney General Opinion~~ | ~~83 Ops.Cal.Atty.Gen. 181 (2000)~~ |
| ~~Attorney General Opinion~~ | ~~81 Ops.Cal.Atty.Gen. 98 (1998)~~ |

| | |
|---|---|
| ~~Attorney General Opinion~~ | ~~69 Ops.Cal.Atty.Gen. 290 (1986)~~ |
| ~~Court Decision~~ | ~~Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660~~ |
| ~~Court Decision~~ | ~~Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223~~ |
| ~~Court Decision~~ | ~~Randall v. Sorrell, (2006) 126 S.Ct. 2479~~ |
| ~~Court Decision~~ | ~~Dusch v. Davis, (1967) 387 U.S. 112~~ |
| ~~CSBA Publication~~ | ~~Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017~~ |
| ~~Website~~ | ~~Institute for Local Government~~ |
| ~~Website~~ | ~~Fair Political Practices Commission~~ |
| ~~Website~~ | ~~CSBA~~ |
| ~~Website~~ | ~~California Secretary of State's Office~~ |

## Cross References

| Code | Description |
|---|---|
| 9100 | Organization |
| 9223 | Filling Vacancies |
| 9230 | Orientation |
| 9270 | Conflict Of Interest |
| 9270-E(1) | Conflict Of Interest |
| 9320 | Meetings And Notices |

## Board Bylaw 9240: Board Training

**Status:** ADOPTED

**Original Adopted Date:** 01/01/2019 **| 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 local practice.~~

CSBA NOTE: CSBA's Professional Governance Standards for County Boards include expectations that each County Board of Education member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's 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 governance consulting services.

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

The County Board of Education believes that its ability to effectively and responsibly govern is essential to promoting student achievement, building positive community relations, and protecting the public interest in county schools. County Board members shall participate in ~~mandatory ethics~~ training~~, as outlined below~~ on public education finance, ethics, and mandated reporting as required by this Bylaw. Additionally, County 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 County Board member to receive training on public education 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 county office of education (COE) to maintain records of such trainings. In lieu of the training based on the FCMAT curricula, County Board members may satisfy the training requirement by successfully completing CSBA's MIG Program.

Each County Board member shall complete a training in public education finance in accordance with Education Code 35220-35223. For County 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 County Board members elected or appointed to office after April 1, 2027, including a County 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 County Board member. Completion of CSBA's Masters in Governance (MIG) Program shall be deemed to satisfy the public education finance training requirement.

CSBA NOTE: Government Code 53234-53235.2 requires a local agency official, including a County Board member, ~~except for a member whose term of office ends before January 1, 2026,~~ to receive ~~specified~~recurring training in ethics ~~by January 1, 2026, and at least once every two years thereafter~~, and for the COE to maintain records of such training ~~to be maintained~~. 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 County Board members~~.

~~Unless a County Board member's term expires prior to January 1, 2026~~Additionally, each County 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 County 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 County Board member. Additionally, Education Code 44691, as added by SB 848, requires COEs to provide annual training to employees, volunteers, and persons working on their behalf who are mandated reporters. Although not explicitly required by law, a County Board member, as a mandated reporter, may receive appropriate training. The remainder of this County Bylaw is written to require such training for County Board members and should be modified to reflect local practice.

It is recommended that county boards with questions regarding mandated reporter training requirements consult CSBA's District and County Office of Education Legal Services or other legal counsel.

In addition, each County Board member shall receive annual mandated reporter training. (Education Code 44691; Penal Code 11165.7)

~~Once completed, the~~ Each County Board member shall inform the County Board president~~. A record~~ of the completion of any training required by this County Bylaw, and records of each County Board member's participation in ~~the~~each required ~~ethics~~ training shall be retained. (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), a copy of the Brown Act shall be provided to each elected or appointed County Board member.

Upon each County Board member's election or appointment, the County Board member shall be provided with a copy of the Brown Act. (Government Code 54952.7)

The County Board president shall work with the County Superintendent of Schools or designee to provide an orientation to newly elected or appointed County Board members consistent with County Board Bylaw 9230 - Orientation.

The County Board president shall work with the County Superintendent or designee to include funds in the county office of education's (COE) proposed annual budget for professional

development, and associated reasonable travel expenses, for the County Board as a whole and for each individual County Board member ~~in the County Office of Education's (COE) proposed annual budget~~.

Consistent with the availability of funds in the COE's adopted annual budget, the County Board president or designee shall annually develop, and bring to the County Board for adoption at a County Board meeting, a County Board professional development calendar designed to assist the County Board as a whole in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, community relations, 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 local practice, authorizes individual County 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 COE's adopted annual budget for such purpose~~. It may be revised to reflect local practice~~.

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

County Board members are encouraged to consider participating in the professional development opportunities offered by CSBA such as the Institute for New and First-Term Board Members, ~~Masters in Governance~~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 County Board members are encouraged to share the knowledge or skills acquired from individual professional development opportunities with the full County Board.

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

Consistent with County Board Bylaw 9320 - Meetings And Notices, County Board members may attend a professional development opportunity as part of a conference or similar public gathering, such as the Annual Education Conference and Trade Show hosted by CSBA, so long as a majority of the County 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 COE's jurisdiction.

**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 1095 | Membership in organizations |
| 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 |
| 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, Fact Sheet, February 2026<br><br>(REPD-FSheet-Board-Bylaw_2026.ashx) |
| CSBA Publication | Professional Governance Standards for County Boards, June 2019 |
| CSBA Publication | Call to Order: A Blueprint for Great Board Meetings, ~~2015~~2018 |
| Website | CSBA |

## Cross References

| Code | Description |
|---|---|
| 3100 | Budget Adoption And Revision |
| 6000 | Concepts And Roles |
| 9000 | Role Of The Board |
| 9000-E(1) | Role Of The Board |
| 9005 | Governance Standards |
| 9121 | President |
| 9150 | Student Board Members |
| 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 |