SANTA BARBARA COUNTY BOARD OF EDUCATION

POLICY COMMITTEE

4400 Cathedral Oaks Road
Santa Barbara, CA 93110

MEETING
October 16, 2025 – 11:00 a.m.

MINUTES

UNAPPROVED

In Attendance: Marybeth Carty, Katya Armistead, Sarah Anne Read, Veda Alvarez Flores (as a member of the public), Susan Salcido, Mari Gonzales, Bridget Baublits, Elise Simmons, Anna Freedland, Austin Payne (legal counsel)

GENERAL FUNCTIONS

1. **Call to order**

   The meeting was called to order at 10:59 a.m. by Committee Chair Carty.

2. **Changes to the agenda**

   None.

3. **Public comments**

   None.

ACTION ITEMS

4. **Approval of minutes of the meeting held April 22, 2025**

   Minutes of the meeting held April 22, 2025 were approved.

   MOVED: **Dr. Armistead** SECONDED: **Mrs. Read** VOTE: **Passed 3-0**

5. **Review board policies**

   The committee approved the new board policies listed below and recommended they be approved by the full board:

- BP 1313 – Civility (new)
- BP 3515 – Campus Security (new)
- BP 3580 – SBCEO Records (new)
- BP 5131 – Conduct (new)
- BP 5131.8 – Mobile Communication Devices (new)
- BP 5146 – Married/Pregnant/Parenting Students (new)
- BP 5145.13 – Response to Immigration Enforcement (new)

MOVED: **Dr. Armistead** SECONDED: **Mrs. Read** VOTE: **Passed 3-0**

The committee reviewed the revised board policy listed below and suggested further revisions. The committee approved the revised board policy be brought to the full board for discussion at the November board meeting and for action at a future board meeting.

- BP 5117.1 – Interdistrict Transfer Appeals (revised)

MOVED: **Dr. Armistead** SECONDED: **Mrs. Read** VOTE: **Passed 3-0**

ADJOURNMENT

6. Adjourn

The meeting was adjourned at 1:04 p.m.

MOVED: **Mrs. Read** SECONDED: **Dr. Armistead** VOTE: **Passed 3-0**

REVISED - MARKED COPY

~~PHILOSOPHY, GOALS, OBJECTIVES, AND CONPREHENSIVE PLANS~~

BOARD POLICY – **NONDISCRIMINATION IN COUNTY OFFICE PROGRAMS AND ACTIVITIES** BP 0410

~~The County Board of Education and County Superintendent of Schools expect that complaints of alleged discrimination related to programs operated by the County Education Office brought by students, employees, parents/guardians or other members of the community shall be resolved in a prompt and equitable manner. Complaints should be resolved informally whenever possible. The County Superintendent or designee shall establish administrative regulations governing discrimination complaint procedures. The County Board of Education and County Superintendent prohibit retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant. The County Superintendent shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the County Education Office's nondiscrimination complaint procedures and included in any related notices.~~ The County Board of Education and County Superintendent of Schools are committed to providing equal opportunity for all individuals in SBCEO programs and activities.

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

SBCEO 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)

All individuals shall be treated equitably in the receipt of services in SBCEO programs and activities. Personally identifiable information collected in the implementation of any SBCEO 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 SBCEO 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 SBCEO staff may only be collected and disclosed in accordance with this policy and other related Board policies. ~~County Board Policy and Administrative Regulation 1445 - Response to Immigration Enforcement~~.

SBCEO 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 SBCEO on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Additionally, the use of any textbook, instructional material, supplemental instructional material, 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 SBCEO if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

The SBCEO 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)

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)

SBCEO 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.

The SBCEO 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, SBCEO 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 SBCEO programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

Complaints

All complaints alleging unlawful discrimination in SBCEO 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

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 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 SBCEO. Additionally, the notification shall be posted on the SBCEO'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 SBCEO program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

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)

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 in accordance with this policy and other related Board policies. ~~in accordance with County Board Policy and Administrative Regulation 1445 - Response to Immigration Enforcement.~~

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

SBCEO 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 SBCEO 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.

The SBCEO'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 SBCEO 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 SBCEO 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.

The County Superintendent has designated the following ADA Coordinators to receive requests for accommodation and to receive and investigate complaints regarding access to SBCEO facilities, programs, services and activities: (28 CFR 35.107)

Associate Superintendent, Human Resources ~~——(Employees)–~~
~~(title or position)~~ Associate Superintendent, Student and Community Services (Students)
PO Box 6307, Santa Barbara, CA 93160

805-964-4711, extension 5279

~~(address)~~

~~(telephone number)~~

~~(email)~~

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 County Board, County Superintendent of Schools or designee 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 200-280	Educational equity; prohibition of discrimination
Ed. Code 33315	Uniform complaint procedures
Ed. Code 33800-33804	California Office of Civil Rights
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 51007	Legislative intent; state policy
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500-51501	Prejudices; nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60150-60152	Corrective actions and fiscal penalty for violation of Education Code 244
Gov. Code 11000	State agency; 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
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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
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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
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
29 USC 621	Age discrimination in employment
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964

Management Resources	**Description**
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment, January 2025
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 TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes, December 2025
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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
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. 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 Content Accessibility Guidelines
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

ADOPTED BY COUNTY BOARD: November 1, 1984
REVISED: February 7, 1991
April 7, 1994
Pending

~~BP 0410~~

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

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U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, February 2026
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. 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 Content Accessibility Guidelines
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

ADOPTED BY COUNTY BOARD: November 1, 1984
REVISED: February 7, 1991
April 7, 1994
Pending

POLICY

County Board Policy 0410: Nondiscrimination In County Office Programs And Activities

Status: ADOPTED

Original Adopted Date: 01/01/2019 | **Last Revised Date:** 08/01/2026 | **Last Reviewed Date:** 08/01/2026

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)

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.

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

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

Additionally, the use of any textbook, instructional material, supplemental instructional material, 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)

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)

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)

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.

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

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

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 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. Additionally, the notification shall 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.

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)

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 in accordance with County Board Policy and Administrative Regulation 1445 - Response to Immigration Enforcement.

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

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.

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.

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

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

Santa Barbara County Education Office
Susan C. Salcido, Superintendent

MARKED

COMMUNITY RELATIONS

BOARD POLICY **– UNIFORM COMPLAINT PROCEDURES** BP 1312.3

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

Complaints Subject to UCP

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

¶

1. Any complaint alleging County Education Office violation of applicable state or federal law or regulations governing any program subject to UCP which is offered by the County Education Office and any other County Education Office implemented program which is listed in Education Code 64000(a) including:

1. Accommodations for pPregnant and pParenting studentsPupils (Education Code 46015)
2. Adult eEducation programs (Education Code 8500-8538, 52334.7, 52500-52616.18)
3. After School Education and Safety Programs (Education Code 8482-8484.65)
4. Agricultural cCareer tTechnical eEducation (Education Code 52460-52462)
5. State Career tTechnical and tTechnical eEducation; Career Technical; and; tTechnical tTraining programs (Education Code 52300-52462)¶
6. Federal Career Technical Education
7. Child care and development programs (Education Code 8200-8488)Child Care and Development
8. Compensatory eEducation (Education Code 54400)
9. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.13-299.15)

    a. Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school County Education Office and Children of Military Families

a. Course periods without educational content (Education Code 51228.1-51228.3)~~Every Student Succeeds Act¶~~

~~b. Local Control and Accountability Plans (LCAP)¶~~

~~c. Migrant Education¶~~

~~d. Physical Education Instructional Minutes (for grades one through six)¶~~

~~e. Pupil Fees¶~~

~~f. Reasonable Accommodations to a Lactating Pupil¶~~

~~g. Regional Occupational Centers and Programs¶~~

~~h. School Plans for Student Achievement¶~~

~~i. School Safety Plans¶~~

~~j. State Preschool¶~~

~~State Preschool Health and Safety Issues in LEAs Exempt from Licensing~~

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 SBCEO 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 SBCEO 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)~~Any complaint, by a student, employee, or other person participating in a County Education Office program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in County Education Office programs and activities, including, in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics. (5CCR 4610)~~

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)~~Any complaint alleging County Education Office noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)~~

12. Every Student Succeeds Act (Education Code 12303, 52059.5, 64000; 20 USC 6301 et seq.)~~Any complaint alleging County Education Office noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right to return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements. (Education Code 46015)~~

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

    A complaint alleging unlawful discrimination pursuant to Education Code 243 or 244 may, in addition to or in lieu of being filed with the SBCEO, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)~~Any complaint alleging County Education Office noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610)~~

14. Local control and accountability plan (Education Code 52075)~~Any complaint alleging County Education Office noncompliance with applicable requirement of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians. (Education Code 52075)~~

15. Migrant child education (Education Code 54440-54445)~~Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)~~

16. Physical education instructional minutes (Education Code 51210, 51222, 51223)~~Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2 alleging County Education Office noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the County Education Office's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or, district, or country; school or records transfer, or the grant of an exemption from County Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)~~

17. Student fees (Education Code 49010-49013)~~Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless student or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the County Education Office, a child of a military family as defined in Education Code 49701, or a migrant students as defined in Education Code 54441, or by or behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging County Education Office noncompliance with any requirement applicable to the student regarding the grant of an exemption from County Board-imposed graduation requirements. (Education Code 51225.1)~~

18. Reasonable accommodations to a lactating student (Education Code 222)~~Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in the newcomer program as defined in Education Code 51225.2, alleging County Education Office noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country. (Education Code 51225.2)~~

19. Regional occupational centers and programs (Education Code 52300-52334.7)~~Any complaint alleging County Education Office noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibits the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code~~

~~51228.3)~~

20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)~~Any complaint alleging County Education Office noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)~~

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

22. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)~~Any other complaint as specified in a County Education Office policy.~~

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

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

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

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to resolving a~~reach a resolution to the~~ 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 ~~County Superintendent or designee shall ensure that the~~ use of ADR shall be~~is~~ consistent with state and federal laws and regulations.

All complainants ~~The County Education Office~~ shall be protect~~ed from all complainants~~ from retaliation, and~~. In investigating complaints,~~ the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination ~~(such as discriminatory harassment, intimidation, or bullying)~~, ~~the County Superintendent or designee shall keep~~ the identity of the complainant, and/or the subject of the complaint if ~~the person is~~ 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 the UCP is included in a UCP complaint, ~~the County Education Office shall refer~~ the non-UCP allegation shall be referred to the appropriate staff or agency and ~~shall investigate and, if appropriate, resolve~~ the UCP-related allegation~~(s)~~ shall be investigated, if appropriate, through the County Education Office's UCP.

Training shall be provided to staff ~~The County Superintendent or designee shall provide training to County Education Office~~ ~~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~~the~~ accompanying administrative regulation or exhibit.

Records of all UCP~~The County Superintendent or designee shall maintain a record of each~~ complaints and ~~subsequent related actions, including steps taken during~~ the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent of Schools policies and procedures.~~all information required for compliance with 5 CCR 4631 and 4633.~~

Non-UCP Complaints

The following complaints shall not be subject to the County Education Office's UCP but shall be investigated and resolved by~~referred to~~ the specified agency or through an alternative process: ~~(5 CCR 4611)~~

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

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services (5 CCR 4611)~~and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.~~

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 ~~employment discrimination or harassment shall be investigated and resolved by the County Education Office in accordance with the procedures specified in AR 5001 – Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.~~

   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.

4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using SBCEO procedures, including the right to file the complaint with the California Civil Rights Department~~Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.~~

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 SBCEO'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 SBCEO'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 SBCEO'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)

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)

~~In addition, the County Education Office's Williams Uniform Complaint Procedures, AR 2006.1, shall be used to investigate and resolve 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.~~

~~Legal Reference:~~

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 County Board, County Superintendent of Schools or designee 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 200-280	Prohibition of discrimination
Ed. Code 32280-32289.6	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 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	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 8200-8490	Child care and development programs
Ed. Code 8500-8538	Adult basic education

Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

Federal	Description
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 110.25	Notice of nondiscrimination on the basis of age
34 CFR 299.13-299.17	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, 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 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
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	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	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, 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

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
Website	U.S. Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education

EDUCATION CODE¶
200-262.4 Prohibition of discrimination¶
8200-8498 Child care and development programs¶
8500-8538 Adult basic education¶
18100-18203 School libraries¶
32280-32289 School safety plan, uniform complaint procedures¶
33380-33384 California Indian Education Centers¶
35186 Williams uniform complaint procedures¶
44500-44508 California Peer Assistance and Review Program for Teachers¶
48853-48853.5 Foster youth¶
48985 Notices in language other than English¶
49010-49014 Student fees¶
49060-49079 Student records, especially¶
49069.5 Records of foster youth¶
49490-49590 Child nutrition programs¶
49701 Interstate Compact on Educational Opportunity for Military Children¶
51210 Courses of study grades 1-6¶
51223 Physical education, elementary schools¶
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; migrant students, and newly arrived immigrant students; course credits; graduation requirements¶
51226-51226.1 Career technical education¶
51228.1-51228.3 Course periods without educational content¶
52060-52077 Local control and accountability plan, especially:¶
52075 Complaint for lack of compliance with local control and accountability plan requirements¶
52160-52178 Bilingual education programs¶
52300-52462 Career technical education¶
52500-52616.24 Adult schools¶
54000-54029 Economic Impact Aid¶
54400-54425 Compensatory education programs¶
54440-54445 Migrant education¶
54460-54529 Compensatory education programs¶
56000-56865 Special education programs¶
59000-59300 Special schools and centers¶
64000-64001 Consolidated application process; school plan for student achievement¶
65000-65001 School site councils¶
¶
GOVERNMENT CODE¶
11135 Nondiscrimination in programs or activities funded by state¶
12900-12996 Fair Employment and Housing Act¶
¶

HEALTH AND SAFETY CODE¶
1596.792 California Child Day Care Act; general provisions and definitions¶
1596.7925 California Child Care Act; health and safety regulations¶
104420 Tobacco-Use Prevention Education¶
¶
PENAL CODE¶
422.55 Hate crime; definition¶
422.6 Interference with constitutional right or privilege¶
¶
CODE OF REGULATIONS, TITLE 2¶
11023 Harassment and discrimination prevention and correction¶
¶
CODE OF REGULATIONS, TITLE 5¶
3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities¶
4600-4670 Uniform complaint procedures¶
4680-4687 Williams uniform complaint procedures¶
4900-4965 Nondiscrimination in elementary and secondary education programs¶
¶
UNITED STATES CODE, TITLE 20¶
1221 Application of laws¶
1232g Family Educational Rights and Privacy Act¶
1681-1688 Title IX of the Education Amendments of 1972¶
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged¶
6801-7014 Title III language instruction for limited English proficient and immigrant students¶
¶
UNITED STATES CODE, TITLE 29¶
794 Section 504 of Rehabilitation Act of 1973¶
¶
UNITED STATES CODE, TITLE 42¶
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended¶
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964¶
6101-6107 Age Discrimination Act of 1975¶
12101-12213 Title II equal opportunity for individuals with disabilities¶
¶
CODE OF FEDERAL REGULATIONS, TITLE 28¶
35.107 Nondiscrimination on basis of disability; complaints¶
¶
CODE OF FEDERAL REGULATIONS, TITLE 34¶
99.1-99.67 Family Educational Rights and Privacy Act¶
100.3 Prohibition of discrimination on basis of race, color or national origin¶
104.7 Designation of responsible employee for Section 504¶
106.8 Designation of responsible employee for Title IX¶
106.9 Notification of nondiscrimination on basis of sex¶
110.25 Notification of nondiscrimination on the basis of age¶
¶
Management Resources:¶
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS¶
Sample UCP Board Policies and Procedures¶
¶
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS¶
Dear Colleague Letter: September 22, 2017¶
Dear Colleague Letter: Title IX Coordinators, April 2015¶
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014¶
Dear Colleague Letter: Harassment and Bullying, October 2010¶
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other

~~Students, or Third Parties, January 2001~~¶
¶
~~U.S. DEPARTMENT OF JUSTICE PUBLICATIONS~~¶
~~Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002~~¶
¶
~~WEB SITES~~¶
~~CSBA: http://www.csba.org~~¶
~~California Department of Education: http://www.cde.ca.gov~~¶
~~Family Policy Compliance Office: https://www2.ed.gov/policy/gen/guid/fpco~~¶
~~U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/ocr~~¶
~~U.S. Department of Justice: http://www.justice.gov~~

ADOPTED BY COUNTY BOARD: October 1, 1992
REVISED: April 7, 1994, November 7, 2002, February 2, 2006, February 2, 2012, December 13, 2013, June 13, 2014, September 7, 2017, January 10, 2019, November 7, 2019, March 5, 2020, Pending

BOARD POLICY – **UNIFORM COMPLAINT PROCEDURES** BP 1312.3

The County Board of Education (County Board) recognizes that the County Education Office (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

The County Education Office'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 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 299.13-299.15)

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

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 SBCEO 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 SBCEO 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)

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.)

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

    A complaint alleging unlawful discrimination pursuant to Education Code 243 or 244 may, in addition to or in lieu of being filed with the SBCEO, 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)

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

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

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

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

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to 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.

All complainants shall be protected from retaliation, and the confidentiality of the parties involved 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 the 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 shall be investigated, if appropriate, through the County Education Office'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.

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 County Education Office's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

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

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

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.

4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using SBCEO procedures, including the right to file the complaint with the California Civil Rights Department

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 SBCEO'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 SBCEO'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 (5 CCR 15580-15584)

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

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 Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Board, County Superintendent of Schools or designee 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 200-280	Prohibition of discrimination
Ed. Code 32280-32289.6	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 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	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 8200-8490	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 110.25	Notice of nondiscrimination on the basis of age
34 CFR 299.13-299.17	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, 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 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
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	Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, February 2024
CSBA Publication	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, 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
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
Website	U.S. Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education

ADOPTED BY COUNTY BOARD: October 1, 1992
REVISED: April 7, 1994, November 7, 2002, February 2, 2006, February 2, 2012, December 13, 2013, June 13, 2014, September 7, 2017, January 10, 2019, November 7, 2019, March 5, 2020, Pending

POLICY

County Board Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 01/01/2021 | **Last Revised Date:** 08/01/2026 | **Last Reviewed Date:** 08/01/2026

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

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 299.13-299.15)
9. Course periods without educational content (Education Code 51228.1-51228.3)
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)

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.)

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

    A complaint alleging 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)

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

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

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

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

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.

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.

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)

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.

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

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)

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)

NEW

COMMUNITY RELATIONS

BOARD POLICY **– WILLIAMS UNIFORM COMPLAINT PROCEDURES** BP 1312.4

The County Board of Education (County Board) recognizes the responsibility of the County Board and the County Superintendent of Schools (County Superintendent) to ensure that the educational programs of the County Education Office (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. Additionally, the Williams uniform complaint procedures may be used to resolve any other complaint when authorized by the County Superintendent.

Reports

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

Notices

A notice containing the components specified in Education Code 35186 shall be posted in each classroom in each COE school/program. (Education Code 35186)

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Board, County Superintendent of Schools or designee 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 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Health and safety complaints in license-exempt preschool programs

Ed. Code 1240	County Superintendent of Schools; duties
Ed. Code 17592.72	School Facility Emergency Repair Account; urgent or emergency repairs
Ed. Code 1980-1984	Establishment of county community school
Ed. Code 200-280	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
Website	Department of Justice
Website	CSBA
Website	California Department of Education

ADOPTED BY COUNTY BOARD: Pending
REVISED:

POLICY

County Board Policy 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 06/01/2022 | **Last Revised Date:** 05/01/2026 | **Last Reviewed Date:** 05/01/2026

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. Additionally, the Williams uniform complaint procedures may be used to resolve any other complaint when authorized by the County Superintendent.

Reports

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)

BOARD POLICY – **BIDS** BP 3311

The County Board of Education is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the SBCEO, including when contracting for public projects involving SBCEO facilities, the County Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the County Board determines that it is in the best interest of the SBCEO, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The County Superintendent of Schools or designee shall establish comprehensive bidding procedures for the SBCEO in accordance with Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or County Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the County Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, service required, and include all information of which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Award of Contract

Contracts shall be let to the lowest responsible bidder who shall give such security as the County Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the County Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the County Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than $10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the County Board may contract with other than the lowest bidder (Education Code 39802)

3. When the contract is one for which the County Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the County Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the County Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

5. When procuring a design-build contract for a public works project in excess of $1,000,000 in accordance with Education Code 17250.20, in which case the County Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

6. When procuring an alternative design-build contract for a public works project in excess of $5,000,000 in accordance with Education Code 17250.62, in which case the County Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

If the bidder believes that the award is not in compliance with law, County Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the County Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The County Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The County Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the County Superintendent or designee's decision to the County Board. The County Superintendent or designee shall provide notice to the bidder of the date and time for County Board consideration of the protest at least three business days before the County Board meeting. The County Board's decision shall be final.

Bids Not Required

When the County Board has determined that it is in the best interest of the SBCEO, the SBCEO may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property, including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the SBCEO in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118)

Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the SBCEO may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the County Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the SBCEO and meet the cost effectiveness requirements specified in Government Code 4217.12. The County Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any SBCEO facility is necessary to permit the continuance of existing programs, services, and classes or to avoid danger to life or property, the County Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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 County Board, County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. Code 7056	General engineering contractor
Bus. Code 7057	General building contractor
CA Constitution Article2, Section 31(a)	Prohibition of discrimination in operation of public education
Code of Civil Procedure 446	Verification of pleadings
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17250.10-17250.52	Design-build contracts

Ed. Code 17250.60-17250.69	Alternative design-build contracts
Ed. Code 17400	Leasing Property
Ed. Code 17406	Lease-leaseback contract
Ed. Code 17595	Purchase of supplies through Department of General Services
Ed. Code 17602	Purchase of surplus property from federal agencies
Ed. Code 38083	Purchase of perishable foodstuffs and seasonal commodities
Ed. Code 38110-38120	Apparatus and supplies
Ed. Code 39802	Transportation services
Gov. Code 4217.10-4217.18	Energy conservation contracts
Gov. Code 4330-4334	California made materials
Gov. Code 53060	Special services and advice
Gov. Code 54201-54205	Purchase of supplies and equipment by local agencies
Gov. Code 7920.530	Public record; definition
Pub. Cont. Code 1102	Emergency; definition
Pub. Cont. Code 1103	Responsible bidder; definition
Pub. Cont. Code 12200	Recycled goods, materials and supplies; definition
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20101-20103.7	Public construction projects; requirements for bidding
Pub. Cont. Code 20103.8	Award of contracts
Pub. Cont. Code 20110-20118.4	Local Agency Public Construction Act; school districts
Pub. Cont. Code 20189	Bidder's security; earthquake relief
Pub. Cont. Code 22000-22045	Uniform Public Construction Cost Accounting Act
Pub. Cont. Code 22152	Recycled product procurement
Pub. Cont. Code 3000-3010	Roofing projects
Pub. Cont. Code 3400	Bid specifications
Pub. Cont. Code 3410	U.S. produce and processed foods
Pub. Cont. Code 4113	Prime contractor; subcontractor
Pub. Cont. Code 6102	Bribery of public official; voidable contract
Pub. Cont. Code 6610	Bid visits

Management Resources	**Description**
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022
CA Department of General Services Publication	Office of Public School Construction, Piggyback Contracts
CA Department of Industrial Relations Publication	Model Prequalification Questionnaire
Court Decision	Marshall v. Pasadena Unified School District (2004) 119 Cal.App.4th 1241
Court Decision	Los Angeles Unified School District v. Great American Insurance Co. (2010) 49 Cal.4th 739
Court Decision	Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449
Court Decision	Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425
Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861
Website	California Department of General Services
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education
Website	California Association of School Business Officials

ADOPTED BY COUNTY BOARD: Pending

POLICY

County Board Policy 3311: Bids

Status: ADOPTED

Original Adopted Date: 08/01/2013 | **Last Revised Date:** 03/15/2025 | **Last Reviewed Date:** 03/15/2025

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, service required, and include all information of which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

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2. When the contract is for any transportation service which involves an expenditure of more than $10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education

Code 17400 and 17406

5. When procuring a design-build contract for a public works project in excess of $1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

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Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Bids Not Required

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property, including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118)

Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and

with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

NEW

COMMUNITY RELATIONS

BOARD POLICY – **EMERGENCIES AND DISASTER PREPAREDNESS PLAN** BP 3516

The County Board of Education (County Board) recognizes that all SBCEO staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The SBCEO shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on students, staff, and schools.

The County Superintendent of Schools (County Superintendent) or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

In developing the disaster preparedness plan, the County Superintendent or designee shall involve SBCEO staff at all levels, including administrators, program and facilities managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, the County Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The County Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

The County Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters

during disasters or other emergencies affecting the public health and welfare. The County Board shall cooperate with such agencies in furnishing and maintaining whatever services the SBCEO may deem necessary to meet the community's needs. (Education Code 32282)

SBCEO employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

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 County Board, County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
19 CCR 2400-2450	Standardized Emergency Management System
5 CCR 550	Fire drills
5 CCR 560	Civil defense and disaster preparedness plans
CA Constitution Article 20, Section 3	Oath or affirmation
Civ. Code 1714.5	Release from liability for disaster service workers and shelters
Ed. Code 32001	Fire alarms and drills
Ed. Code 32040	Duty to equip school with first aid kit
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 39834	Operating overloaded bus
Ed. Code 46390-46392	Emergency average daily attendance in case of disaster
Ed. Code 49505	Natural disaster; meals for homeless students; reimbursement
Gov. Code 11549	Cybersecurity assessment
Gov. Code 11549.3	Office of Information Security
Gov. Code 3100-3109	Oath or affirmation of allegiance
Gov. Code 8586.5	California Cybersecurity Integration Center
Gov. Code 8607	Standardized Emergency Management System
Pub. Util. Code 2872	Automatic dialing

Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	Description
Cal OES Publication	California Emergency Management for Schools: A Guide for Districts and Sites
Cal OES Publication	State of California Emergency Plan, 2017
Cal OES Publication	School Emergency Response: Using SEMS at Districts and Sites, June 1998
Cal OES Publication	Active Shooter Awareness Guidance, February 2018

California Department of Education Publication	Crisis Response Box, 2000
Fed. Emgcy. Mgmt. Agency Pub.	National Incident Management System, 3rd ed., October 2017
U.S. Department of Education Publication	Guide for Developing High-Quality School Emergency Operations Plans, 2013
Website	California Department of Education, Comprehensive School Safety Plans
Website	California Office of Emergency Services: School Emergency Planning & Safety
Website	California Public Utilities Commission
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Homeland Security
Website	U.S. Department of Education, Emergency Planning
Website	Federal Emergency Management Agency
Website	CSBA
Website	Centers for Disease Control and Prevention
Website	California Seismic Safety Commission
Website	California Governor's Office of Emergency Services
Website	California Department of Education, Crisis Preparedness
Website	California Attorney General's Office
Website	American Red Cross

ADOPTED BY COUNTY BOARD: Pending
REVISED:

POLICY

County Board Policy 3516: Emergencies And Disaster Preparedness Plan

Status: ADOPTED

Original Adopted Date: 11/01/2004 | **Last Revised Date:** 03/15/2024 | **Last Reviewed Date:** 03/15/2024

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

In developing the disaster preparedness plan, the Superintendent or designee shall involve district staff at all levels, including administrators, district police or security officers, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, the Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

PERSONNEL – CERTIFICATED EMPLOYEES REVISED - MARKED COPY

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS** BP 4119.24

~~For purposes of this policy employees include interns, volunteers, contractors, and other persons with an employment relationship with the SBCEO.~~
For purposes of this policy "adult" includes employees, interns, volunteers, contractors, and other persons whose association with SBCEO puts them in contact with students.

The County Board of Education and the County Superintendent of Schools desire to provide a safe and positive school environment that promotes~~protects~~ the learning, engagement, safety, and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, ~~including employees, independent contractors, and volunteers,~~ to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting in accordance with this policy and other related Board policies., ~~in accordance with this policy and Board Policy 4119.21/4219.21/4319.21 - Professional Standards~~. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

~~Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.~~
Adults are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

~~The County Education Office's~~ SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO websites. (Education Code 44050)

~~Any employee who has been identified as mandated reporter, who observes or has knowledge of another employee's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.~~

~~Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The County Superintendent or designee may also notify law enforcement as appropriate.~~

~~The SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)~~

Inappropriate Conduct

Adults shall remain vigilant of their position of authority and not abuse it when relating with students.

The County Board and the County Superintendent of Schools prohibit inappropriate conduct between adults and students. (Education Code 32100)

Inappropriate ~~employee~~ conduct ~~include~~that can undermine professional adult-student interactions or create the appearance of impropriety includes, but is not limited to:~~s~~,~~Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include~~, but is~~are~~ not limited to:

1. Initiating inappropriate physical contact
2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

~~1.~~3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

~~2.~~4. Being alone with a student outside of the view of others

~~3.~~5. Visiting a student's home or inviting a student to visit an adult's home without parent/guardian consent

~~4.~~6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian ~~or the program manager~~

When communicating electronically with students, adults shall use SBCEO equipment or technological resources when available. Adults shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor usage of SBCEO technology at any time without advance notice or consent.

~~In accordance with Board Policy/Administrative Regulation 4040 - Employee Use of Technology, employees shall use SBCEO equipment or technological resources, when available, when communicating electronically with students. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.~~ ~~When communicating electronically with students, employees shall use SBCEO equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.~~

~~5.~~7. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the SBCEO program manager or designee

~~6.~~8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

~~7.~~9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

~~8.~~10. Addressing a student in an overly familiar manner, such as by using a term of endearment

~~9.~~11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

~~10.~~12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

~~11.~~13. Transporting a student in a personal vehicle without prior authorization

~~12.~~14. Encouraging students to confide ~~their~~ personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any adult who observes or has knowledge of another adult~~employee~~'s violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Board and County Superintendent prohibit~~s~~ retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

~~13.~~ Adults who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. Additionally, the County Superintendent or designee may also notify law enforcement as appropriate.

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Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD: February 2, 2023
REVISED: Pending

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS** BP 4119.24

For purposes of this policy "adult" includes employees, interns, volunteers, contractors, and other persons whose association with SBCEO puts them in contact with students.

The County Board of Education and the County Superintendent of Schools desire to provide a safe and positive school environment that promotes the learning, engagement, safety, and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting in accordance with this policy and other related Board policies. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Adults are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO websites. (Education Code 44050)

Inappropriate Conduct

Adults shall remain vigilant of their position of authority and not abuse it when relating with students.

The County Board and the County Superintendent of Schools prohibit inappropriate conduct between adults and students. (Education Code 32100)

Inappropriate conduct that can undermine professional adult-student interactions or create the appearance of impropriety includes but is not limited to:

1. Initiating inappropriate physical contact

2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

4. Being alone with a student outside of the view of others

5. Visiting a student's home or inviting a student to visit an adult's home without parent/guardian consent

6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian

   When communicating electronically with students, adults shall use SBCEO equipment or technological resources when available. Adults shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor usage of SBCEO technology at any time without advance notice or consent.

7. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the SBCEO program manager or designee

8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

10. Addressing a student in an overly familiar manner, such as by using a term of endearment

11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

13. Transporting a student in a personal vehicle without prior authorization

14. Encouraging students to confide personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any adult who observes or has knowledge of another adult's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Board and County Superintendent prohibit retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

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Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD: February 2, 2023
REVISED: Pending

POLICY

Superintendent Policy 4119.24: Maintaining Appropriate Adult-Student Interactions

Status: ADOPTED

Original Adopted Date: 07/01/2019 **| Last Revised Date:** 02/15/2026 **| Last Reviewed Date:** 02/15/2026

For purposes of this policy employees include interns, volunteers, contractors, and other persons with an employment relationship with the district.

The Governing Board desires to provide a safe and positive school environment that promotes the learning, engagement, safety, and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting, in accordance with this policy and Board Policy 4119.21/4219.21/4319.21 - Professional Standards. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district websites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students.

The Board prohibits inappropriate conduct between employees and students. (Education Code 32100)

Inappropriate employee conduct includes, but is not limited to:

1. Initiating inappropriate physical contact

2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

4. Being alone with a student outside of the view of others

5. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent

6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian

   In accordance with Board Policy/Administrative Regulation 4040 - Employee Use of Technology, employees shall use district equipment or technological resources, when available, when communicating electronically with students. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district

technology at any time without advance notice or consent.

7. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee

8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

10. Addressing a student in an overly familiar manner, such as by using a term of endearment

11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

13. Transporting a student in a personal vehicle without prior authorization

14. Encouraging students to confide personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Board prohibits retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. Additionally, the Superintendent or designee may also notify law enforcement as appropriate.

PERSONNEL – CLASSIFIED EMPLOYEES REVISED - MARKED COPY

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS** BP 4219.24

~~For purposes of this policy employees include interns, volunteers, contractors, and other persons with an employment relationship with the SBCEO.~~
For purposes of this policy "adult" includes employees, interns, volunteers, contractors, and other persons whose association with SBCEO puts them in contact with students.

The County Board of Education and the County Superintendent of Schools desire to provide a safe and positive school environment that promotes~~protects~~ the learning, engagement, safety, and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, ~~including employees, independent contractors, and volunteers,~~ to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting in accordance with this policy and other related Board policies., ~~in accordance with this policy and Board Policy 4119.21/4219.21/4319.21 - Professional Standards~~. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

~~Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.~~
Adults are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

~~The County Education Office's~~ SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO websites. (Education Code 44050)

~~Any employee who has been identified as mandated reporter, who observes or has knowledge of another employee's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.~~

~~Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The County Superintendent or designee may also notify law enforcement as appropriate.~~

~~The SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)~~

Inappropriate Conduct

Adults shall remain vigilant of their position of authority and not abuse it when relating with students.

The County Board and the County Superintendent of Schools prohibit inappropriate conduct between adults and students. (Education Code 32100)

Inappropriate ~~employee~~ conduct ~~include~~that can undermine professional adult-student interactions or create the appearance of impropriety includes, but is not limited to:~~s~~,~~Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include~~, but is~~are~~ not limited to:

1. Initiating inappropriate physical contact
2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

~~1.~~3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

~~2.~~4. Being alone with a student outside of the view of others

~~3.~~5. Visiting a student's home or inviting a student to visit an adult's home without parent/guardian consent

~~4.~~6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian ~~or the program manager~~

When communicating electronically with students, adults shall use SBCEO equipment or technological resources when available. Adults shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor usage of SBCEO technology at any time without advance notice or consent.

~~In accordance with Board Policy/Administrative Regulation 4040 - Employee Use of Technology, employees shall use SBCEO equipment or technological resources, when available, when communicating electronically with students. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.~~ ~~When communicating electronically with students, employees shall use SBCEO equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.~~

~~5.~~7. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the SBCEO program manager or designee

~~6.~~8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

~~7.~~9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

~~8.~~10. Addressing a student in an overly familiar manner, such as by using a term of endearment

~~9.~~11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

~~10.~~12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

~~11.~~13. Transporting a student in a personal vehicle without prior authorization

~~12.~~14. Encouraging students to confide ~~their~~ personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

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19. Using profane, obscene, or abusive language against students

Violations of Policy

Any adult who observes or has knowledge of another adult~~employee~~'s violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Board and County Superintendent prohibit~~s~~ retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

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ADOPTED BY COUNTY BOARD: February 2, 2023
REVISED: Pending

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS** BP 4219.24

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4. Being alone with a student outside of the view of others

5. Visiting a student's home or inviting a student to visit an adult's home without parent/guardian consent

6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian

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7. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the SBCEO program manager or designee

8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

10. Addressing a student in an overly familiar manner, such as by using a term of endearment

11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

13. Transporting a student in a personal vehicle without prior authorization

14. Encouraging students to confide personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

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19. Using profane, obscene, or abusive language against students

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ADOPTED BY COUNTY BOARD: February 2, 2023
REVISED: Pending

POLICY

Superintendent Policy 4219.24: Maintaining Appropriate Adult-Student Interactions

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** 02/15/2026 | **Last Reviewed Date:** 02/15/2026

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Inappropriate Conduct

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4. Being alone with a student outside of the view of others

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12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

13. Transporting a student in a personal vehicle without prior authorization

14. Encouraging students to confide personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Board prohibits retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

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PERSONNEL – MANAGEMENT EMPLOYEES REVISED - MARKED COPY

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS** BP 4319.24

~~For purposes of this policy employees include interns, volunteers, contractors, and other persons with an employment relationship with the SBCEO.~~
For purposes of this policy "adult" includes employees, interns, volunteers, contractors, and other persons whose association with SBCEO puts them in contact with students.

The County Board of Education and the County Superintendent of Schools desire to provide a safe and positive school environment that promotes~~protects~~ the learning, engagement, safety, and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, ~~including employees, independent contractors, and volunteers,~~ to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting in accordance with this policy and other related Board policies., ~~in accordance with this policy and Board Policy 4119.21/4219.21/4319.21 - Professional Standards~~. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

~~Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.~~
Adults are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

~~The County Education Office's~~ SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO websites. (Education Code 44050)

~~Any employee who has been identified as mandated reporter, who observes or has knowledge of another employee's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.~~

~~Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The County Superintendent or designee may also notify law enforcement as appropriate.~~

~~The SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)~~

Inappropriate Conduct

Adults shall remain vigilant of their position of authority and not abuse it when relating with students.

The County Board and the County Superintendent of Schools prohibit inappropriate conduct between adults and students. (Education Code 32100)

Inappropriate ~~employee~~ conduct ~~include~~that can undermine professional adult-student interactions or create the appearance of impropriety includes, but is not limited to:~~s~~,~~Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include~~, but is~~are~~ not limited to:

1. Initiating inappropriate physical contact
2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

~~1.~~3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

~~2.~~4. Being alone with a student outside of the view of others

~~3.~~5. Visiting a student's home or inviting a student to visit an adult's home without parent/guardian consent

~~4.~~6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian ~~or the program manager~~

When communicating electronically with students, adults shall use SBCEO equipment or technological resources when available. Adults shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor usage of SBCEO technology at any time without advance notice or consent.

~~In accordance with Board Policy/Administrative Regulation 4040 - Employee Use of Technology, employees shall use SBCEO equipment or technological resources, when available, when communicating electronically with students. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.~~ ~~When communicating electronically with students, employees shall use SBCEO equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.~~

~~5.~~7. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the SBCEO program manager or designee

~~6.~~8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

~~7.~~9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

~~8.~~10. Addressing a student in an overly familiar manner, such as by using a term of endearment

~~9.~~11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

~~10.~~12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

~~11.~~13. Transporting a student in a personal vehicle without prior authorization

~~12.~~14. Encouraging students to confide ~~their~~ personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any adult who observes or has knowledge of another adult~~employee~~'s violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Board and County Superintendent prohibit~~s~~ retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

~~13.~~ Adults who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. Additionally, the County Superintendent or designee may also notify law enforcement as appropriate.

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 County Board, County Superintendent of Schools, or designee 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 80303	Reports of change in employment status, alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD: February 2, 2023
REVISED: Pending

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS** BP 4319.24

For purposes of this policy "adult" includes employees, interns, volunteers, contractors, and other persons whose association with SBCEO puts them in contact with students.

The County Board of Education and the County Superintendent of Schools desire to provide a safe and positive school environment that promotes the learning, engagement, safety, and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting in accordance with this policy and other related Board policies. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Adults are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO websites. (Education Code 44050)

Inappropriate Conduct

Adults shall remain vigilant of their position of authority and not abuse it when relating with students.

The County Board and the County Superintendent of Schools prohibit inappropriate conduct between adults and students. (Education Code 32100)

Inappropriate conduct that can undermine professional adult-student interactions or create the appearance of impropriety includes but is not limited to:

1. Initiating inappropriate physical contact

2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

4. Being alone with a student outside of the view of others

5. Visiting a student's home or inviting a student to visit an adult's home without parent/guardian consent

6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian

   When communicating electronically with students, adults shall use SBCEO equipment or technological resources when available. Adults shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor usage of SBCEO technology at any time without advance notice or consent.

7. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the SBCEO program manager or designee

8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

10. Addressing a student in an overly familiar manner, such as by using a term of endearment

11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

13. Transporting a student in a personal vehicle without prior authorization

14. Encouraging students to confide personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any adult who observes or has knowledge of another adult's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Board and County Superintendent prohibit retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Adults who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. Additionally, the County Superintendent or designee may also notify law enforcement as appropriate.

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 County Board, County Superintendent of Schools, or designee 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 80303	Reports of change in employment status, alleged misconduct
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Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD: February 2, 2023
REVISED: Pending

POLICY

Superintendent Policy 4319.24: Maintaining Appropriate Adult-Student Interactions

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** 02/15/2026 | **Last Reviewed Date:** 02/15/2026

For purposes of this policy employees include interns, volunteers, contractors, and other persons with an employment relationship with the district.

The Governing Board desires to provide a safe and positive school environment that promotes the learning, engagement, safety, and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting, in accordance with this policy and Board Policy 4119.21/4219.21/4319.21 - Professional Standards. Such adults shall not engage in threatening, unsafe, unlawful, or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district websites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students.

The Board prohibits inappropriate conduct between employees and students. (Education Code 32100)

Inappropriate employee conduct includes, but is not limited to:

1. Initiating inappropriate physical contact

2. Attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature

3. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

4. Being alone with a student outside of the view of others

5. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent

6. Maintaining personal contact with a student during or outside the school day that has no legitimate educational purpose, by phone, letter, text message, social media internet platforms, electronic communications, or other means of communication, without including the student's parent/guardian

   In accordance with Board Policy/Administrative Regulation 4040 - Employee Use of Technology, employees shall use district equipment or technological resources, when available, when communicating electronically with students. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district

technology at any time without advance notice or consent.

7. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee

8. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

9. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

10. Addressing a student in an overly familiar manner, such as by using a term of endearment

11. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

12. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

13. Transporting a student in a personal vehicle without prior authorization

14. Encouraging students to confide personal or family problems and/or relationships

15. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

16. Engaging in any conduct that endangers or threatens to endanger students, including, but not limited to, physical violence or threats of violence

17. Engaging in harassing or discriminatory behavior towards students, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

18. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

19. Using profane, obscene, or abusive language against students

Violations of Policy

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Board prohibits retaliation against anyone who reports a violation of this policy. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. Additionally, the Superintendent or designee may also notify law enforcement as appropriate.

MARKED

STUDENTS

BOARD POLICY **– GRADE LEVEL ASSIGNMENT** BP 5125.12

~~The County Board of Education (County Board) acknowledges that beginning in 2018, all DASS (Dashboard Alternative School Status) Schools will receive a Dashboard report. DASS schools will be held accountable for all state indicators currently reported in the Dashboard. However, modified methods will be used for select indicators in order to more fairly evaluate the success and progress of alternative schools. The Dashboard currently uses a four-year cohort graduation rate for the Graduation Rate Indicator for non-alternative schools. This measurement is not appropriate to evaluate DASS schools who serve highly mobile and credit deficient students. Therefore, DASS schools will be evaluated using a one-year graduation rate cohort.~~ ¶

¶

¶

~~Effective January 1, 2019,~~ incoming students to the ~~Santa Barbara County Education Office's Juvenile Court and Community School~~ Alternative Education programs ~~will be enrolled in the grade level that coincides with the number of credits they have accumulated towards a high school diploma at the time of enrollment. The following guidelines will be followed by all Court and Community School sites:~~

The County Board of Education recognizes that students enrolled in the County Education Office's Juvenile Court and Community Schools (JCCS) may have experienced educational disruptions, high mobility, and/or credit deficiencies. The County Board is committed to ensuring that grade-level assignments are consistent, equitable, and supportive of students' educational progress and opportunities for graduation.

Students enrolling in JCCS shall be assigned an appropriate grade level based on a review of available educational records, including prior grade-level placement, credits earned, educational history, and applicable graduation requirements.

For students entering grades 8 and below, grade-level assignments shall correspond to the grade level documented in the student's most recent educational records.

For students entering grades 9–12, accumulated credits and the student's applicable graduation pathway shall guide grade-level assignment according to the following table:

- ~~If student records received from the referring district indicate 8th grade or below, the student will be enrolled in the corresponding grade level.¶~~
- ~~If the student has an IEP, the student will be enrolled in the grade level that corresponds to the grade level identified on the IEP.¶~~

- ~~If the student records received indicate 9th grade or higher, follow the table below:~~

Grade Level	200 Credit Graduation Pathway ~~Track~~	Alternative Graduation Pathway (1300 Credits) ~~AB 167/216/1806/2306~~
9th Grade	0–50 credits earned at enrollment	0–33 credits earned at enrollment
10th Grade	51– 00 credits earned at enrollment	34–67 credits earned at enrollment
11th Grade	101–150 credits earned at enrollment	68–100 credits earned at enrollment
12th Grade	151–200 credits earned at enrollment	100+ credits earned at enrollment

~~Upon a student's return to district, they are subject to the school and district of residence's policies on grade level assignment and may be reclassified upon re-enrollment in the school of residence. The County Board recognizes that this is entirely consistent with the stated intent of holding comprehensive schools and districts accountable to the 4-year graduation rate.~~

Students eligible for alternative graduation requirements under California law shall be afforded all applicable rights and protections. Eligibility for an alternative graduation pathway shall be determined in accordance with applicable law and shall not be based solely on credit deficiencies.

For students with disabilities, grade-level assignments shall be made in accordance with applicable state and federal law, with consideration of the student's Individualized Education Program (IEP), educational history, and individual needs.

The County Superintendent of Schools or designee may authorize adjustments to grade-level assignments when warranted by individual student circumstances, including educational history, age, credit status, or other relevant factors.

Grade-level assignments shall not delay enrollment, restrict access to educational services, or interfere with a student's eligibility for applicable graduation requirements.

Upon transfer from JCCS to another school district, students' educational records, including credits earned and grade-level placement, shall be provided to the receiving school in accordance with applicable law.

ADOPTED BY COUNTY BOARD: February 7, 2019
REVISED: July 9, 2020, Pending

Santa Barbara County Education Office
Susan C. Salcido, Superintendent

CLEAN

STUDENTS

BOARD POLICY **– GRADE LEVEL ASSIGNMENT** BP 5125.12

The County Board of Education (County Board) recognizes that students enrolled in the County Education Office's Juvenile Court and Community Schools (JCCS) may have experienced educational disruptions, high mobility, and/or credit deficiencies. The County Board is committed to ensuring that grade-level assignments are consistent, equitable, and supportive of students' educational progress and opportunities for graduation.

Students enrolling in JCCS shall be assigned an appropriate grade level based on a review of available educational records, including prior grade-level placement, credits earned, educational history, and applicable graduation requirements.

For students entering grades 8 and below, grade-level assignments shall correspond to the grade level documented in the student's most recent educational records.

For students entering grades 9–12, accumulated credits and the student's applicable graduation pathway shall guide grade-level assignment according to the following table:

Grade Level	200 Credit Graduation Pathway	Alternative Graduation Pathway (130 Credits)
9th Grade	0–50 credits earned at enrollment	0–33 credits earned at enrollment
10th Grade	51– 00 credits earned at enrollment	34–67 credits earned at enrollment
11th Grade	101–150 credits earned at enrollment	68–100 credits earned at enrollment
12th Grade	151–200 credits earned at enrollment	100+ credits earned at enrollment

Students eligible for alternative graduation requirements under California law shall be afforded all applicable rights and protections. Eligibility for an alternative graduation pathway shall be determined in accordance with applicable law and shall not be based solely on credit deficiencies.

For students with disabilities, grade-level assignments shall be made in accordance with applicable state and federal law, with consideration of the student's Individualized Education Program (IEP), educational history, and individual needs.

The County Superintendent of Schools or designee may authorize adjustments to grade-level assignments when warranted by individual student circumstances, including educational history, age, credit status, or other relevant factors.

Grade-level assignments shall not delay enrollment, restrict access to educational services, or interfere with a student's eligibility for applicable graduation requirements.

Upon transfer from JCCS to another school district, students' educational records, including credits earned and grade-level placement, shall be provided to the receiving school in accordance with applicable law.

ADOPTED BY COUNTY BOARD: February 7, 2019
REVISED: July 9, 2020, Pending

MARKED

STUDENTS

POLICY – **SUSPENSION AND EXPULSION/DUE PROCESS** BP 5144.1

The County Board of Education (County Board) desires to provide students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The County Board shall develop rules and regulations setting the standards of behavior expected of SBCEO students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any SBCEO county-operated programs~~County Office school~~ or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

Off campus behavior may result in discipline when it disrupts SBCEO programs and activities or as otherwise prohibited by law, Board policy, or administrative regulation.

Staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the SBCEO~~County Education Office's~~ nondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in Items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)¶

~~A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.~~

Students shall not be suspended or expelled based solely on a student's truancy, tardiness, or absenteeism from assigned school activities. (Education Code 48900)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the County Superintendent of Schools (County Superintendent) or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the County Board. (Education Code 48918(j))

As required by law, the County Superintendent or designee shall recommend expulsion and the County Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the SBCEO program manager or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the County Superintendent or designee shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the County Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

The County Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled or unenrolled except under limited circumstances in accordance with Education Code 8489.1.

Due Process

The County Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

Plan for Rehabilitation

At the time of the expulsion order, the County Board shall recommend a plan for the student's rehabilitation, in accordance with the accompanying administrative regulation.

Maintenance and Monitoring of Outcome Data

The County Superintendent or designee shall maintain outcome data related to student suspensions and expulsions ~~in accordance with Education Code 48900.8 and 48916.1,~~ including, but not limited to: (Education Code 48900.8, 48916.1) ~~,~~

1. T~~t~~he number of students recommended for expulsion~~,~~

2. Tthe grounds for each recommended expulsion
3. , Tthe actions taken by the County Board, including whether the student was subsequently expelled and whether the expulsion order was suspended
4. Tthe types of referral made after each expulsion, ~~and t~~
5. The disposition of the students after the expulsion period, including the completion of a rehabilitation plan or the successful readmission of the student, or both.
6. The average length of expulsion terms, including any extensions

For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the County Board annually and to the California Department of Education when so required.

In presenting the report to the County Board, the County Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness. Based on the data, the County Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the SBCEO is meeting its goals for improving school climate as specified in its local control and accountability plan, which may include monitoring intervention effectiveness.

Policy Reference Disclaimer:
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State	Description
Civ. Code 47	Privileged communication
Civ. Code 48.8	Defamation liability
Code of Civil Procedure 1985-1997	Production of evidence; means of production
Ed. Code 17292.5	Program for expelled students; facilities
Ed. Code 1981-1983	Enrollment of students in community school
Ed. Code 212.5	Sexual harassment
Ed. Code 233	Hate violence
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 35012	Board members; number, election, and terms
Ed. Code 35145	Open board meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules for government and discipline of schools
Ed. Code 35291.5	Rules and procedures on school discipline

Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48660-48666	Community day schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49073-49079	Privacy of student records
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8489-8489.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Informal hearing procedures
Gov. Code 54950-54963	The Ralph M. Brown Act
H&S Code 11014.5	Drug paraphernalia
H&S Code 11053-11059	Controlled substances; standards and schedules
Lab. Code 230.7	Employee time off to appear in school on behalf of a child
Pen. Code 240	Assault defined
Pen. Code 241.2	Assault fines
Pen. Code 242	Battery defined
Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon
Pen. Code 245.6	Hazing
Pen. Code 261	Rape defined
Pen. Code 266c	Unlawful sexual intercourse
Pen. Code 286	Sodomy defined
Pen. Code 287	Oral Copulation
Pen. Code 288	Lewd or lascivious acts with child under age 14
Pen. Code 289	Penetration of genital or anal openings
Pen. Code 31	Principal of a crime, defined
Pen. Code 417.27	Laser pointers
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Pen. Code 422.7	Aggravating factors for punishment
Pen. Code 422.75	Enhanced penalties for hate crimes
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 868.5	Supporting person; attendance during testimony of witness
W&I Code 224.1	Indian child; definition
W&I Code 729.6	Counseling

Federal	Description
18 USC 921	Definitions; firearms and ammunition
20 USC 1415(K)	Students with disabilities; placement in alternative educational setting
20 USC 7961	Gun-Free Schools Act

34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 11431-11435	Education of homeless children and youths

Management Resources	Description
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 146 (2001)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 91 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 85 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 348 (1997)
California Department of Education Publication	Update Regarding School Discipline Policies, May 2025
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807
Court Decision	Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Court Decision	Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
U.S. DOE Publication	Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, March 2023
U.S. DOE Publication	School Climate and Student Discipline Resources
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Safe and Healthy Students
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education
Website	California Attorney General's Office

~~Legal Reference:¶~~
~~EDUCATION CODE¶~~
~~212.5 Sexual harassment¶~~
~~233 Hate violence¶~~
~~1981-1981.5 Enrollment of students in community school¶~~
~~8239.1 Prohibition against expulsion of preschool student¶~~
~~17292.5 Program for expelled students¶~~
~~32261 Interagency School Safety Demonstration Act of 1985¶~~
~~35145 Open board meetings¶~~
~~35146 Closed sessions (regarding suspensions)¶~~
~~35291 Rules (for government and discipline of schools)¶~~
~~35291.5 Rules and procedures on school discipline¶~~
~~48645.5 Readmission; contact with juvenile justice system¶~~
~~48660-48666 Community day schools¶~~
~~48853.5 Foster youth¶~~
~~48900-48927 Suspension and expulsion¶~~

48950 Speech and other communication¶
48980 Parental notifications¶
49073-49079 Privacy of student records¶
52052 Numerically significant student subgroups¶
52060-52077 Local control and accountability plan¶
64000-64001 Consolidated application¶
¶
CIVIL CODE¶
47 Privileged communication¶
48.8 Defamation liability¶
¶
CODE OF CIVIL PROCEDURE¶
1985-1997 Subpoenas; means of production¶
¶
GOVERNMENT CODE¶
11455.20 Contempt¶
54950-54963 Ralph M. Brown Act¶
¶
HEALTH AND SAFETY CODE¶
11014.5 Drug paraphernalia¶
11053-11058 Standards and schedules¶
¶
LABOR CODE¶
230.7 Employee time off to appear in school on behalf of a child¶
¶
PENAL CODE¶
31 Principal of a crime, defined¶
240 Assault defined¶
241.2 Assault fines¶
242 Battery defined¶
243.2 Battery on school property¶
243.4 Sexual battery¶
245 Assault with deadly weapon¶
245.6 Hazing¶
261 Rape defined¶
266c Unlawful sexual intercourse¶
286 Sodomy defined¶
288 Lewd or lascivious acts with child under age 14¶
288a Oral copulation¶
289 Penetration of genital or anal openings¶
417.27 Laser pointers¶
422.55 Hate crime defined¶
422.6 Interference with exercise of civil rights¶
422.7 Aggravating factors for punishment¶
422.75 Enhanced penalties for hate crimes¶
626.2 Entry upon campus after written notice of suspension or dismissal without permission¶
626.9 Gun-Free School Zone Act of 1995¶
626.10 Dirks, daggers, knives, razors, or stun guns¶
868.5 Supporting person; attendance during testimony of witness¶

¶
WELFARE AND INSTITUTIONS CODE¶
729.6 Counseling¶
¶
UNITED STATES CODE, TITLE 18¶
921 Definitions, firearm¶
¶
UNITED STATES CODE, TITLE 20¶
1415(K) Placement in alternative educational setting¶
7961 Gun-free schools¶
¶
UNITED STATES CODE, TITLE 42¶
11432-11435 Education of homeless children and youths¶
¶
COURT DECISIONS¶
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267¶
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421¶
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321¶
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118¶
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807¶
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301¶
¶
ATTORNEY GENERAL OPINIONS¶
84 Ops.Cal.Atty.Gen. 146 (2001)¶
80 Ops.Cal.Atty.Gen. 348 (1997)¶
80 Ops.Cal.Atty.Gen. 91 (1997)¶
80 Ops.Cal.Atty.Gen. 85 (1997)¶
¶
Management Resources:¶
¶
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS¶
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014¶
¶
WEB SITES¶
CSBA: http://www.csba.org¶
California Attorney General's Office: http://www.oag.ca.gov¶
California Department of Education: http://www.cde.ca.gov¶
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf¶
U.S. Department of Education, Office of Safe and Healthy Students: http://www2.ed.gov/about/offices/list/oese/oshs¶

ADOPTED BY COUNTY BOARD: January 6, 1994
REVISED: April 7, 1994, December 12, 2013, September 2, 2021, Pending

STUDENTS

POLICY – **SUSPENSION AND EXPULSION/DUE PROCESS** BP 5144.1

The County Board of Education (County Board) desires to provide students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The County Board shall develop rules and regulations setting the standards of behavior expected of SBCEO students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any SBCEO county-operated programs or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

Off campus behavior may result in discipline when it disrupts SBCEO programs and activities or as otherwise prohibited by law, Board policy, or administrative regulation.

Staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the SBCEOnondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in Items #1-5 under “Grounds for Suspension and Expulsion: Grades K-12” of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an

escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled based solely on a student's truancy, tardiness, or absenteeism from assigned school activities. (Education Code 48900)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the County Superintendent of Schools (County Superintendent) or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the County Board. (Education Code 48918(j))

As required by law, the County Superintendent or designee shall recommend expulsion and the County Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the SBCEO program manager or designee’s concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the County Superintendent or designee shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the County Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

The County Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled or unenrolled except under limited circumstances in accordance with Education Code 8489.1.

Due Process

The County Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

Plan for Rehabilitation

At the time of the expulsion order, the County Board shall recommend a plan for the student's rehabilitation, in accordance with the accompanying administrative regulation.

Maintenance and Monitoring of Outcome Data

The County Superintendent or designee shall maintain outcome data related to student suspensions and expulsions including, but not limited to: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion

2. The grounds for each recommended expulsion

3. The actions taken by the County Board, including whether the student was subsequently expelled and whether the expulsion order was suspended

4. The types of referral made after each expulsion

5. The disposition of the students after the expulsion period, including the completion of a rehabilitation plan or the successful readmission of the student, or both

6. The average length of expulsion terms, including any extensions

For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the County Board annually and to the California Department of Education when so required.

In presenting the report to the County Board, the County Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness. Based on the data, the County Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the SBCEO is meeting its goals for improving school climate as specified in its local control and accountability plan, which may include monitoring intervention effectiveness.

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 County Board, County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Civ. Code 47	Privileged communication
Civ. Code 48.8	Defamation liability
Code of Civil Procedure 1985-1997	Production of evidence; means of production
Ed. Code 17292.5	Program for expelled students; facilities
Ed. Code 1981-1983	Enrollment of students in community school
Ed. Code 212.5	Sexual harassment
Ed. Code 233	Hate violence
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 35012	Board members; number, election, and terms
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Ed. Code 35291	Rules for government and discipline of schools
Ed. Code 35291.5	Rules and procedures on school discipline
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48660-48666	Community day schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49073-49079	Privacy of student records

Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8489-8489.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Informal hearing procedures
Gov. Code 54950-54963	The Ralph M. Brown Act
H&S Code 11014.5	Drug paraphernalia
H&S Code 11053-11059	Controlled substances; standards and schedules
Lab. Code 230.7	Employee time off to appear in school on behalf of a child
Pen. Code 240	Assault defined
Pen. Code 241.2	Assault fines
Pen. Code 242	Battery defined
Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon
Pen. Code 245.6	Hazing
Pen. Code 261	Rape defined
Pen. Code 266c	Unlawful sexual intercourse
Pen. Code 286	Sodomy defined
Pen. Code 287	Oral Copulation
Pen. Code 288	Lewd or lascivious acts with child under age 14
Pen. Code 289	Penetration of genital or anal openings
Pen. Code 31	Principal of a crime, defined
Pen. Code 417.27	Laser pointers
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Pen. Code 422.7	Aggravating factors for punishment
Pen. Code 422.75	Enhanced penalties for hate crimes
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 868.5	Supporting person; attendance during testimony of witness
W&I Code 224.1	Indian child; definition
W&I Code 729.6	Counseling

Federal	Description
18 USC 921	Definitions; firearms and ammunition
20 USC 1415(K)	Students with disabilities; placement in alternative educational setting
20 USC 7961	Gun-Free Schools Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs or activities
42 USC 11431-11435	Education of homeless children and youths

Management Resources	Description
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 146 (2001)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 91 (1997)

Attorney General Opinion	80 Ops.Cal.Atty.Gen. 85 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 348 (1997)
California Department of Education Publication	Update Regarding School Discipline Policies, May 2025
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807
Court Decision	Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Court Decision	Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
U.S. DOE Publication	Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, March 2023
U.S. DOE Publication	School Climate and Student Discipline Resources
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Safe and Healthy Students
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education
Website	California Attorney General's Office

ADOPTED BY COUNTY BOARD: January 6, 1994
REVISED: April 7, 1994, December 12, 2013, September 2, 2021, Pending

POLICY

County Board Policy 5144.1: Suspension And Expulsion/Due Process

Status: ADOPTED

Original Adopted Date: 12/01/2014 | **Last Revised Date:** 02/15/2026 | **Last Reviewed Date:** 02/15/2026

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

Off campus behavior may result in discipline when it disrupts district programs and activities or as otherwise prohibited by law, Board policy, or administrative regulation.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in Items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled based solely on a student's truancy, tardiness, or absenteeism from assigned school activities. (Education Code 48900)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, or 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

On a case-by-case basis, a student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters, in accordance with Board Bylaw 9150 - Student Board Members.

A vote to expel a student shall be taken in an open session of a Board meeting. (Education Code 48918(j))

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled or unenrolled except under limited circumstances in accordance with Education Code 8489.1 and as specified in Administrative Regulation 5148.3 - Preschool/Early Childhood Education.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording the students due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

Plan for Rehabilitation

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, in accordance with the accompanying administrative regulation.

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions , including, but not limited to: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The grounds for each recommended expulsion
3. The actions taken by the Board, including whether the student was subsequently expelled and whether the expulsion order was suspended
4. The types of referral made after each expulsion
5. The disposition of the students after the expulsion period, including the completion of a rehabilitation plan or the successful readmission of the student, or both
6. The average length of expulsion terms, including any extensions

For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board at least annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan, which may include monitoring intervention effectiveness.

Santa Barbara County Education Office
Susan C. Salcido, Superintendent

MARKED

STUDENTS

POLICY - **NONDISCRIMINATION AND HARASSMENT** BP 5145.3

~~This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a County Education Office program, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.~~

The County Board of Education (County Board) and County Superintendent of Schools (County Superintendent) desire to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the County Education Office's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a County Education Office school or program, to acts which occur off campus or outside of County Education Office related or County Education Office 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 in enacting policies and procedures that govern the SBCEO.

~~The County Board and County Superintendent prohibit, at any County Education Office program or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.~~

Unlawful discrimination against an individual or group in any County Education Office school or school activity, including discriminatory harassment, intimidation, and~~or~~ 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)
~~may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.~~

Additionally, the County Education Office 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)

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. ~~also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.~~ Additionally, unlawful discrimination 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.

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 County Education Office programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination could occur when disciplining students, including suspension, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

Any~~The County Superintendent also prohibits any~~ form of retaliation against any individual who reports or otherwise participates in the reporting of unlawful

discrimination, files or participates in the filing of a complaint, or investigates, ~~or~~ 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 complaints.

~~SThe County Superintendent or designee shall facilitate s~~tudents' access to the educational program shall be facilitated by publicizing the County Education Office's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. Additionally,~~In addition, the County Superintendent or designee shall post~~ the County Education Office's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information shall be posted on the County Education Office's website in a manner that is easily accessible to ~~parents/guardians and~~ students and parents/guardians, in accordance with law and the accompanying regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

~~The County Superintendent or designee shall provide T~~training and/or information on the scope and use of the policy and complaint procedures shall be provided and ~~and take~~ other measures designed to increase ~~the school community's~~ understanding of the requirements of law related to discrimination shall be taken. The ~~County Superintendent of designee shall regularly review the~~ implementation of the County Education Office's nondiscrimination policies and practices ~~and, as necessary,~~ shall regularly be reviewed and, as necessary, ~~take~~ action to remove any~~d~~ identified barrier to student access to or participation in the County Education Office's educational program shall be taken. The ~~County Superintendent's designee shall report the~~ findings and recommendations shall be reported to the County Superintendent 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.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, County Board policy, or local 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, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.~~

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 SBCEO program manager, school site administrator, or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the

needs of the students. Additionally, the SBCEO program manager, school site administrator, or designee may 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.

Complaints alleging unlawful discrimination in County Education Office 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~~The County Superintendent or designee shall maintain a~~ record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be maintained to enable the County Education Office to monitor, address, and prevent repetitive prohibited behavior in County Education Office programs.

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 County Education Office schools, programs, and activities. County Education Office nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County board, County Superintendent of Schools, or designee 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/guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-280	Educational equity; prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
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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 49020-49024	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
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
Gov. Code 53080	Prohibition of discrimination on basis of sex or gender; community youth athletics programs
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
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20 USC 1400-1482	Individuals with Disabilities Education Act
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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, Civil Rights Act of 1964, as amended
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
42 USC 6101-6107	Age Discrimination Act of 1975

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Court Decision	Mirabelli v. Bonta (2026) 146 S.Ct. 797
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
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CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024
CSBA Publication	LGBTQ+ Students in Focus: Demographics and Academic Achievement, Governance Brief, June 2025
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
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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	The UC|CSU Collaborative for Neuroscience, Diversity, and Learning
Website	The Trevor Project
Website	U.S Department of Justice, Civil Rights Division
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Safe Schools Coalition
Website	California Office of the Attorney General
Website	California Interscholastic Federation
Website	California Department of Education

~~Legal Reference:~~¶

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~~EDUCATION CODE~~¶

~~200-262.4 Prohibition of discrimination~~¶

~~48900.3 Suspension or expulsion for act of hate violence~~

~~48900.4 Suspension or expulsion for threats or harassment~~

~~48904 Liability of parent/guardian for willful student misconduct~~

~~48907 Student exercise of free expression~~¶

~~48950 Freedom of speech~~

~~48985 Translation of notices~~

~~49020-49023 Athletic programs~~¶

~~49060-49079 Student records~~¶

~~51500 Prohibited instruction or activity~~

~~51501 Prohibited means of instruction~~

~~60044 Prohibited instructional materials~~¶

¶

~~CIVIL CODE~~¶

~~1714.1 Liability of parents/guardians for willful misconduct of minor~~¶

¶

~~GOVERNMENT CODE~~ ¶

~~11135 Nondiscrimination in programs or activities funded by state~~¶

¶

~~PENAL CODE~~¶

~~422.55 Definition of hate crime~~¶

~~422.6 Crimes, harassment~~¶

¶

~~CODE OF REGULATIONS, TITLE 5~~¶

~~432 Student record~~¶

~~4600-4687 Uniform complaint procedures~~¶

~~4900-4965 Nondiscrimination in elementary and secondary education programs~~¶

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UNITED STATES CODE, TITLE 20¶
1681-1688 Title IX of the Education Amendments of 1972¶
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UNITED STATES CODE, TITLE 29¶
794 Section 504 of Rehabilitation Act of 1973¶
¶
UNITED STATES CODE, TITLE 42¶
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964¶
6101-6107 Age Discrimination Act of 1975¶
12101-12213 Title II equal opportunity for individuals with disabilities¶
¶
CODE OF FEDERAL REGULATIONS, TITLE 28¶
35.107 Nondiscrimination on basis of disability; complaints¶
¶
CODE OF FEDERAL REGULATIONS, TITLE 34¶
99.31 Disclosure of personally identifiable information¶
100.3 Prohibition of discrimination on basis of race, color or national origin¶
104.7 Designation of responsible employee for Section 504¶
106.8 Designation of responsible employee for Title IX¶
106.9 Notification of nondiscrimination on basis of sex¶
110.25 Prohibition of discrimination based on age¶
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COURT DECISIONS¶
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130¶
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Management Resources:¶
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CSBA PUBLICATIONS¶
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017 ¶
↵
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS ¶
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018¶
¶
FIRST AMENDMENT CENTER PUBLICATIONS¶
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006¶
¶
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS¶
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016¶
Dear Colleague Letter: Title IX Coordinators, April 2015¶
Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-7¶
Dear Colleague Letter: Harassment and Bullying, October 2010¶
Notice of Non-Discrimination, Fact Sheet, August 2010¶
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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS¶
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003¶
¶
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS¶
Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004¶

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~~WEB SITES~~¶
~~CSBA: http://www.csba.org~~¶
~~California Department of Education: http://www.cde.ca.gov~~ ¶
~~California Office of the Attorney General: http://oag.ca.gov~~
~~California Safe Schools Coalition: http://www.casafeschools.org~~
~~First Amendment Center: http://www.firstamendmentcenter.org~~ ¶
~~U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr~~¶
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ADOPTED BY COUNTY BOARD: March 13, 2014
REVISED : September 7, 2017, December 11, 2020, Pending

STUDENTS

POLICY - **NONDISCRIMINATION AND HARASSMENT** BP 5145.3

The County Board of Education (County Board) and County Superintendent of Schools (County Superintendent) desire to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the County Education Office's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a County Education Office school or program, to acts which occur off campus or outside of County Education Office related or County Education Office 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 in enacting policies and procedures that govern the SBCEO.

Unlawful discrimination against an individual or group in any County Education Office 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)

Additionally, the County Education Office 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)

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. Additionally, unlawful discrimination 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.

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 County Education Office programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination could occur when disciplining students, including suspension, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

Any form of retaliation against any individual who reports or otherwise 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 discrimination complaints.

Students' access to the educational program shall be facilitated by publicizing the County Education Office's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. Additionally, the County Education Office's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information shall be posted on the County Education Office's website in a manner that is easily accessible to students and parents/guardians, in accordance with law and the accompanying 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 County Education Office'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 County Education Office's educational program shall be taken. The findings and recommendations shall be reported to the County Superintendent 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.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, County Board policy, or local administrative regulation, shall be subject to appropriate consequence or discipline.

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 SBCEO program manager, school site administrator, or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. Additionally, the SBCEO program manager, school site administrator, or designee may 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.

Complaints alleging unlawful discrimination in County Education Office 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 County Education Office to monitor, address, and prevent repetitive prohibited behavior in County Education Office programs.

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 County Education Office schools, programs, and activities. County Education Office nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

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

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Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Safe Schools Coalition
Website	California Office of the Attorney General
Website	California Interscholastic Federation
Website	California Department of Education

ADOPTED BY COUNTY BOARD: March 13, 2014
REVISED : September 7, 2017, December 11, 2020, Pending

POLICY

County Board Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 01/01/2019 | **Last Revised Date:** 08/01/2026 | **Last Reviewed Date:** 08/01/2026

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)

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)

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. Additionally, unlawful discrimination 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.

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.

Because unlawful discrimination could occur when disciplining students, including suspension, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

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 discrimination complaints.

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. 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, 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.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, County Board policy, or local administrative regulation, shall be subject to appropriate consequences or discipline.

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. Additionally, the principal, school site administrator, or designee may 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.

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.