

CENTER JOINT UNIFIED SCHOOL DISTRICT

www.centerusd.org

Local Control Accountability Plan Goals:

1. CJUSD Students will be challenged and supported to achieve academic success in a clean, safe environment
2. CJUSD students will be College and Career ready
3. CJUSD students and families will be engaged and informed regarding the educational process and opportunities

BOARD OF TRUSTEES REGULAR MEETING

**District Board Room, Room 503
Wilson C. Riles Middle School
4747 PFE Road, Roseville, CA 95747**

Wednesday, October 19, 2016 - 6:00 p.m.

- | | <u>STATUS</u> |
|--|---------------|
| I. CALL TO ORDER & ROLL CALL - 5:30 p.m. | |
| II. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION | |
| 1. Conference with Labor Negotiators, (Scott Loehr & David Grimes), Re: CSEA, CUTA, Certificated Management, Classified Management, and Confidential (G.C. §54957.6) | |
| III. PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION | |
| IV. CLOSED SESSION - 5:30 p.m. | |
| V. OPEN SESSION - CALL TO ORDER - 6:00 p.m. | |
| VI. FLAG SALUTE | |
| VII. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION | Info/Action |
| VIII. ADOPTION OF AGENDA | Action |
| IX. STUDENT BOARD REPRESENTATIVE REPORTS (3 minutes each) | Info |
| 1. Center High School - Millennium Chaovong | |
| 2. McClellan High School - Tristan Wallenmeyer | |
| 3. Global Youth Charter School - Diego Vidal | |

Note: If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, please contact the Superintendent's Office at (916) 338-6409 at least 48 hours before the scheduled Board meeting. [Government Code §54954.2] [Americans with Disabilities Act of 1990, §202.]

NOTICE: The agenda packet and supporting materials, including materials distributed less than 72 hours prior to the scheduled meeting, can be viewed at Center Joint Unified School District, Superintendent's Office, located at 8408 Watt Avenue, Antelope, CA. For more information please call 916-338-6409.

	X. ORGANIZATION REPORTS (3 minutes each)	Info
	1. CUTA - Venessa Mason, President	
	2. CSEA - Marie Huggins, President	
	XI. REPORTS/PRESENTATIONS (8 minutes each)	Info
Student Serv.	1. Williams Uniform Complaint Quarterly Reporting - David Grimes	
Curr & Instr	2. CAASPP Update - Rebecca Lawson	
Facilities & Op.	3. Technology Update - Craig Deason	
	XII. COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA	Public Comments Invited
	<i>Anyone may address the Board regarding any item that is within the Board's subject matter jurisdiction. However, the Board <u>may not</u> discuss or take action on any item which is not on this agenda except as authorized by Government Code Section 54954.2. A speaker shall be limited to 3 minutes (Board Policy 9323). All public comments on items listed on this agenda will be heard at the time the Board is discussing that item.</i>	
	XIII. BOARD / SUPERINTENDENT REPORTS (10 minutes)	Info
	XIV. CONSENT AGENDA (5 minutes)	Action
	<i>NOTE: The Board will be asked to approve all of the following items by a single vote, unless any member of the Board asks that an item be removed from the consent agenda and considered and discussed separately.</i>	
Governance	1. Approve Adoption of Minutes from September 21, 2016 Regular Meeting	
↓	2. Approve Resolution # 9/2016-17: Resolution on Board Compensation for Missed Meeting	
↓	3. Approve Restoration of Board Stipends	
Personnel	4. Approve Classified Personnel Transactions	
↓	5. Approve Certificated Personnel Transactions	
Special Ed	6. Ratify 2016/2017 Individual Services Agreements:	
	2016/17-191 Bright Futures Therapy	
	2016/17-192 Guiding Hands	
↓	7. Ratify Professional Service Agreement: Meladee McCarty	
Curr & Instr	8. Approve Memorandum of Understanding (MOU) - Agreement #1013 between Sacramento County Office of Education and Center JUSD - Spinelli	
↓	9. Ratify Professional Service Agreement: A Touch of Understanding	
↓	10. Ratify Professional Services Agreement: Heartbeat CPR Educators - Oak Hill	
↓	11. Approve Sixth Grade Science Camp at Alliance Redwoods Education Center - Oak Hill	
↓	12. Approve Out-of-State Travel: Effective Transitions in Adult Education Conference in Rhode Island	
↓	13. Approve Field Trip CHS Future Business Leaders of America to FBLA Leadership Development Institute, Santa Clara, CA	
↓	14. Approve Out-of-State Field Trip: CHS Media Communications Academy to Hawaii	
Facilities & Op.	15. Approve Amendment 1 to Agreement with CPM for Prop 39 Planning Services	
↓	16. Approve Amendment 1 to Agreement with CPM for Facility Needs Assessment and Implementation Planning Services for Modernization Projects	
↓	17. Approve Notice of Completion for the Center High School - Proposition 39 Funded Energy Efficiency and Conservation Lighting Project - Pacific Power & Systems, Inc.	
↓	18. Approve Ground Lease Agreement: North Highlands Recreation & Park District	
Business	19. Approve Payroll Orders: July - September 2016	
↓	20. Approve Supplemental Agenda (Vendor Warrants): September 2016	
	XV. INFORMATION ITEMS	Info
Curriculum	1. Conference: "Google for Education Roseville Summit" - Thirty-one staff members from CJUSD will be attending	

XVI. BUSINESS ITEMS

Governance

A. Second Reading: Board Policies/Regulations/Exhibits

Action

Replace BP/AR 3515.2 - Disruptions
Add BP 3515.7 - Firearms on School Grounds
Replace AR 4161.1/4361.1 - Personal Illness/Injury Leave
Replace AR 4161.2/4261.2/4361.2 - Personal Leaves
Replace AR 4261.1 - Personal Illness/Injury Leave
Replace BP/AR 6142.7 - Physical Education and Activity
Replace BP 6152 - Class Assignment
Replace AR 6162.51 - State Academic Achievement Tests
Replace BP 6164.2 - Guidance/Counseling Services

Minor Revisions:

AR 3550 - Food Service/Child Nutrition Program
AR 6173.2 - Education of Children of Military Families
AR 7111 - Evaluating Existing Buildings

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B. First Reading: Board Policies/Regulations/Exhibits

E 0420.41 - Charter School Oversight

(E revised)

Exhibit updated to reflect **NEW LAWS (2015)** which add requirements for charter schools to adopt a math placement policy (SB 359), provide lactation accommodations for students (AB 302), comply with law pertaining to the education of foster youth (SB 445), and retroactively grant a diploma to students who met all graduation requirements except the high school exit examination (SB 172). Item also added to reflect requirement of California Constitution to annually issue a school accountability report card, applicable to charter schools pursuant to Education Code 47612(c). Exhibit deletes items related to the qualifications of teachers and paraprofessionals under the No Child Left Behind Act, repealed by **NEW FEDERAL LAW (Every Student Succeeds Act, P.L. 114-95)**, and revises item related to student assessment to reflect the suspension of the high school exit examination through the 2017-18 school year (SB 172).

BP/AR 0450 - Comprehensive Safety Plan

(BP/AR revised)

Policy updated to clarify the district's responsibility to annually review comprehensive school safety plans. Regulation updated to delete the requirement to include hate crime reporting procedures in the safety plan, as they are no longer required by law. List of optional plan components expanded to include (1) policy related to firearms possession on campus; (2) measures to minimize gang influence; (3) guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses; (4) strategies for suicide prevention; (5) procedures to handle disruptions; and (6) concepts related to environmental safety.

BP/AR/E 0520.2 - Title I Program Improvement Schools

(BP/AR revised; E deleted)

Policy and regulation updated to reflect the Every Student Succeeds Act (ESSA) (P.L. 114-95), U.S. Department of Education (USDOE) guidance, and the California Department of Education (CDE) transition plan, which require schools identified for program improvement (PI) to continue to implement their school improvement plans during the 2016-17 school year while a new system of school support and improvement activities for Title I schools is developed. Policy also deletes references to the federal measure of "adequate yearly progress" and the requirements to offer intradistrict transfers and supplemental educational services (SES) to eligible students, as these have been eliminated under ESSA. Material on the Parent Empowerment Act moved from AR to BP, and "Program Evaluation" section revised to reflect requirement to develop and post a report card with specified content. Regulation deletes sections on "Definitions," "Parental Notifications," "Student Transfers," and "Supplemental Educational Services," and adds section on "Alternative Supports" to reflect the CDE's transition plan which requires that district-defined supports be provided to eligible students. Exhibits (1) and (2) deleted since forms related to intradistrict transfers and SES are no longer needed.

First Reading: Board Policies/Regulations/Exhibits (continued)

BP/AR 0520.3 - Title I Program Improvement Districts

(BP revised; AR deleted)

Policy updated to reflect the Every Student Succeeds Act (P.L. 114-95), USDOE guidance, and the CDE's transition plan, which, for the 2016-17 school year, require districts identified for program improvement (PI) to continue to implement their improvement plans and any recommendations of a district assistance and intervention team assigned to the district. Policy deletes outdated reference to the federal measure of "adequate yearly progress," deletes section on "Early Warning System" since districts are not being newly identified for PI, and consolidates and shortens material reflecting requirements for districts based on the number of years in PI. Regulation deleted as some requirements are no longer applicable and others are duplicated in the BP.

BP/AR 1230 - School-Connected Organizations

(BP/AR revised)

Policy and regulation updated to clarify the relationship between the district and a school-connected organization, such as a booster club, parent-teacher organization, or other nonstudent organization. Policy adds material regarding the establishment of such organizations as separate legal entities subject to their own bylaws and rules, delegates the responsibility to approve organizations' fundraisers to the superintendent or designee, and reflects legal requirement that donations and participation in fundraising activities be voluntary. Regulation adds authority of the district to revoke an organization's authorization to conduct activities in the district when necessary, and adds rules designed to maintain the organization's status as a separate entity from the district based on recommendations in the Fiscal Crisis and Management Assistance Team's guidebook updated in 2015.

BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

Mandated policy updated to reflect programs that must be investigated in accordance with the uniform complaint procedures (UCP), as listed on the California Department of Education's 2016/17 UCP Checklist. Mandated administrative regulation revised to clarify required annual notification and complaint filing requirements, and to provide for equitable treatment of a respondent to a complaint as required under federal law.

BP 2121 - Superintendent's Contract

(BP revised)

Policy updated to clarify the conditions under which the Governing Board may meet in closed session under the "labor exception" (Government Code 54957.6) of the Ralph M. Brown Act to discuss superintendent contact, salary, or compensation paid in the form of fringe benefits.

BP/AR 3230 - Federal Grant Funds

(BP/AR added)

New mandated policy and mandated regulation reflect major requirements for the management of federal grant funds contained in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called the "Uniform Guidance"), including the mandate to adopt written procedures related to procurement, conflict of interest, cash management, and allowable costs. Policy addresses the board's desire to maintain fiscal integrity and transparency in the use of federal grant funds, key components of the district's financial management system, and the submission of performance reports in accordance with law and the requirements of the awarding agency. Regulation includes material related to allowable costs, procurement, cash management, audits, and records, including requirements for employees to document "time and effort" spent on grant activities. Regulation also reflects the option to delay implementation of the procurement standards in the Uniform Guidance up to July 1, 2017, provided that the decision is documented in the district's procurement policy.

BP/AR 3270 - Sale and Disposal of Books, Equipment and Supplies

(BP/AR revised)

Policy and regulation updated to make minor revisions in the renumbering of legal cites pursuant to the Uniform Guidance for federal grant funds and to cross-reference new BP/AR 3230 - Federal Grant Funds.

First Reading: Board Policies/Regulations/Exhibits (continued)

BP/AR 3311 - Bids

(BP/AR revised)

Policy and regulation updated to include requirements for districts that choose to use the alternative Uniform Public Construction Cost Accounting Act (UPCCAA) for contracting for public works projects. Policy and regulation also updated to reflect NEW LAW (AB 1358, 2015) which authorizes a district to award a design-build contract for a public works project in excess of \$1 million on the basis of either low bid or "best value," as defined. Regulation also reflects new 2016 bid limit established by the Superintendent of Public Instruction for specified projects, and adds new section on "Lease-Leaseback Contract" reflecting legal requirements and NEW COURT DECISION (McGee v. Balfour Beatty Construction LLC).

AR 3440 - Inventories

(AR revised)

Regulation updated to make minor revisions in the renumbering of legal cites pursuant to the Uniform Guidance for federal grant funds, cross-reference new BP/AR 3230 - Federal Grant Funds, and reflect requirement to annually submit an inventory listing of federally owned property in the district's custody to the federal agency that granted the award.

AR 3460 - Financial Reports and Accountability

(AR revised)

Regulation updated to add general language on the need to audit federal grant funds, while deleting detailed material regarding the submission of records related to the audit of federal funds, now addressed in AR 3230 - Federal Grant Funds. Section on "Other Postemployment Benefits Report" updated to reflect Governmental Accounting Standards Board (GASB) Statement 75, which supersedes GASB Statement 45 for fiscal years beginning after June 15, 2017, although earlier implementation is encouraged. Revisions reflect the requirements to report the total unfunded liability for OPEBs and to perform an actuarial valuation every two years regardless of the number of members in the OPEB plan, although an alternative method is still allowed for plans with fewer than 100 members.

AR 3512 - Equipment

(AR revised)

Regulation updated to make minor revisions in the renumbering of legal cites pursuant to the Uniform Guidance for federal grant funds and to cross-reference new BP/AR 3230 - Federal Grant Funds.

BP/AR 3513.3 - Tobacco-Free Schools

(BP/AR revised)

Policy updated to reflect NEW LAW (ABX2 9, 2016) which requires all districts, not just those receiving state Tobacco-Use Prevention Education funds, to prohibit tobacco use on school campuses. Policy also reflects new definitions of "smoking" and "tobacco" pursuant to NEW LAW (SBX2 5, 2016). Regulation reflects provision of ABX2 9 which requires signs prohibiting tobacco use to be displayed at all school entrances, and deletes option to designate a smoking area on campus.

AR 3516.3 - Earthquake Emergency Procedure System

(AR revised)

Minor revision made in regulation to change name of the California Emergency Management Agency to the California Governor's Office of Emergency Services.

BP/AR 3541.2 - Transportation for Students with Disabilities

(BP revised; AR deleted)

Policy updated to clarify the policy's applicability to students receiving services pursuant to Section 504 of the federal Rehabilitation Act of 1973, add sample criteria for individualized education program (IEP) teams to use when determining a student's transportation needs, and add material re: the provision of information to IEP teams. Regulation deleted and material moved to BP re: provision of alternative transportation when a student is excluded from school bus transportation for a disciplinary or other reason, assurance that a contract with a nonpublic, nonsectarian school or agency addresses transportation as necessary, and transportation of service animals.

First Reading: Board Policies/Regulations/Exhibits (continued)

BP/AR 3553 - Free and Reduced Price Meals

(BP/AR revised)

Minor revisions made in policy and regulation to delete references to sharing free and reduced-price meal records for the purpose of determining the eligibility of students in Title I program improvement schools for school choice and supplemental educational services, as those requirements were eliminated in the Every Student Succeeds Act (P.L. 114-95), and instead authorize the use of those records to determine eligibility for alternative supports offered in accordance with the CDE's transition plan.

BP 3555 - Nutrition Program Compliance

(BP revised)

Policy updated to clarify that, although state and federal law prohibit discrimination in child nutrition programs for all protected categories, the CDE and U.S. Department of Agriculture (USDA) only investigate complaints of discrimination based on race, color, national origin, sex, age, and disability. Policy also reorganizes and expands the responsibilities of the district's civil rights coordinator to reflect CDE's guidebook as updated in November 2015, and updates the addresses where complaints may be submitted. Nondiscrimination statement that is required to be printed on program documents, pamphlets, brochures, and other materials updated to reflect the USDA's 2015 statement.

BP 3580 - District Records

(BP revised)

Policy updated to reflect legal requirement to disclose any breach of security of district records that contain personal information, as defined, by providing a written or electronic notification that meets the content and formatting requirements specified in law.

BP 4112.2 - Certification

(BP revised)

Policy updated to add requirement, as amended by the Every Student Succeeds Act (P.L. 114-95), to notify parents/guardians of each student attending a school receiving Title I funds that they may request certain information regarding the qualifications of their child's teacher.

BP/AR/E(1)/E(2) 4112.24 - Teacher Qualifications Under the No Child Left Behind Act

(BP/AR/E deleted)

Policy, regulation, and exhibits deleted since **NEW FEDERAL LAW** (P.L. 114-95) repealed requirements that teachers meet criteria of "highly qualified" teachers, as defined.

E 4112.9/4212.9/4312.9 - Employee Notifications

(E revised)

Minor revision made in exhibit to delete notification (last item of section II) regarding the opportunity to comment and participate when a school is identified for restructuring under Title I program improvement, repealed by the Every Student Succeeds Act (P.L. 114-95).

BP 4113 - Assignment

(BP revised)

Policy updated to delete material re: assignment of teachers who meet the qualifications of "highly qualified" teachers, as those requirements were repealed by the Every Student Succeeds Act (ESSA) (P.L. 114-95). Policy also revised to reflect the continuing requirement to describe in the Title I local educational agency plan how the district will address any disparities that result in low-income or minority students being taught at higher rates by ineffective, inexperienced, or out-of-field teachers. Details reflecting the state's Compliance Monitoring, Intervention and Sanctions program deleted as the CDE's ESSA transition plan indicates that districts will not be required to participate in that program in the 2016-17 school year.

AR 4115 - Evaluation/Supervision

(AR revised)

Minor revision made in regulation to delete requirement that a teacher, in order to be evaluated on a five-year schedule, must meet the qualifications of a "highly qualified" teacher if applicable for the position, as the highly qualified teacher requirements were repealed by the Every Student Succeeds Act (P.L. 114-95).

First Reading: Board Policies/Regulations/Exhibits (continued)

AR/E 4222 - Teacher Aides/Paraprofessionals

(AR revised; E deleted)

Regulation updated to delete material on the qualifications and duties of paraprofessionals working in a program supported by Title I funds, as those requirements were repealed by the Every Student Succeeds Act (P.L. 114-95). Regulation also consolidates options for the requirement that paraprofessionals demonstrate proficiency in reading, writing, and mathematics equivalent to or exceeding the proficiency required for high school seniors. Exhibit which provided a sample attestation of compliance with Title I paraprofessional requirements deleted.

BP/AR 5116.1 - Intradistrict Open Enrollment

(BP/AR revised)

Policy and regulation updated to delete priority for intradistrict open enrollment for students transferring out of a school identified for program improvement (PI), as the Every Student Succeeds Act (ESSA) (P.L. 114-95) eliminated requirements to offer such transfers. Policy also clarifies that Open Enrollment Act transfers for the 2016-17 school year are to be based on the CDE's 2015-16 list of open enrollment schools since the Academic Performance Index is currently suspended. Regulation also reflects ESSA requirement that students who were previously granted intradistrict transfers out of a PI school must be allowed to remain in the school to which they transferred until the highest grade offered by the school.

BP/AR 5121 - Grades/Evaluation of Student Achievement

(BP/AR revised)

Policy and regulation updated to reflect research-supported best practices regarding grading, including the separation of nonacademic factors from students' academic grades. Policy also adds optional paragraph on reports of student progress on specific academic standards.

BP 5131.62 - Tobacco

(BP revised)

Policy updated to reflect NEW LAW (ABX2 9, 2016) which requires all districts, not just those receiving state Tobacco-Use Prevention Education funds, to prohibit tobacco use on school campuses and NEW LAW (SBX2 5, 2016) which establishes new definitions of "smoking" and "tobacco."

BP/AR 5145.3 - Nondiscrimination/Harassment

(BP/AR revised)

Mandated policy revised to clarify (1) that the policy is applicable to off-campus conduct that may have a continuing impact on a student at school, and (2) that the district must investigate all allegations of discrimination of which it has notice, regardless of whether a formal written complaint is filed, and must take action to address any effect of discrimination found. Mandated administrative regulation updated to ensure consistency of reporting procedure with formal complaint process in the UCP and to clarify various provisions in the section on "Transgender and Gender-Nonconforming Students."

E 5145.6 - Parental Notifications

(E revised)

Exhibit updated to delete parental notification related to the high school exit examination, suspended through the 2017-18 school year pursuant to NEW LAW (SB 172), and notifications repealed by NEW FEDERAL LAW (P.L. 114-95) including notices related to the identification of a school or district for program improvement, availability of supplemental educational services to eligible students in schools identified for program improvement, and failure to make "adequate yearly progress." Item revised to reflect P.L. 114-95 requirement to notify parents/guardians when their child is taught for four or more weeks by a teacher who does not meet state certification requirements. Exhibit also adds notices related to a breach of security of district records containing personal information, exemption of a homeless student from local graduation requirements, and child care and development program operations including approval/denial of subsidized services, a change in the level of service, and fees.

BP/AR 5145.7 - Sexual Harassment

(BP/AR revised)

Mandated policy revised to clarify that the district must investigate every allegation of sexual harassment of which it has notice, whether or not a formal written complaint is filed, and, when needed, must take interim measures to ensure safety of any student complainant or victim of sexual harassment. Mandated administrative regulation revised to recommend how the district may address a report of off-campus sexually harassing conduct.

First Reading: Board Policies/Regulations/Exhibits (continued)

AR 6158 - Independent Study

(AR revised)

Minor revision made in regulation to reflect NEW LAW (SB 828, 2016) which expands the types of documents that may be maintained electronically to include supplemental agreements, assignment records, work samples, and attendance records as well as the master agreement. Related material moved to "Records" section and expanded.

AR 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School

(AR revised)

Minor revision made in regulation to delete the statement that private school teachers providing services to students with disabilities do not need to meet the federal requirements for "highly qualified" teachers, as requirements for highly qualified teachers were repealed by the Every Student Succeeds Act (P.L. 114-95).

BP 6179 - Supplemental Instruction

(BP revised)

Policy updated to delete reference to the requirement to provide supplemental educational services to eligible students from low-income families in Title I schools identified for program improvement, as the requirement was repealed by the Every Student Succeeds Act (ESSA) (P.L. 114-95), and to add the requirement to provide alternative supports to eligible students in accordance with the CDE's ESSA transition plan.

BP/AR 6200 - Adult Education

(BP/AR revised)

Policy and regulation updated to reflect NEW LAW (AB 104, 2015) which establishes the Adult Education Block Grant to fund specified types of programs and coordinate services through regional consortia. Policy also describes other possible funding sources for adult education, clarifies that adult education courses must be approved by the California Department of Education as well as the district board, adds material on teacher qualifications, moves material from AR to BP re: graduation requirements, and adds material on program evaluation. Regulation also deletes prohibition against enrolling students with an F-1 visa, reflects law prohibiting offering a course exclusively through adult education if the course is required for high school graduation or academic progress, and condenses and moves material on community service classes into section on "Programs and Courses."

BB 9222 - Resignation

(BB added)

Bylaw updated to clarify the effective date of a resignation of a member of the board, the need for the board to fill the vacancy by ordering an election or making a provisional appointment as appropriate, and the need for the resigning member to file a revised Statement of Economic Interest/Form 700.

BB/E 9270 - Conflict of Interest

(BB/E revised)

Bylaw reorganized and updated to reflect requirement to submit the conflict of interest code to the code reviewing body (i.e., county board of supervisors or Fair Political Practices Commission, as appropriate) by the deadline established by the code reviewing body, merge material on the "rule of necessity" into the section "Conflict of Interest under the Political Reform Act," expand material on "noninterests" in the section "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract" to include additional examples of noninterests, and include the exceptions to the gift limitation. Exhibit revised to update legal citations.

BB 9321 - Closed Session Purposes and Agendas

(BB revised)

Bylaw updated to clarify that the Board may not meet in closed session under the "personnel exception" (Government Code 54957) of the Ralph M. Brown Act to discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline. "Negotiations/Collective Bargaining" section revised to reflect that the Board may meet with the district's designated representatives in closed session under the "labor exception" (Government Code 54957.6) of the Ralph M. Brown Act to discuss salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent.

First Reading: Board Policies/Regulations/Exhibits (continued)

Minor Revisions:

AR 3314 - Payment for Goods and Services

Revise 4th paragraph to reflect Public Contract Code 7201, as amended by AB 1705 (Ch. 670, Statutes of 2014), as follows:
The proceeds to be withheld by the district may exceed five percent when the Board has made a finding, prior to the bid and during a properly noticed and regularly scheduled public meeting, that the project is substantially complex and requires a higher retention amount than five percent. In such cases, the Board's finding shall include a description of the specific project and why it is a unique project that is not regularly, customarily, or routinely performed by the district or licensed contractors. The bid documents shall include details explaining the basis for the finding and the actual amount to be withheld ~~shall be included in the bid documents.~~
(Public Contract Code 7201)

AR 3515.5 - Sex Offender Notification

Add paragraph to end of AR as follows:

Whenever the principal has granted permission to a person who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, he/she shall notify the parent/guardian of each student at that school, at least 14 days in advance using one of the methods specified in Education Code 48981, that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)

(cf. 1240 - Volunteer Assistance)

(cf. 5145.6 - Parental Notifications)

BP 4030 - Nondiscrimination in Employment

In 1st paragraph, add prohibited discrimination against an employee or job applicant on the basis of his/her association with a person or group with one or more of the listed characteristics, as follows:

The Governing Board is determined to provide district employees and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

AR 4112 - Appointment and Conditions of Employment

Delete item #3 to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), and renumber the remaining items:

- ~~3. When required by the federal No Child Left Behind Act for teachers of core academic subjects, possess the qualifications of "highly qualified" teachers as defined in law, Board policy and administrative regulations. (20 USC 6319)~~

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

~~*(cf. 6171 - Title I Programs)*~~

BP 4112.21 - Interns

Delete 6th paragraph to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:

~~An intern may be assigned to teach core academic subjects, as defined in law, if he/she meets the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)~~

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

AR 4112.23 - Special Education Staff

Delete 2nd paragraph to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:
~~Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)~~

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

First Reading: Board Policies/Regulations/Exhibits (continued)

E 4112.9/4212.9/4312.9 - Employee Notifications

In section I (To All Employees), revise item on automated external defibrillators to reflect Health and Safety Code 1797.196, as amended by SB 658 (Ch. 264, Statutes of 2015), as follows:

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

In section V (To Individual Employees Under Special Circumstances), add new 1st item at top of section, as follows:

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
In the event of a breach of security of district records, to affected employees	Civil Code 1798.21	BP 3580	Types of records affected, date of breach, description of incident and, as applicable, contact information for credit reporting agencies

BP 4117.13/4317.13 - Early Retirement Option

In section "Two Years of Service Credit Retirement Incentive," revise 3rd paragraph to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:

~~The Board may also consider the impact of the early retirement option on the staffing needs of district schools and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.~~

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

AR 5141.4 - Child Abuse Prevention and Reporting

In section "Training," consider adding optional paragraph at end of section to reflect AB 1058 (Ch. 748, Statutes of 2015), as follows:

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

AR 6158 - Independent Study

In section "Course-Based Independent Study," revise item #1 to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), as follows:

1. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, ~~meet the requirements for highly qualified teachers pursuant to 20 USC 6301,~~ and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

AR 6171 - Title I Programs

In section "Schoolwide Programs," delete item #3 to reflect repeal of 20 USC 6319 pursuant to the Every Student Succeeds Act (P.L. 114-95), and renumber remaining items:

- ~~3. Instruction by highly qualified teachers~~

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

First Reading: Board Policies/Regulations/Exhibits (continued)

E(1) 9323.2 - Actions by the Board

In section "Actions Requiring a Four-Fifths Vote of the Board," add new item #5 as follows:

5. Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

- XVII. **ADVANCE PLANNING** Info
 - a. *Future Meeting Dates:*
 - i. *Regular Meeting: Wednesday, November 16, 2016 @ 6:00 p.m. - District Board Room - Room 503, located at Riles Middle School, 4747 PFE Road, Roseville, CA 95747*
 - b. *Suggested Agenda Items:*

- XVIII. **CONTINUATION OF CLOSED SESSION (Item IV)** Action

- XIX. **ADJOURNMENT** Action

CJUSD Mission:

Students will realize their dreams by developing communication skills, reasoning, integrity, and motivation through academic excellence, a well-rounded education, and being active citizens of our diverse community.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Student Services

Date: October 19, 2016

To: Board of Trustees

Action Item

Information Item X

Attached Pages 1

From: David Grimes, Director of Personnel/Student Services

Initials: D.G.

SUBJECT: Williams Uniform Complaint Quarterly Reporting

As a result of the Williams legislation, all school districts in California are required to report quarterly summaries of all received Williams legislation complaints to the district's governing board. Once the item is reported to the Board, a summary is then forwarded to the district's county office of education.

Below is a summary of our Williams UCP complaints and will serve as our documentation to meet the reporting requirements of the Williams lawsuit. The attached data will be submitted to SCOE through an online process.

RECOMMENDATION: Informational Item

Agenda Item Number _____

CENTER JOINT UNIFIED SCHOOL DISTRICT
SUMMARY OF WILLIAMS UCP COMPLAINTS-

July – September 2016

Areas of Complaints	# of Complaints	# Resolved	# Unresolved
Sufficiency Of Textbooks	0	0	0
Facilities Issues	0	0	0
Vacancy or Misassignment of Teachers	0	0	0

Williams Uniform Complaint Process (UCP)

District Reporting

After submitting, be sure to scroll back to the top of the page to confirm your report has been transmitted.

If you have questions, please e-mail Cyndi Kroeck.

Submit a Quarterly Report

Thank you. Your response has been transmitted to SCOE.

Submit another response

Q to report for July to Sept. 2010

P. Robinson

This form was created using Google Forms.
Create your own

Center Joint Unified School District

Dept./Site: Curriculum & Instruction	AGENDA REQUEST FOR:
To: Board of Trustees	Action Item _____
Date: October 19, 2016	Information Item <u> X </u>
From: Rebecca Lawson	# Attached Pages _____
Principal/Administrator Initials: _____	

SUBJECT: CAASPP Update

Rebecca Lawson will be updating the Board on the 2016 CAASPP Results & Reflection.

RECOMMENDATION: Discussion item only.

Center Joint Unified



2016 CAASPP Results & Reflection

Smarter Balanced Components

Computer Adaptive Test (CAT)

Administered electronically

Program adjusts difficulty of questions

- Correct answer leads to more challenging items
- Incorrect answer leads to less challenging items

Performance Task (PT)

Administered electronically

NOT computer adaptive

Questions/activities coherently connected to a single theme or scenario

Apply knowledge/skills to real world problems

Measures: Depth of Understanding, writing and research skills and complex analysis

Standard Exceeded

- students are performing at the high end of their grade level standards. Students are solidly on track for College & Career Readiness

Standard Met

- A student can complete complex tasks at their current grade level and demonstrates the knowledge and skills in ELA or math for success in future coursework. Students are on track for College & Career Readiness

Standard Nearly Met

- Students can comprehend and complete complex tasks near grade level standards.

Standard Not Met

- Students are not meeting the grade level Common Core standards and need additional supports and substantial improvement to be successful in future coursework.

2016 CAASPP Student Score Levels

ELA
Achievement
Claim
Descriptors

Area (Claim) Descriptors	Above Standard	At or Near Standard	Below Standard
<p>Reading</p> <p>Demonstrating understanding of literary and non-fictional texts</p>	<p>The student demonstrates a thorough ability to read closely and analytically to comprehend a range of literary and informational texts of high complexity.</p>	<p>The student demonstrates some ability to read closely and analytically to comprehend a range of literary and informational texts of moderate complexity.</p>	<p>The student does not demonstrate an ability to read closely and analytically to comprehend literary and informational texts of moderate complexity.</p>
<p>Writing</p> <p>Producing clear and purposeful writing</p>	<p>The student demonstrates a thorough ability to produce compelling, well-supported writing for a diverse range of purposes and audiences.</p>	<p>The student demonstrates some ability to produce effective and well-grounded writing for a range of purposes and audiences.</p>	<p>The student does not demonstrate an ability to produce effective and well-grounded writing for a range of purposes and audiences.</p>
<p>Listening</p> <p>Demonstrating effective communication skills</p>	<p>The student demonstrates thorough ability to critically interpret and use information delivered orally.</p>	<p>The student demonstrates some ability to accurately interpret and use information delivered orally.</p>	<p>The student does not demonstrate the ability to accurately interpret and use information delivered orally.</p>
<p>Research/Inquiry</p> <p>Investigating, analyzing, and presenting information</p>	<p>The student demonstrates a thorough ability to use research/inquiry methods as a way to engage with a topic and then analyze, integrate, and present information in a persuasive and sustained exploration of a topic.</p>	<p>The student demonstrates some ability to use research/inquiry methods to explore a topic and analyze, integrate, and present information.</p>	<p>The student does not demonstrate the ability to use research/inquiry methods to explore or produce an explanation of a topic. The student does not demonstrate the ability to analyze or integrate information through research or inquiry.</p>

Math
Achievement
Claim
Descriptors

Area (Claim) Descriptors	Above Standard	At or Near Standard	Below Standard
<p>Concepts and Procedures</p> <p>Applying mathematical concepts and procedures</p>	<p>The student demonstrates a thorough ability to consistently explain and apply mathematical concepts and interpret and carry out mathematical procedures with precision and fluency.</p>	<p>The student demonstrates some ability to explain and apply mathematical concepts and interpret and carry out mathematical procedures with precision and fluency.</p>	<p>The student does not demonstrate the ability to explain and apply mathematical concepts and interpret and carry out mathematical procedures with precision and fluency.</p>
<p>Problem Solving/Modeling and Data Analysis</p> <p>Using appropriate tools and strategies to solve real world and mathematical problems</p>	<p>The student demonstrates the thorough ability to consistently solve a range of complex, well-posed problems in pure and applied mathematics, making productive use of knowledge and problem-solving strategies. The student demonstrates the ability to consistently analyze complex, real-world scenarios and can construct and use mathematical models to interpret and solve</p>	<p>The student demonstrates some ability solve a range of complex, well-posed problems in pure and applied mathematics, making productive use of knowledge and problem-solving strategies. The student demonstrates some ability to analyze complex, real-world scenarios and can construct and use mathematical models to interpret and solve problems.</p>	<p>The student does not demonstrate the ability to solve a range of complex, well-posed problems in pure and applied mathematics, making productive use of knowledge and problem-solving strategies. The student does not demonstrate the ability to analyze complex, real-world scenarios and construct and using mathematical models to interpret and solve problems.</p>
<p>Communicating Reasoning</p> <p>Demonstrating ability to support mathematical conclusions</p>	<p>The student demonstrates the thorough ability to clearly and precisely construct viable arguments to support their own reasoning and to critique the reasoning of others.</p>	<p>The student demonstrates some ability to clearly and precisely construct viable arguments to support their own reasoning and to critique the reasoning of others.</p>	<p>The student does not demonstrate the ability to clearly and precisely construct viable arguments to support their own reasoning and to critique the reasoning of others.</p>

2014-2015
Overall
Performance:
2116 Students
Tested

Met
Achievement
Standard: 42%

Not Met
Achievement
Standard: 58%

Smarter Balanced

Performance Summary

2016 ELA: All Grades Tested

Site: Center Joint Unified School District
Roster Date: 15-16 | FY
Grade Levels: All
English Proficiencies: All
Reported Race: All Reported Races
Gender(s): Male & Female
Special Education: Special & Non Special
Socio-Economic: SED & Not SED
More information about this report can be
found at
help.illuminateed.com.

Overall Score Levels

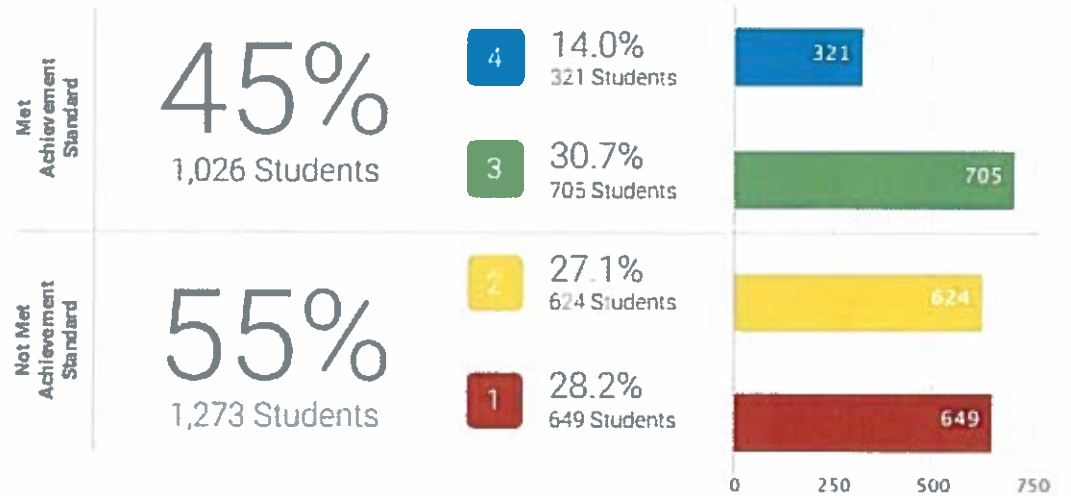
- 4 Exceeded the Standard
- 3 Met the Standard
- 2 Nearly Met the Standard
- 1 Has Not Met the Standard

Claim Score Levels

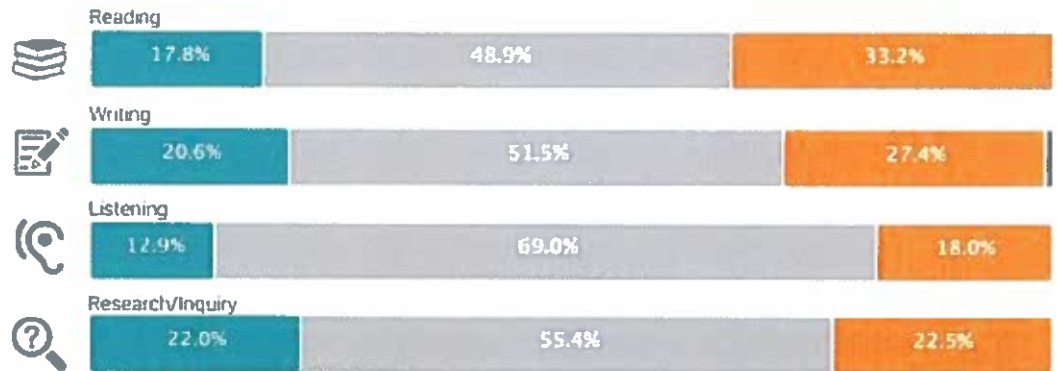
- Above Standard
- At + Near Standard
- Below Standard
- No score/Not taken

Generated on 10/16/2016
by Illuminate Education

Overall Performance: 2299 Students Tested



Claim Performance: Percent of Students at Each Level



ADDITIONAL FILTERS APPLIED: Courses: All Courses Add Student Group: All Students

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject ELA

Test(s): All 2016 Assessments

Roster Date
15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Overall Performance (Center Joint Unified School District)

PL = Performance Level

Grade Levels	Total Tested	Avg Scale Score	Avg PL	Meeting Standard		PL 4 Standard Exceeded	PL 3 Standard Met	PL 2 Standard Nearly Met	PL 1 Standard Not Met
				Meeting Standard	Not Meeting Standard	0 50 100	0 50 100	0 50 100	0 50 100
ALL GRADES	2,299	2,482.1	2.3	45%	55%	14%	31%	27%	28%
1	2,317.0	1.0	0%	100%	0%	0%	0%	100%	
3rd Grade	302	2,414.3	2.3	38%	62%	17%	21%	36%	26%
4th Grade	358	2,440.8	2.1	37%	63%	12%	24%	23%	40%
5th Grade	343	2,485.4	2.2	42%	58%	13%	29%	26%	32%
6th Grade	331	2,520.9	2.4	48%	52%	15%	34%	28%	24%
7th Grade	330	2,521.4	2.1	40%	60%	8%	32%	25%	35%
8th Grade	312	2,557.5	2.4	49%	51%	11%	39%	29%	21%
11th Grade	322	2,599.7	2.6	59%	41%	23%	37%	23%	17%

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject ELA

Test(s): All 2016 Assessments

Roster Date
15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Reading (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	3 Above Standard					2 At or Near Standard					1 Below Standard				
				0	25	50	75	100	0	25	50	75	100	0	25	50	75	100
ALL GRADES	2,299	2,482.1	1.8	18%					49%					33%				
1		2,317.0	1.0	0%					0					100%				
3rd Grade	302	2,414.3	1.8	16%					52					32%				
4th Grade	358	2,440.8	1.7	11%					47					42%				
5th Grade	343	2,485.4	1.8	21%					40					39%				
6th Grade	331	2,520.9	1.8	14%					49					36%				
7th Grade	330	2,521.4	1.8	15%					47					38%				
8th Grade	312	2,557.5	1.9	18%					54					28%				
11th Grade	322	2,599.7	2.2	30%					54					15%				

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject ELA

Test(s): All 2016 Assessments

Roster Date

15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Writing (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	CS 3 Above Standard					CS 2 At or Near Standard					CS 1 Below Standard				
				0	25	50	75	100	0	25	50	75	100	0	25	50	75	100
ALL GRADES	2,299	2,482.1	1.9	21%					52%					27%				
1		2,317.0	1.0	0%					0					100%				
3rd Grade	302	2,414.3	1.9	18%					52					30%				
4th Grade	358	2,440.8	1.9	15%					55					30%				
5th Grade	343	2,485.4	1.9	22%					48					30%				
6th Grade	331	2,520.9	2.0	23%					51					25%				
7th Grade	330	2,521.4	1.9	19%					49					32%				
8th Grade	312	2,557.5	2.0	21%					55					24%				
11th Grade	322	2,599.7	2.2	28%					50					20%				

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject ELA

Test(s): All 2016 Assessments

Roster Date
15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Listening (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	Claim Score Performance		
				3 Above Standard	2 At or Near Standard	1 Below Standard
ALL GRADES	2,299	2,482.1	1.9	13%	69%	18%
1		2,317.0	1.0	0%	0	100%
3rd Grade	302	2,414.3	1.9	11%	73	16%
4th Grade	358	2,440.8	1.9	8%	73	19%
5th Grade	343	2,485.4	1.9	11%	66	23%
6th Grade	331	2,520.9	2.0	14%	72	15%
7th Grade	330	2,521.4	1.9	12%	65	23%
8th Grade	312	2,557.5	2.0	15%	71	14%
11th Grade	322	2,599.7	2.1	21%	64	15%

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject ELA

Test(s): All 2016 Assessments

Roster Date
15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Research/Inquiry (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	Claim Score Performance		
				CS 3 Above Standard	CS 2 At or Near Standard	CS 1 Below Standard
ALL GRADES	2,299	2,482.1	2.0	22%	55%	23%
1	1	2,317.0	1.0	0%	0	100%
3rd Grade	302	2,414.3	1.9	21%	53	26%
4th Grade	358	2,440.8	1.8	12%	58	30%
5th Grade	343	2,485.4	2.0	22%	60	18%
6th Grade	331	2,520.9	2.2	31%	52	18%
7th Grade	330	2,521.4	1.9	17%	52	31%
8th Grade	312	2,557.5	2.0	19%	61	20%
11th Grade	322	2,599.7	2.2	33%	52	14%

Smarter Balanced Subgroup Summary

2016 ELA: All Grade Levels Tested

Site: Center Joint Unified School District
 Department: All
 Teacher: All
 Grade: All

Roster Date: 11-16-17
 Gender(s): Male & Female
 Reported Race: All Reported Races
 Special Education: Special & Non Special Ed
 Socio-Economic: SED & Not SED
 English Proficiencies: All

	All Students	Black / African American	American Indian / Alaska Native	Asian	Filipino	Hispanic / Latino	Native Hawaiian / Pacific Islander	White	2 or More Races	Socio-economic	English Learner	Students with Disability
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Average Performance Levels

Count	2,298	253	23	167	64	546	31	1,057	137	1,497	316	312
Avg PL	2.3	2.0	2.1	2.8	2.8	2.0	2.1	2.4	2.3	2.2	1.8	1.5



Gaps in Each Subgroup's Difference from 'All Students' Average PL

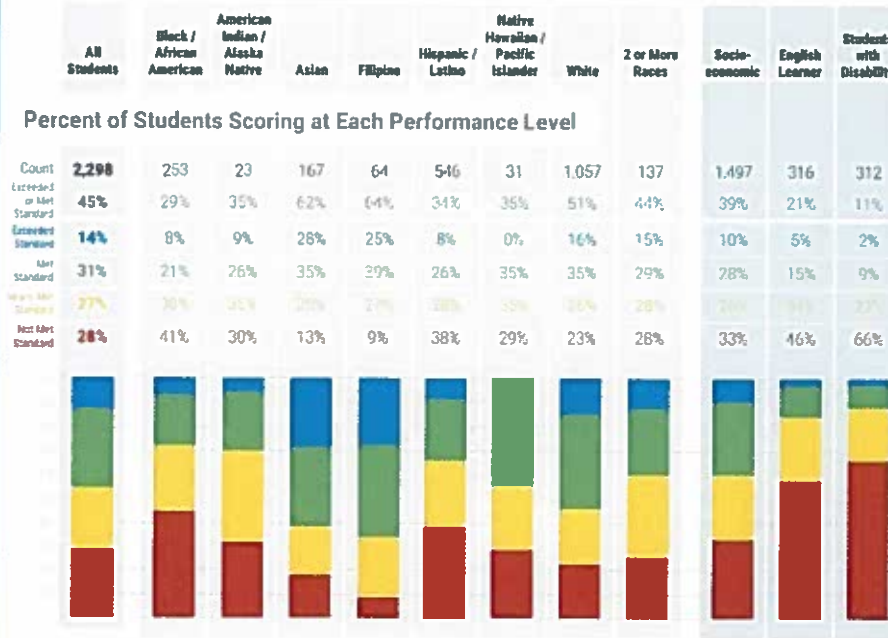
Count	253	23	167	64	546	31	1,057	137	1,497	316	312
Gap	-0.3	-0.2	0.5	0.5	-0.3	-0.2	0.1	-0.0	-0.1	-0.5	-0.8



Tracking achievement gaps is essential to monitoring the effectiveness of steps to narrow these gaps and allocating resources accordingly. State accountability (Academic Performance Index - API) incorporates all performance levels, whereas Federal accountability (Adequate Yearly Progress - AYP) involves the percent of students scoring Proficient & Advanced and does not examine lower performance levels.

Smarter Balanced Subgroup Summary

2016 ELA- All Grade Levels Tested



Gaps in Each Subgroup's Difference from 'All Students' % Met & Exceeded Standard

	All Students	Black / African American	American Indian / Alaska Native	Asian	Filipino	Hispanic / Latino	Native Hawaiian / Pacific Islander	White	2 or More Races	Socio-economic	English Learner	Students with Disability
Count	2,298	253	23	167	64	546	31	1,057	137	1,497	316	312
Gap		-16%	-10%	18%	19%	-11%	-9%	7%	-1%	-6%	-24%	-34%
Count		16	-10	18	19	11	-9	7		6	24	14

2014-2015
Overall
Performance:
2106 Students
Tested

Met
Achievement
Standard: 31%

Not Met
Achievement
Standard: 69%

Smarter Balanced

Performance Summary

2016 Math: All Grades Tested

Site: Center Joint Unified School District
Roster Date: 15-16 | FY
Grade Levels: All
English Proficiencies: All
Reported Race: All Reported Races
Gender(s): Male & Female
Special Education: Special & Non Special
Socio-Economic: SED & Not SED

More information about this report can be
found at
help.illuminateed.com.

Overall Score Levels

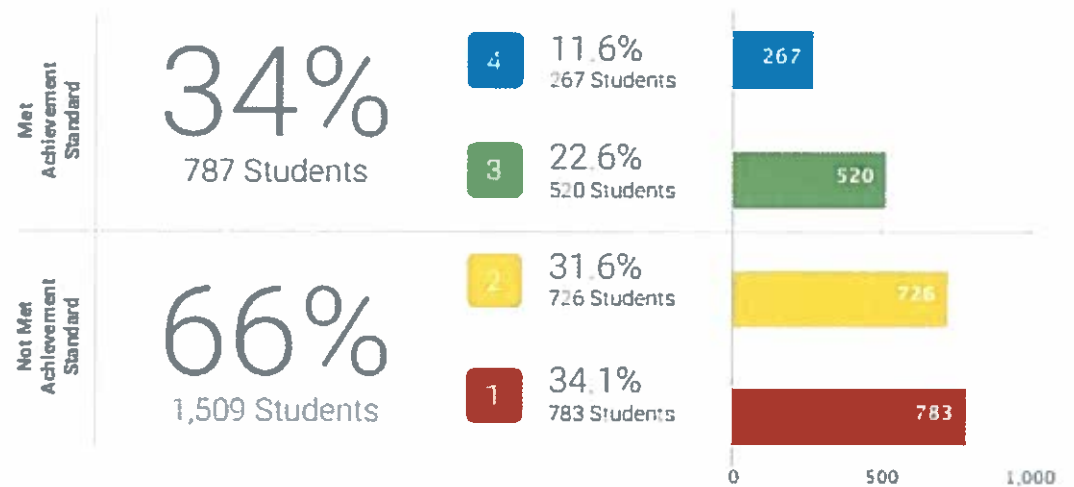
- 4 Exceeded the Standard
- 3 Met the Standard
- 2 Nearly Met the Standard
- 1 Has Not Met the Standard

Claim Score Levels

- Above Standard
- At / Near Standard
- Below Standard
- No score/Not taken

Generated on 10/10/2016
by Illuminate Education

Overall Performance: 2296 Students Tested



Claim Performance: Percent of Students at Each Level



ADDITIONAL FILTERS APPLIED: Courses: All Courses Add'l Student Group: All Students

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject Math

Roster Date
15-16 | FY

Test(s): All 2016 Assessments

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Overall Performance (Center Joint Unified School District)

PL = Performance Level

Grade Levels	Total Tested	Avg Scale Score	Avg PL	Meeting Standard	Not Meeting Standard	FL 4 Standard Exceeded	FL 3 Standard Met	FL 2 Standard Nearly Met	FL 1 Standard Not Met
						0 50 100	0 50 100	0 50 100	0 50 100
ALL GRADES	2,296	2,476.3	2.1	34%	66%	12%	23%	32%	34%
1		2,308.0	1.0	0%	100%	0%	0%	0%	100%
3rd Grade	302	2,419.0	2.3	41%	59%	12%	29%	33%	25%
4th Grade	360	2,441.5	2.0	26%	74%	6%	20%	42%	33%
5th Grade	345	2,469.6	1.9	23%	77%	8%	15%	32%	44%
6th Grade	330	2,503.5	2.1	31%	69%	10%	21%	36%	34%
7th Grade	329	2,513.1	2.1	35%	65%	10%	25%	30%	35%
8th Grade	311	2,561.7	2.4	47%	53%	20%	27%	23%	30%
11th Grade	318	2,593.8	2.2	40%	60%	17%	23%	24%	36%

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject: Math

Test(s): All 2016 Assessments

Roster Date
15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Concepts & Procedures (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	CS 3 Above Standard					CS 2 At or Near Standard					CS 1 Below Standard				
				0	25	50	75	100	0	25	50	75	100	0	25	50	75	100
ALL GRADES	2,296	2,476.3	1.7	20%					33%					46%				
1		2,308.0	1.0	0%					0					100%				
3rd Grade	302	2,419.0	1.9	23%					44					33%				
4th Grade	360	2,441.5	1.6	14%					33					53%				
5th Grade	345	2,469.6	1.5	12%					28					59%				
6th Grade	330	2,503.5	1.7	15%					36					49%				
7th Grade	329	2,513.1	1.7	19%					34					47%				
8th Grade	311	2,561.7	2.0	33%					30					37%				
11th Grade	318	2,593.8	1.9	28%					30					41%				

Smarter Balanced Assessments (SBA) Grade Level Comparison

Subject Math

Test(s): All 2016 Assessments

Roster Date
15-16 | FY

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Problem Solving & Modeling/Data (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	Claim Score Performance		
				CS 3 Above Standard	CS 2 At or Near Standard	CS 1 Below Standard
ALL GRADES	2,296	2,476.3	1.8	15%	47%	38%
1	1	2,308.0	1.0	0%	0	100%
3rd Grade	302	2,419.0	1.9	19%	49	32%
4th Grade	360	2,441.5	1.7	10%	48	42%
5th Grade	345	2,469.6	1.6	11%	39	50%
6th Grade	330	2,503.5	1.7	12%	48	39%
7th Grade	329	2,513.1	1.8	18%	40	42%
8th Grade	311	2,561.7	1.9	19%	55	26%
11th Grade	318	2,593.8	2.0	19%	49	31%

Smarter Balanced Assessments (SBA) Grade Level Comparison

Roster Date
15-16 | FY

Subject Math

Test(s): All 2016 Assessments

Gender(s)
Male & Female

Reported Race
All Reported Races

Special Education
Special & Non Special

Socio-Economic
Center Joint Unified

English Proficiencies
All

Claim Performance: Communicating Reasoning (Center Joint Unified School District)

CS = Claim Score

Grade Levels	Total Tested	Avg Scale Score	Avg CS	Claim Score Performance		
				CS 3 Above Standard	CS 2 At or Near Standard	CS 1 Below Standard
ALL GRADES	2,296	2,476.3	1.8	15%	54%	31%
1	1	2,308.0	1.0	0%	0	100%
3rd Grade	302	2,419.0	1.9	16%	63	22%
4th Grade	360	2,441.5	1.6	9%	47	44%
5th Grade	345	2,469.6	1.7	11%	44	44%
6th Grade	330	2,503.5	1.8	12%	59	29%
7th Grade	329	2,513.1	1.8	16%	54	31%
8th Grade	311	2,561.7	2.0	23%	58	19%
11th Grade	318	2,593.8	2.0	18%	58	24%

Smarter Balanced Subgroup Summary

2016 Math- All Grade Levels Tested

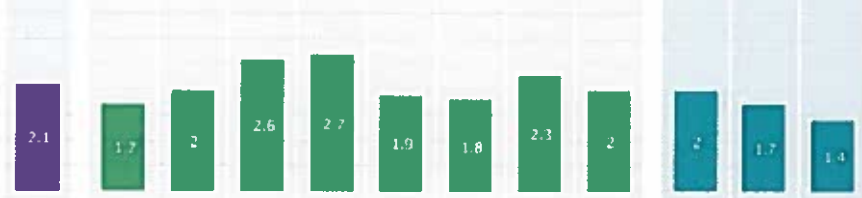
Site: Center Joint Unified School District
 Department: All
 Teacher: All
 Grade: All

Poster Date: 15-16 | FY
 Gender(s): Male & Female
 Reported Race: All Reported Races
 Special Education: Special & Non Special Ed
 Socio-Economic: SED & Not SED
 English Proficiencies: All

	All Students	Black / African American	American Indian / Alaska Native	Asian	Filipino	Hispanic / Latino	Native Hawaiian / Pacific Islander	White	2 or More Races	Socio-economic	English Learner	Students with Disability
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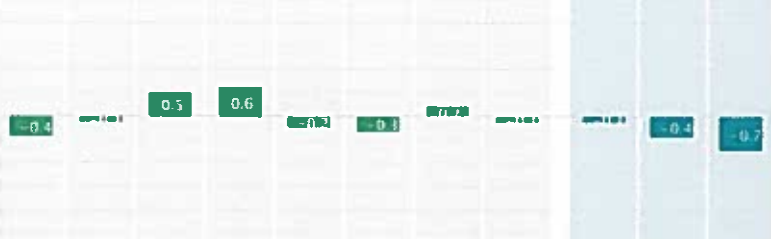
Average Performance Levels

Count	2,295	251	23	168	64	543	31	1,055	137	1,492	316	309
Avg PL	2.1	1.7	2.0	2.6	2.7	1.9	1.8	2.3	2.0	2.0	1.7	1.4



Gaps in Each Subgroup's Difference from 'All Students' Average PL

Count	251	23	168	64	543	31	1,055	137	1,492	316	309
Gap	-0.4	-0.1	0.5	0.6	-0.2	-0.3	0.2	-0.1	-0.1	-0.4	-0.7



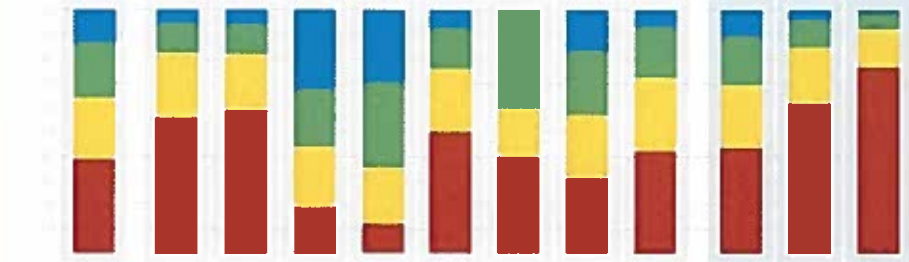
Tracking achievement gaps is essential to monitoring the effectiveness of steps to narrow these gaps and allocating resources accordingly. State accountability (Academic Performance Index - API) incorporates all performance levels, whereas Federal accountability (Adequate Yearly Progress - AYP) involves the percent of students scoring Proficient & Advanced and does not examine lower performance levels.

Smarter Balanced Subgroup Summary

2016 Math: All Grade Levels Tested

	All Students	Black / African American	American Indian / Alaska Native	Asian	Filipino	Hispanic / Latino	Native Hawaiian / Pacific Islander	White	2 or More Races	Socio-economic	English Learner	Students with Disability
Count	2,295	251	23	168	64	543	31	1,055	137	1,492	316	309
Exceeded or Met Standard	34%	15%	30%	52%	56%	25%	26%	41%	28%	28%	18%	9%
Exceeded Standard	12%	4%	9%	24%	27%	6%	0%	14%	8%	9%	4%	2%
Met Standard	23%	11%	22%	28%	30%	19%	26%	27%	20%	20%	15%	7%
Lower Met Standard	22%	35%	38%	30%	30%	31%	0%	31%	36%	33%	33%	31%
Not Met Standard	34%	50%	39%	18%	14%	44%	42%	28%	37%	39%	49%	74%

Percent of Students Scoring at Each Performance Level



Gaps in Each Subgroup's Difference from 'All Students' % Met & Exceeded Standard

Count	251	23	168	64	543	31	1,055	137	1,492	316	309
Gap	-19%	-4%	17%	22%	-9%	-8%	7%	-7%	-6%	-16%	25%
	-19	-4	17	22	-9	-8	7	-7	-6	-16	25

Reflection and Next Steps

District and site review the CAASPP ELA and Math data utilizing the key reports in *Illuminate*

Analyze the data to recall, reflect, and respond for use in:

- Admin and Site Collaboration Time
- District Data Team-Review, Analyze, Plan and Implement
- District Curriculum and Instruction meeting-Data Carousels & unpacking the SBAC Claims

Center Joint Unified School District

Dept./Site: Operations & Facilities	AGENDA REQUEST FOR:
To: Board of Trustees	Action Item _____
Date: October 19, 2016	Information Item <u> X </u>
From: Craig Deason, Assistant Superintendent	# Attached Pages _____
Principal/Administrator Initials: _____	

SUBJECT: Technology Update
<p>Mr. Deason will provide the Board with an update.</p>
RECOMMENDATION: information only

Center Joint Unified School District

Dept./Site: Superintendent's Office	AGENDA REQUEST FOR:
To: Board of Trustees	Action Item <input checked="" type="checkbox"/> _____
Date: October 19, 2016	Information Item _____
From: Scott A. Loehr, Superintendent	#Attached Pages _____
Principal's Initials: _____	

SUBJECT: Adoption of Minutes

The minutes from the following meeting are being presented:

September 21, 2016 Regular Meeting

RECOMMENDATION: The CJUSD Board of Trustees approve the presented minutes.

CONSENT AGENDA

CENTER JOINT UNIFIED SCHOOL DISTRICT

BOARD OF TRUSTEES REGULAR MEETING

District Board Room, Room 503

Wilson C. Riles Middle School

4747 PFE Road, Roseville, CA 95747

Wednesday, September 21, 2016

MINUTES

OPEN SESSION - CALL TO ORDER - President Pope called the meeting to order at 5:30 p.m.

ROLL CALL - Trustees Present: Mrs. Anderson, Mr. Hunt, Mrs. Pope, Mr. Wilson

Trustees Absent: Mrs. Kelley

Administrators Present: Scott Loehr, Superintendent
Craig Deason, Assist. Supt., Operations & Facilities
Jeanne Bess, Director of Fiscal Services
David Grimes, Director of Personnel/Student Services

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

1. Conference with Labor Negotiators, (Scott Loehr & David Grimes), Re: CSEA, CUTA, Certificated Management, Classified Management, and Confidential (G.C. §54957.6)

PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION

CLOSED SESSION - 5:30 p.m.

OPEN SESSION - CALL TO ORDER – 6:05 p.m.

FLAG SALUTE - led by Mike Jordan

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION – the Board met in Closed Session and no action was taken.

ADOPTION OF AGENDA - There was a motion to approve the adoption of the agenda as presented:

Motion: Wilson

Ayes: Anderson, Hunt, Pope, Wilson

Second: Anderson

Noes: None

Absent: Kelley

STUDENT BOARD REPRESENTATIVE REPORTS

1. Center High School - Kali Creed was not available to report

2. McClellan High School - Tristan Wallenmeyer

- MHS has had a great start to the 2016-17 school year

- there are 76 students enrolled

- yesterday was the first honor roll assembly, for the first grading period. Eleven students had perfect or near perfect attendance and twenty-four students were on the honor roll. Those students received prizes, and the whole student body enjoyed games and a raffle.

STUDENT BOARD REPRESENTATIVE REPORTS (continued)

- there are 2 new staff members at MHS: Mr. Graves, who is teaching math, PE, and electives; and Mr. Ridge, who is teaching Independent Studies.

- on September 30th MHS will dedicate it's gymnasium in honor of Terry McCauley, long time Center employee.

3. Global Youth Charter School – a representative was not available to report

It was announced that Trustee Kelley is not present tonight due to illness.

ORGANIZATION REPORTS

1. CUTA - Venessa Mason, President, noted that CUTA had its 2nd Rep Council meeting. She reported on the wonderful events happening around the district sites. She noted that North Country is having campus beautification days on Friday and Saturday. They also had a Kindergarten roundup. Penny and Laura have started a choir for grades 1-6 and they have 110 choir members; they will be having a December performance called "My Favorite Things". Oak Hill is having a book fair this week and next week, they had a walk-a-thon that was pretty successful, and tomorrow they are having a Reading and Science Night. Spinelli had Tammy Wilson from SCOE out to do a presentation on the Wonders program for ELA curriculum. Spinelli had VSP do free eye screenings for students, and students that need glasses received 2 free pairs, 1 for home and 1 for at school. There was also a weekend screening for families, and those that needed glasses were also given free pairs of glasses. Riles is in the middle of flag football and volleyball. Theresa Lunsford attended the SCOE Teacher of the Year Dinner, and the entire math department from Riles attended to support her. CHS is in homecoming week with a Fairytale theme.

2. CSEA - Marie Huggins, President, handed each board member an invitation to Jeanne Bess's Retirement Party. She asked each Board member to attend, to celebrate Jeanne's 13 years with the district. She then noted that the McCauley gym is a real honor for classified employees. There will be a photographer from CSEA headquarters, and there will be a write-up in the CSEA Statewide Focus magazine. Mrs. Huggins then noted that she has spoken to Mrs. Woods about students earning Community Service for helping at the CSEA dinner in October.

REPORTS/PRESENTATIONS

1. **Facilities Update** - Craig Deason, Assistant Superintendent of Operations & Facilities, reported on the recent bond refinance/sale, site evaluation/assessment update, and district development update.

COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA – None

BOARD/SUPERINTENDENT REPORTS

Mrs. Kelley - was not available to report

Mr. Hunt

- thanked Ms. Bess for all of her service to the district and wished her well in all of her endeavors.

Mr. Wilson

- gave fair warning; he recommended that people attend the Food Truck event on Thursday because he has been drafted to BBQ at the football game on Friday.

- noted that the Board deserves credit for pushing the Bond sales and not waiting. He noted that we have done amazing things in this district.

BOARD/SUPERINTENDENT REPORTS (continued)

Mrs. Anderson

- noted that she is sorry that she is going to miss Jeanne's Retirement Party. Jeanne always has a smile, is always so helpful. Wished her the very best.
- noted that she is tickled pink that we are naming the gym after Terry McCauley; he has touched so many students' lives.
- noted that she is having her 3rd back surgery on Monday. She is sorry for not making it out to the school sites as often as she would like. She hopes to get out there soon.

Mrs. Pope

- thanked Center High School's Mr. Jordan, Oak Hill's Mrs. Spore and Mrs. Wariner, and Dudley's Mr. Jackson for touring with her and Mr. Loehr. It is nice to see the sites.
- noted that Oak Hill will be starting a Project Lead the Way elective next year.
- noted that Oak Hill and North Country have been making videos; thanked Mr. Bisho for helping these sites.
- Riles MS has started Project Lead the Way. They've also started STEAM, an afterschool club for girls in the area of engineering and coding.
- attended the CHS Back to School night. Mr. Jordan noted that there was a lot of positive feed back from staff and parents.
- attended the Teacher of the Year Dinner. It was a very positive event.

Mr. Loehr

- noted that Theresa Lunsford represented the district well for Teacher of the Year. It was a nice evening.
- noted that the district finally received the smarter balance results. Families should start receiving student results in the mail.
- a new accountability matrix has been state approved. As more details come out, the board will be updated.
- noted that Trustee Wilson is correct. With 100% action from the board, it made the Bond sale happen. He noted that the 5 Board members work well together. Thanked the board for what they do.

CONSENT AGENDA

1. Approved Adoption of Minutes from August 17, 2016 Regular Meeting
2. Approved Resolution #6/2016-17: District Signatories - Payroll Orders & Claims
3. Approved Resolution #7/2016-17: District Signatories - Cafeteria Account
4. Approved Resolution #8/2016-17: District Signatories - Revolving Fund & Clearing Account
5. Approved Classified Personnel Transactions
6. Approved Certificated Personnel Transactions
7. Ratified Professional Services Agreement: Donna McGlaughlin
8. Approved 2016-2017 Contract with CHH/Center for Hearing Health, Hearing Conservation Services
9. Approved Center Adult School Fee Policy Revision
10. Approved 2016-2017 Center Adult School Course Offerings
11. Approved Memorandum of Understanding with United Way California Capital Region to Operate the Experience Corps Tutoring Program
12. Approved Professional Services Agreement: Phuong Ho
13. Approved Professional Services Agreement: Catherine Stevens
14. Approved Contractor Change Order #1 to the Contract By and Between Conti Corporation, Contractor, and Center Joint Unified School District
15. Approved Notice of Completion for the Theater & Video Production AV & Control Systems Upgrade Project

CONSENT AGENDA (continued)

16. Approved Notice of Completion for the Center High School - Proposition 39 Funded Energy Efficiency and Conservation Lighting Project
17. Approved Notice of Completion for the Center High School - Proposition 39 Funded Energy Efficiency and Conservation HVAC Project
18. Approved Payroll Orders: July - August 2016
19. Approved Supplemental Agenda (Vendor Warrants): August 2016

Motion: Wilson
Second: Anderson

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

INFORMATION ITEMS

1. Wilson C. Riles English Department, Efficacy Study with McGraw Hill, Study Sync
2. Conference: "Fundamental Shift in Developer Fees" - C. Deason (O&F)

BUSINESS ITEMS

PUBLIC HEARING: Notification of Compliance With Education Code §60119 for Funds Received under Pupil Textbook and Instructional Materials Incentive Program.

President Pope opened the public hearing at 6:47 p.m. Mr. Scott Loehr, Superintendent, noted that this has been posted for multiple days, inviting the public to come make comments regarding our instructional materials. There were no other public comments. The public hearing was closed at 6:47 p.m.

A. APPROVED - Certification of Provision of Standards-Aligned Instructional Materials

Motion: Hunt
Second: Wilson

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

B. APPROVED - Resolution #3/2016-17: Statement of Assurances Instructional Materials Fund

Motion: Wilson
Second: Hunt

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

BUSINESS ITEMS (continued)

PUBLIC HEARING: Consideration and Adoption of a Resolution to Increase Level 1 School Fees Imposed On Residential and Commercial/Industrial Development Projects.

President Pope opened the public hearing at 6:48 p.m. Trustee Wilson asked why can't we charge developer fees up front or add it into the cost of the home to cover the cost of the infrastructure demand that they are going to make. Trustee Anderson asked how other districts are able to demand things that they get paid for by developers. Mr. Scott Loehr, Superintendent, noted that those districts have builders build schools in place of charging the developer fee. He also noted that the increase does not cover the impacts that we will be dealing with. Mr. Deason noted that Level 3 does get \$7.60 (or somewhere around there) but he thinks it takes a legislative action to require developers in California to pay Level 3. Level 1 is set by the state and it changes every year in January. Level 2 depends on the cost of housing and the empty slots within the school sites; those help with the calculation of what you can get for Level 2. We will see what happens with Level 3 by the state. Mr. Deason noted that we need to look at how to maximize the best amount that we can get from all of the entities outside of our taxpayers in our community. There were no other public comments. The public hearing was closed at 6:58 p.m.

Trustee Anderson stepped out of the meeting 6:56 – 6:58 p.m.

C. APPROVED - Residential & Commercial/Industrial Development School Fee Justification Study and Resolution #5/2016-17: Resolution of the Governing Board of the Center Joint Unified School District To Increase Statutory School Fees Imposed on Residential and Commercial/Industrial Development Projects Pursuant to Education Code Section 17620 (Level 1 Fees)

Motion: Wilson
Second: Hunt

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

D. APPROVED - 2015/16 Unaudited Actuals Report

Motion: Wilson
Second: Anderson

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

Mr. Loehr thanked Jeanne Bess for her work on this report. Ms. Bess noted that it has been a pleasure to work with such a professional and friendly group of people. She noted that she has been able to go to the Board with questions, or has been able to answer their questions; they've all been so receptive to her ideas. This year closed like the others; the auditors have already come and gone. The report should be done in about a month or so and Lisa will be bringing that forward.

E. APPROVED - Resolution #4/2016-17: Gann Limit Resolution

Motion: Wilson
Second: Hunt

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

BUSINESS ITEMS (continued)

F. APPROVED - First Reading: Board Policies/Regulations/Exhibits

- BP/AR 3515.2 - Disruptions
- BP 3515.7 - Firearms on School Grounds
- AR 4161.1/4361.1 - Personal Illness/Injury Leave
- AR 4161.2/4261.2/4361.2 - Personal Leaves
- AR 4261.1 - Personal Illness/Injury Leave
- BP/AR 6142.7 - Physical Education and Activity
- BP 6152 - Class Assignment
- AR 6162.51 - State Academic Achievement Tests
- BP 6164.2 - Guidance/Counseling Services

Minor Revisions:

- AR 3550 - Food Service/Child Nutrition Program
- AR 6173.2 - Education of Children of Military Families
- AR 7111 - Evaluating Existing Buildings

Motion: Anderson
Second: Hunt

Ayes: Anderson, Hunt, Pope
Noes: None
Absent: Kelley
Abstain: Wilson

ADVANCE PLANNING

- a. *Future Meeting Dates:*
 - i. *Regular Meeting: Wednesday, October 19, 2016 @ 6:00 p.m. - District Board Room - Room 503, located at Riles Middle School, 4747 PFE Road, Roseville, CA 95747*
- b. *Suggested Agenda Items:*

ADJOURNMENT – 7:03 p.m.

Motion: Wilson
Second: Hunt

Ayes: Anderson, Hunt, Pope, Wilson
Noes: None
Absent: Kelley

Respectfully submitted,

Scott A. Loehr, Superintendent
Secretary to the Board of Trustees

Nancy Anderson, Clerk
Board of Trustees

Adoption Date

Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site: Superintendent's Office		Action Item <u> X </u>
To: Board of Trustees		Information Item <u> </u>
Date: October 19, 2016		# Attached Pages <u> 1 </u>
From: Scott A. Loehr, Superintendent		
Principal/Administrator Initials: _____		

<p>SUBJECT: Resolution #9/2016-17: Resolution On Board Compensation For Missed Meeting</p> <p>This resolution is to authorize payment to Trustee Kelley for the missed meeting on September 21, 2016.</p> <p>RECOMMENDATION: CUSD Board of Trustees approve Resolution # 9/2016-17: Resolution On Board Compensation For Missed Meeting.</p>
--

CONSENT AGENDA

CENTER JOINT UNIFIED SCHOOL DISTRICT

**RESOLUTION # 9/2016-17
RESOLUTION ON BOARD COMPENSATION FOR MISSED MEETINGS**

WHEREAS, the Governing Board of the Center Joint Unified School District appreciates the services provided by members of the Board and provides compensation for meeting attendance in accordance with Education Code 35120 and Board Bylaw 9250; and

WHEREAS, Education Code 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by Board resolution; and

WHEREAS, Education Code 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed; and

WHEREAS, the Board finds that Trustee Kelly Kelley did not attend the Board meeting on Wednesday, September 21, 2016 for the following reason:

- Performance of other designated duties for the district during the time of the meeting
- Illness or jury duty
- Hardship deemed acceptable by the Board

NOW THEREFORE BE IT RESOLVED that the Board of the Center Joint Unified School District approves full compensation of the Board member for the month of September 2016.

PASSED AND ADOPTED THIS 19th day of September, 2016 at a regular meeting, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Attest:

Scott A. Loehr, Superintendent
Center Joint Unified School District

Delrae Pope, President
Board of Trustees

Center Joint Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Superintendent's Office	Action Item <u> X </u>
To: Board of Trustees	Information Item <u> </u>
Date: October 19, 2016	# Attached Pages <u> </u>
From: Scott A. Loehr, Superintendent	
Principal/Administrator Initials: <u> </u>	

SUBJECT: Restoration of Board Stipends
<p>The Board of Trustees took a 5% cut in their stipends during the 2008-2009 school year, with no increase since that time. We are asking that the current Board stipends be increased by 5% for the 2016-17 school year, retroactive July 1, 2016.</p>
RECOMMENDATION: CJUSD Board of Trustees approve the Restoration of the Board Stipends with a 5% Increase in the Current Board Stipends, Retroactive to July 1, 2016.

CONSENT AGENDA

Center Joint Unified School District

		AGENDA REQUEST FOR:	
Dept./Site:	Personnel Department	Action Item	<u>X</u>
Date:	October 19, 2016	Information Item	<u>-</u>
To:	Board of Trustees	# Attached Pages	<u>1</u>
From:	David Grimes, <i>DG</i> Director of Personnel and Student Services		

Subject: Classified Personnel Transactions

Resignation

Danita Johnson, Instructional Specialist PH/Autism

New Hire

Amber Ortiz, Cafeteria Worker
Lisa Colburn, Instructional Specialist PH/Autism
Tamara Plummer, Instructional Assistant
Keri Green, Office Assistant
Kylie Moore, Cafeteria Worker
Kayla Williams, Instructional Specialist PH/Autism

Recommendation: Approve Classified Personnel Transactions as Submitted

CONSENT AGENDA

Danita Johnson has resigned from her position as an Instructional Specialist PH/Autism at North Country Elementary School effective October 7, 2016.

Amber Ortiz has been hired as a Cafeteria Worker at Center High School effective September 15, 2016.

Lisa Colburn has been hired as an Instructional Specialist PH/Autism at Wilson Riles Jr. High School effective September 16, 2016.


Tamara Plummer has been hired as an Instructional Assistant at North Country Elementary School effective September 27, 2016.

Keri Green has been hired as an Office Assistant at Center High School effective October 10, 2016.

Kylie Moore has been hired as a Cafeteria Worker at Wilson Riles Jr. High School effective October 10, 2016.

Kayla Williams has been hired as an Instructional Specialist PH/Autism at Spinelli Elementary School effective October 10, 2016.

Center Joint Unified School District

		AGENDA REQUEST FOR:	
Dept./Site:	Personnel Department	Action Item	<u>X</u>
Date:	October 19, 2016	Information Item	-
To:	Board of Trustees	# Attached Pages	<u>1</u>
From:	David Grimes,  Director of Personnel and Student Services		

Subject: Certificated Personnel Transactions

New Hires

Kevin Ash, Center High School
Kimberly Biancalana, Center High School
Brianna Hakanson, Dudley Elementary School

Release of Temporary Employee

Svetlana Neykova, Center High School

Recommendation: Approve Certificated Personnel Transactions as Submitted

CONSENT AGENDA

New Hires

Kevin Ash has been hired as a Temporary Social Science Teacher, Center High School, effective October 11, 2016.

Kimberly Biancalana has been hired as a Counselor, Center High School, effective September 26, 2016.

Brianna Hakanson has been hired as a Third Grade Teacher, Dudley Elementary School, effective October 10, 2016.

Release of Temporary Employee

Svetlana Neykova has been released from her position as a Temporary Counselor, Center High School, effective end of day on September 27, 2016.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Special Education
Date: October 19, 2016 Action Item X
To: Board of Trustees Information Item
From: Scott Loehr, Superintendent # Attached Pages
Initials: S.L.

SUBJECT: 2016/2017 Individual Services Agreements
Please approve the following Individual Services Agreements for special education students to receive services at nonpublic schools/agencies during the 2016/17 fiscal year.

2016/17-191	Bright Futures Therapy	\$ 360.00
2016/17-192	Guiding Hands	\$31,928.97

RECOMMENDATION: CJUSD Board of Trustees to ratify Individual Service Agreements for the 2016/2017 school year.

CONSENT AGENDA

Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site:	SPECIAL EDUCATION	
Date:	October 19, 2016	Action Item <u> X </u>
To:	Board of Trustees	Information Item
From:	Scott A. Loehr Superintendent Initials: <u>S.L.</u>	# Attached Pages

SUBJECT:	PROFESSIONAL SERVICE AGREEMENT
CONSULTANT'S NAME:	Meladee McCarty
COMPANY NAME (if applicable)	
SERVICE(S) TO BE RENDERED:	Provide OI assessments, reports, attendance at IEP's & consultations, a minimum of 4 x's per school year. I will prepare documentation for Low Incidence Funding should the student need specialized equipment to provide access to the curriculum.
DATE(S) OF SERVICE:	9/20/16 through 6/16/17
PAYMENT PER HOUR:	100.00
TOTAL AMOUNT OF CONTRACT:	As per request or needed
FUNDING SOURCE:	01-6500-0-5800-102-5750-1180-003-000
RECOMMENDATION:	CJUSD Board of Trustees Ratify Professional Service Agreement with: Meladee McCarty

CONSENT AGENDA



Center Unified School District
 8408 Watt Avenue
 Antelope, California 95843

PROFESSIONAL SERVICES AGREEMENT

This agreement for professional services is entered into this 20th day of September 2016 by and between the Center Unified School District and the person(s) or firm described below, hereinafter described as CONTRACTOR. Persons performing services under this contract hold themselves out to be independent contractors, not employees of the DISTRICT, and hold(s) the DISTRICT harmless from claims under workers' compensation laws. CONTRACTOR further declares that he/she/it is/are in the business of providing the described service for any and all persons/organizations desiring such services, that such services are not provided exclusively for Center Unified School District. CONTRACTOR also holds the DISTRICT harmless from claims arising from loss, damage, or injury while performing the stipulated services.

*Contractor Name: Meladee McCarty
 Address: 12970 Self-Esteem Ln. Galt, CA 95632
 Phone: (209) 601-2948 Taxpayer ID#: [REDACTED]

*Full description of services to be provided:
Assessments, reports, attendance at IEP's & Consultations, a minimum of 4x's per school year. I will prepare documentation for IOW. Invoice funding should be provided for specialized equipment to provide access to the curriculum.

*Payment \$ 100 per hour. CONTRACTOR will submit a signed invoice not more frequently than monthly, detailing services provided and charges. Payment will be made within forty-five days after receipt of invoice or service, whichever is later.

*Beginning Date of Service: 9.20.16 *Frequency of Service Dates: as per request or needed
 *Ending Date of Service: 6.30.17

Method of Payment and Tax Reporting: (check one)
 Variable Payroll- W-2 Generated (requires completion of W-4 & I-9 in Personnel Dept.
 Accounts Payable-1099 Generated (Requires completion of W-9 on pg. 2 of this form)

Total amount of this contract \$ _____ Budget # _____

Reason service cannot be provided by a District employee: *Currently there are no employees in the district who have the OI Credential which is mandated by State Teacher Credentialing.*

Signature of CONTRACTOR * Meladee McCarty Date: * 9.20.16
 Signature of District employee requesting service: _____ Date: _____
 Signature of Accounting Supervisor: _____ Date: _____
 Date Board of Trustees Approved _____ Date: _____
 Signature of Authorized Contracting Official: _____ Date: _____

*****CONTRACT NOT VALID WITHOUT AUTHORIZED DISTRICT SIGNATURE*****

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

Print or type
 See Specific Instructions on page 2.

Name (as shown on your income tax return) Meladee McCarty	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification (required): <input checked="" type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ <input type="checkbox"/> Other (see instructions) ▶	
<input type="checkbox"/> Exempt payee	
Address (number, street, and apt. or suite no.) 12970 Self-Esteem Lane	Requester's name and address (optional)
City, state, and ZIP code Galt, CA 95632	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
[REDACTED]
Employer identification number
-

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶ Meladee McCarty	Date ▶ 9.20.2016
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

**INDEPENDENT CONTRACTOR OR EMPLOYEE?
DISTRICT GUIDELINES**

PART I

	YES	NO
1. Has this category of worker already been classified an "employee" by the IRS? Refer to page 1 for individuals listed in IRS Publication SWR 40 and others identified during the IRS compliance studies in San Diego County.	-	✓
2. Is the individual working as an employee prescribed by the Education Code? Education Code sections 45100-45451/88000-88263 define what constitutes classified service and 44800-45060/87000-87333 define certificated service. The IRS predisposes an employer/employee relationship when state law mandates such a relationship.		
3. Is the individual already an employee of the district in another capacity?		✓
4. Has the individual performed substantially the same services for the district as an employee in the past? <i>Is the individual retired, returning to substitute, or train, etc.?</i>		✓
5. Are there currently employees of the district doing substantially the same services as will be required of this individual?		✓
6. Does the district have the legal right to control the method of performance by this individual? <i>Consider whether the district has to train this individual or give instruction as to when, where, how, and in what order to work. Does the district require the individual to submit reports or perform the services at a district site? These factors would indicate the district maintains control sufficient for an employer/employee relationship. However, it is <u>not necessary</u> that the district <u>exercise</u> this right or have the expertise required to do so. In many cases this would not be practical nor advisable.</i>		✓
7. Are the services, as being provided, an integral part of school operations? Are the services being provided necessary to the operation of the school, program, project, etc.? This indicates the district has an interest in the method of performance and implies the maintenance of legal control.	-	✓

If the answer to any of the above questions is "YES",

STOP HERE

Do not complete the rest of the questions. The individual is the district employee and must be paid and reported accordingly.

If all of the above are "NO", continue...

PART II

	YES	NO
8. Must the required service be performed by this individual? <i>Consider whether or not the individual may designate someone else to do the work without the district's knowledge or approval</i>		✓
9. Does the district have a continuing relationship with this individual? <i>Is this a "one shot deal" or will the district continue to use this individual in the future? This could be on an infrequent or irregular basis but a continuous relationship exists.</i>		✓
10. Can this relationship be terminated without the consent of both parties?		✓

If the answer to questions 8, 9, or 10 is "YES", there is a good possibility that an employment relationship exists. Questions 8 & 9 are indicators of district control that, in conjunction with other factors, imply an employment relationship. Go back to PART I and re-evaluate each question. If questions 1-7 are still all "NO", continue...

PART II - continued

	YES	NO
11. Does the individual operate an <u>independent</u> trade or business that is available to the general public? <i>A determining factor in judging independence is the performance of services to the general public. In evaluating this criteria, school districts are considered to be separate entities. Keep in mind: if the district is utilizing this individual's services on a full-time basis, the individual is <u>not</u> available to the general public. NOTE: Possession of a business license or incorporation does <u>not</u> automatically satisfy this requirement. The determination <u>must</u> be made on the actual <u>relationship</u> between the district and the individual performing services.</i>	✓	
12. Does the individual have a substantial investment in his/her business, i.e. maintains a facility, equipment, etc.? <i>This is indicative of economic risk inherent in business enterprises. An independent contractor must be able to make a profit or sustain a loss.</i>	✓	

If either 11 or 12 are "NO", the individual is a district employee

STOP HERE

and process the individual through payroll.

If 11 and 12 are both "YES", continue

	YES	NO
13. Does the individual provide all materials and support services necessary for the performance of this service? <i>The district should not be providing office space, clerical, secretarial, or any other support for this individual such as materials, xeroxing, printing, office supplies, etc. Any necessary assistants would be hired by the individual.</i>	✓	
14. Is this paid by the job or on a commission?	✓	
15. Does the individual bear the cost of any travel and business expenses incurred to perform this service? <i>Generally, these types of expenses are paid by an employer, however, some contracts provide for payment of airfare, mileage, etc. for consultants.</i>	✓	

If 11 and 12 are "YES", 13 through 15 should also be "YES" and are items that should be written into the consultant contract. This individual is an independent contractor. A "YES" on questions 13 through 15 supports the district's conclusion and substantiates a "reasonable basis" for treatment as an independent contractor. While there are circumstances where the district might pay contractually provided expenses, these should be kept at a minimum to avoid giving the impression of an employment relationship.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Curriculum & Instruction

Date: October 16, 2016

To: Board of Trustees

From: Rebecca Lawson,
Coordinator of Curriculum

Action Item X

Information Item

Attached Pages 2

Administrator's Initials: _____

**SUBJECT: Memorandum of Understanding (MOU)-
Agreement #1013 between Sacramento County
Office of Education and Center JUSD -Cyril
Spinelli Elementary**

Please approve the Memorandum of Understanding (MOU)-Agreement #1013 between Sacramento County Office of Education and Center JUSD, to provide three (3) one day McGraw Hill, Wonders site based support to include grade level planning to the K-6th grade teachers and administrator at Cyril Spinelli Elementary in Center Joint Unified School District on the following dates:

November 30, 2016 grades 3 & 4

December 6, 2016 grades 5 & 6

January 10, 2017 grades K, 1 and 2

**RECOMMENDATION: CJUSD Board of Trustees approve the
Memorandum of Understanding (MOU)-Agreement #1013
between Sacramento County Office of Education and Center
JUSD**

CONSENT AGENDA

MEMORANDUM OF UNDERSTANDING
Agreement EMS #1013

This Memorandum of Understanding (MOU) is between the Sacramento County Office of Education, hereinafter referred to as "SCOE," and Center Unified School District hereinafter referred to as "District."

The purpose of this MOU is to detail the roles and responsibilities of SCOE and the District in regards to delivering instructional support services to staff. Once signed by both parties, this MOU is in effect, and may be terminated by either entity in writing, but not less than seven business days prior to the first day of service.

No audio or visual recording of the services provided under this agreement may be made by any means without the advance written authorization of SCOE.

SCOE agrees to:

1. Provide a primary contact person and service provider(s) for all work under this MOU.

MOU Contact:	Services provided by:
Tami Wilson	Tami Wilson
916.228.2350	916.228.2350
twilson@scoe.net	twilson@scoe.net

2. Provide three (3) days of site-based support and one day preparation. Site-based support to include grade-level planning of the McGraw-Hill *Reading Wonders* curriculum.
 - November 30, 2016; Grades 3 and 4
 - December 6, 2016; Grades 5 and 6
 - January 10, 2017; Grades K, 1, and 2

3. Location of the service
Cyril Spinelli Elementary School
3401 Scotland Drive
Antelope, CA 95843

4. Provide an evaluation of services.

5. Provide training materials. All instructional materials provided by SCOE are copyrighted.

6. Invoice District upon completion of services to:
Center Unified
8408 Watt Ave.
Antelope, CA 95843

District agrees to:

1. Provide a primary contact person for all work under this MOU.
Kris Schmieder, Principal

MEMORANDUM OF UNDERSTANDING, Agreement EMS #1013

916.338.6490

kriss@centerusd.org

2. Ensure the site principal/district representative is present during services.
3. Participate in an evaluation of services.
4. Provide facility, insurance, and indemnification.
5. Provide SCOE with a copy of attendance sign-in sheet upon request.
6. Provide the audio-visual equipment and table supplies.
7. Provide requested materials for participants (e.g., Teacher's Edition).
8. Remit payment to SCOE within 60 days of invoicing.

Total: \$3,000.00

Indemnity. Each party agrees to defend, indemnify, and hold harmless the other party (including its directors, agents, officers and employees), from any claim, action, or proceeding arising from any actual or alleged act or omission of the indemnifying party, its director, agents, officers, or employees arising from the indemnifying party's duties and obligations described in this agreement or imposed by law.

It is the intention of the parties that the provisions of this paragraph be interpreted to impose on each party responsibility to the other for the acts and omissions of their respective elected and appointed officials, employees, representatives, agents, and subcontractors. It is also the intention of the parties that where comparative fault is determined to have been contributory, principles of comparative fault will be followed.

SCOE and School shall monitor this agreement to oversee implementation of services.

Sacramento County Office of Education
Mark Vigario, Assistant Superintendent
Educational Services

Center Unified School District
Rebecca Lawson,
K-12 Curriculum Coordinator

Signature

Date


 10-10-16

Signature Date



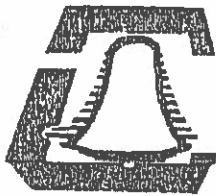
Director Approved

Center Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Family Resource Center	Action Item X
Date: 10/19/16	Information Item
To: Board of Trustees	
From: Alyson Collier	
	# Attached Pages: 4
Principal's Initials: 	

SUBJECT: Professional Service Agreement
CONSULTANT'S NAME: A Touch of Understanding
COMPANY NAME (if applicable): A Touch of Understanding
SERVICES TO BE RENDERED: ATOU Bullying Prevention Presentation workshops for 4 th grade students in all CJUSD Elementary Schools.
DATES OF SERVICE: 8/19/2016 North Country; 3/9/2017 Spinelli; 3/10/2017 Oak Hill; 5/5/2017 Dudley
PAYMENT PER DAY: 8/19/2016 \$1,200.00; 3/9/2017 \$540.00; 3/10/2017 \$1,500.00; 5/5/2017 \$1,256.40
TOTAL AMOUNT OF CONTRACT: \$4,496.40
FUNDING SOURCE: 01-9315-0-5800-601-1110-1000-017-000
RECOMMENDATION: CJUSD Board of Trustees approve Professional Services Agreement as Presented

CONSENT AGENDA



Center Unified School District
8408 Watt Avenue
Antelope, California 95843

PROFESSIONAL SERVICES AGREEMENT

This agreement for professional services is entered into this 14 day of Sept. 2016, by and between the Center Unified School District and the person(s) or firm described below, hereinafter described as CONTRACTOR. Persons performing services under this contract hold themselves out to be independent contractors, not employees of the DISTRICT, and hold(s) the DISTRICT harmless from claims under workers' compensation laws. CONTRACTOR further declares that he/she/it is/are in the business of providing the described service for any and all persons/organizations desiring such services, that such services are not provided exclusively for Center Unified School District. CONTRACTOR also holds the DISTRICT harmless from claims arising from loss, damage, or injury while performing the stipulated services.

Contractor Name: <u>A Touch of Understanding</u>									
Address: <u>5280 Stirling Street, Suite 102 Granite Bay, CA 95746</u>									
Phone: <u>(916) 791-4146</u>	Taxpayer ID # <u>68-0389777</u>								
Full description of services to be provided: <u>ATOU Bullying Prevention Presentation workshops for 4th grade students in all CUSD Elementary schools.</u>									
Payment \$ <u>See per below</u> . CONTRACTOR will submit a signed invoice not more frequently than monthly, detailing services provided and charges. Payment will be made within forty-five days after receipt of invoice or service, whichever is later.									
Beginning Date of Service: <u>*See below</u>	Frequency of Service: <u>once per school site</u>								
Ending Date of Service: <u>*See below</u>	<table style="margin-left: 20px;"> <tr> <td>* N. Country : 8/19/16</td> <td>\$1,200.00</td> </tr> <tr> <td>Spinelli : 3/19/17</td> <td>\$540.00</td> </tr> <tr> <td>Oak Hill : 3/10/17</td> <td>\$1,500.00</td> </tr> <tr> <td>Dudley : 5/5/17</td> <td>\$1,256.40</td> </tr> </table>	* N. Country : 8/19/16	\$1,200.00	Spinelli : 3/19/17	\$540.00	Oak Hill : 3/10/17	\$1,500.00	Dudley : 5/5/17	\$1,256.40
* N. Country : 8/19/16	\$1,200.00								
Spinelli : 3/19/17	\$540.00								
Oak Hill : 3/10/17	\$1,500.00								
Dudley : 5/5/17	\$1,256.40								
Method of Payment and Tax Reporting: (check one)									
<input type="checkbox"/> Variable Payroll – W-2 Generated (Requires completion of W-4 & I-9 in Personnel Dept.)									
<input checked="" type="checkbox"/> Accounts Payable – 1099 Generated (Requires completion of W-9 on back of this form)									
Total amount of this contract \$ <u>4,496.40</u>	Budget # <u>01-9315-0-5800-601-1110-1000-017-000</u>								
Reason service cannot be provided by a District employee: <u>No district employee trained & qualified.</u>									
Signature of CONTRACTOR: <u>Luslie DeDora</u>	Date: <u>9/21/16</u>								
Signature of District employee requesting service: <u>[Signature]</u>	Date: <u>9/26/16</u>								
Signature of Business Manager: _____	Date: _____								
Date Board of Trustees Approved: _____	Date: _____								
Signature of Authorized Contracting Official: _____	Date: _____								

*** CONTRACT NOT VALID WITHOUT AUTHORIZED DISTRICT SIGNATURE ***

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
A Touch of Understanding, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
 Individual/sole proprietor or single-member LLC
 C Corporation
 S Corporation
 Partnership
 Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions) ▶ **Non profit corporation**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
5280 Stirling Street, Suite 102

6 City, state, and ZIP code
Granite Bay, CA 95746

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									
6	8		0	3	8	9	7	7	7

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *Leslie J DeWitt* Date ▶ *9/21/16*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

INDEPENDENT CONTRACTOR OR EMPLOYEE?
DISTRICT GUIDELINES

PART I

	YES	NO
1. Has this category of worker already been classified an "employee" by the IRS? Refer to page 1 for individuals listed in IRS Publication SWR 40 and others identified during the IRS compliance studies in San Diego County.		X
2. Is the individual working as an employee prescribed by the Education Code? Education Code sections 45100-45451/88000-88263 define what constitutes classified service and 44800-45060/87000-87333 define certificated service. The IRS predisposes an employer/employee relationship when state law mandates such a relationship.		X
3. Is the individual already an employee of the district in another capacity?		X
4. Has the individual performed substantially the same services for the district as an employee in the past? <i>Is the individual retired, returning to substitute, or train, etc.?</i>		X
5. Are there currently employees of the district doing substantially the same services as will be required of this individual?		X
6. Does the district have the legal right to control the method of performance by this individual? <i>Consider whether the district has to train this individual or give instruction as to when, where, how, and in what order to work. Does the district require the individual to submit reports or perform the services at a district site? These factors would indicate the district maintains control sufficient for an employer/employee relationship. However, it is <u>not necessary</u> that the district <u>exercise</u> this right or have the expertise required to do so. In many cases this would not be practical nor advisable.</i>		X
7. Are the services, as being provided, an integral part of school operations? Are the services being provided necessary to the operation of the school, program, project, etc.? This indicates the district has an interest in the method of performance and implies the maintenance of legal control.		X

If the answer to any of the above questions is "YES",

STOP HERE

Do not complete the rest of the questions. The individual is the district employee and must be paid and reported accordingly.

If all of the above are "NO", continue...

PART II

	YES	NO
8. Must the required service be performed by this individual? <i>Consider whether or not the individual may designate someone else to do the work without the district's knowledge or approval</i>		X
9. Does the district have a continuing relationship with this individual? <i>Is this a "one shot deal" or will the district continue to use this individual in the future? This could be on an infrequent or irregular basis but a continuous relationship exists.</i>		X
10. Can this relationship be terminated without the consent of <u>both</u> parties?		X

If the answer to questions 8, 9, or 10 is "YES", there is a good possibility that an employment relationship exists. Questions 8 & 9 are indicators of district control that, in conjunction with other factors, imply an employment relationship. Go back to PART I and re-evaluate each question. If questions 1-7 are still all "NO", continue...

PART II - continued

	YES	NO
11. Does the individual operate an <u>independent</u> trade or business that is available to the general public? <i>A determining factor in judging independence is the performance of services to the general public. In evaluating this criteria, school districts are considered to be separate entities. Keep in mind: if the district is utilizing this individual's services on a full-time basis, the individual is <u>not</u> available to the general public. NOTE: Possession of a business license or incorporation does <u>not</u> automatically satisfy this requirement. The determination <u>must</u> be made on the actual <u>relationship</u> between the district and the individual performing services.</i>	X	
12. Does the individual have a substantial investment in his/her business, i.e. maintains a facility, equipment, etc.? <i>This is indicative of economic risk inherent in business enterprises. An independent contractor must be able to make a profit or sustain a loss.</i>	X	

If either 11 or 12 are "NO", the individual is a district employee

STOP HERE

and process the individual through payroll.

If 11 and 12 are both "YES", continue

	YES	NO
13. Does the individual provide all materials and support services necessary for the performance of this service? <i>The district should not be providing office space, clerical, secretarial, or any other support for this individual such as materials, xeroxing, printing, office supplies, etc. Any necessary assistants would be hired by the individual.</i>	X	
14. Is this paid by the job or on a commission?	X	
15. Does the individual bear the cost of any travel and business expenses incurred to perform this service? <i>Generally, these types of expenses are paid by an employer, however, some contracts provide for payment of airfare, mileage, etc. for consultants.</i>	X	

If 11 and 12 are "YES", 13 through 15 should also be "YES" and are items that should be written into the consultant contract. This individual is an independent contractor. A "YES" on questions 13 through 15 supports the district's conclusion and substantiates a "reasonable basis" for treatment as an independent contractor. While there are circumstances where the district might pay contractually provided expenses, these should be kept at a minimum to avoid giving the impression of an employment relationship.

Heartbeat CPR Educators

707 Commons Drive

Suite 101

Sacramento, CA 95825

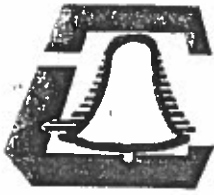
Invoice

Date	Invoice #
9/16/2016	16-305

Bill To
Private Class - Private Location Varies By Location

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
22	American Heart Association - Heartsaver CPR Course - 9/10/2016 Course Included CPR for Adults/Children/Infants with AED training Including Obstructed Airways Course Location: Oak Hill Elementary 3909 North Loop Blvd Antelope, CA 95843 Cards Enclosed Thank you. Service Agreement Signed / W-9 submitted	30.00	660.00
		Total	\$660.00



Center Unified School District
 8408 Watt Avenue
 Antelope, California 95843

PROFESSIONAL SERVICES AGREEMENT

This agreement for professional services is entered into this 10 day of September, 2016, by and between the Center Unified School District and the person(s) or firm described below, hereinafter described as CONTRACTOR. Persons performing services under this contract hold themselves out to be independent contractors, not employees of the DISTRICT, and hold(s) the DISTRICT harmless from claims under workers' compensation laws. CONTRACTOR further declares that he/she/it is/are in the business of providing the described service for any and all persons/organizations desiring such services, that such services are not provided exclusively for Center Unified School District. CONTRACTOR also holds the DISTRICT harmless from claims arising from loss, damage, or injury while performing the stipulated services.

Contractor Name: Heartbeat CPR Educators

Address: 107 Commons Dr SUITE 101

Phone: (916) 481-4277

Taxpayer ID # 46-5712160

Full description of services to be provided:

American heart association / heartsaver (community)
 CPR for Adult / Children / Infants / AED

Payment \$ 30 per person. CONTRACTOR will submit a signed invoice not more frequently than monthly, detailing services provided and charges. Payment will be made within forty-five days after receipt of invoice or service, whichever is later.

Beginning Date of Service: 9/10/2016 Frequency of Service: ONCE

Ending Date of Service: 9/10/2016

Method of Payment and Tax Reporting: (check one)

Variable Payroll - W-2 Generated (Requires completion of W-4 & I-9 in Personnel Dept.)

Accounts Payable - 1099 Generated (Requires completion of W-9 on back of this form)

PAID AUG 29 2016

Total amount of this contract \$ _____ Budget # _____

Reason service cannot be provided by a District employee:

You MUST Be an INSTRUCTOR with the American heart association to complete training

Signature of CONTRACTOR: Jonna Reith

Date: 9/10/2016

Signature of District employee requesting service: Kathy Spive

Date: _____

Signature of Business Manager: _____

Date: _____

Date Board of Trustees Approved: _____

Date: _____

Signature of Authorized Contracting Official: _____

Date: _____

*** CONTRACT NOT VALID WITHOUT AUTHORIZED DISTRICT SIGNATURE ***

**INDEPENDENT CONTRACTOR OR EMPLOYEE?
DISTRICT GUIDELINES**

PART I

	YES	NO
1. Has this category of worker already been classified an "employee" by the IRS? <i>Refer to page 1 for individuals listed in IRS Publication SWR 40 and others identified during the IRS compliance studies in San Diego County.</i>		✓
2. Is the individual working as an employee prescribed by the Education Code? <i>Education Code sections 45100-45451/88000-88263 define what constitutes classified service and 44800-45060/87000-87333 define certificated service. The IRS predisposes an employer/employee relationship when state law mandates such a relationship.</i>		✓
3. Is the individual already an employee of the district in another capacity?		✓
4. Has the individual performed substantially the same services for the district as an employee in the past? <i>Is the individual retired, returning to substitute, or train, etc.?</i>		✓
5. Are there currently employees of the district doing substantially the same services as will be required of this individual?		✓
6. Does the district have the legal right to control the method of performance by this individual? <i>Consider whether the district has to train this individual or give instruction as to when, where, how, and in what order to work. Does the district require the individual to submit reports or perform the services at a district site? These factors would indicate the district maintains control sufficient for an employer/employee relationship. However, it is <u>not necessary</u> that the district <u>exercise</u> this right or have the expertise required to do so. In many cases this would not be practical nor advisable.</i>		✓
7. Are the services, as being provided, an integral part of school operations? <i>Are the services being provided necessary to the operation of the school, program, project, etc.? This indicates the district has an interest in the method of performance and implies the maintenance of legal control.</i>		✓

If the answer to any of the above questions is "YES",

STOP HERE

Do not complete the rest of the questions. The individual is the district employee and must be paid and reported accordingly.

If all of the above are "NO", continue...

PAID AUG 29 2016
YES NO

PART II

	YES	NO
8. Must the required service be performed by this individual? <i>Consider whether or not the individual may designate someone else to do the work without the district's knowledge or approval</i>		✓
9. Does the district have a continuing relationship with this individual? <i>Is this a "one shot deal" or will the district continue to use this individual in the future? This could be on an infrequent or irregular basis but a continuous relationship exists.</i>		✓
10. Can this relationship be terminated without the consent of <u>both</u> parties?	✓	

If the answer to questions 8, 9, or 10 is "YES", there is a good possibility that an employment relationship exists. Questions 8 & 9 are indicators of district control that, in conjunction with other factors, imply an employment relationship. Go back to PART I and re-evaluate each question. If questions 1-7 are still all "NO", continue...

PART II - continued

	YES	NO
11. Does the individual operate an <u>independent</u> trade or business that is available to the general public? <i>A determining factor in judging independence is the performance of services to the general public. In evaluating this criteria, school districts are considered to be separate entities. Keep in mind: if the district is utilizing this individual's services on a full-time basis, the individual is <u>not</u> available to the general public. NOTE: Possession of a business license or incorporation does <u>not</u> automatically satisfy this requirement. The determination <u>must</u> be made on the actual <u>relationship</u> between the district and the individual performing services.</i>	/	
12. Does the individual have a substantial investment in his/her business, i.e. maintains a facility, equipment, etc.? <i>This is indicative of economic risk inherent in business enterprises. An independent contractor must be able to make a profit or sustain a loss.</i>	/	

If either 11 or 12 are "NO", the individual is a district employee

STOP HERE

and process the individual through payroll.

If 11 and 12 are both "YES", continue

	YES	NO
13. Does the individual provide all materials and support services necessary for the performance of this service? <i>The district should not be providing office space, clerical, secretarial, or any other support for this individual such as materials, xeroxing, printing, office supplies, etc. Any necessary assistants would be hired by the individual.</i>	/	
14. Is this paid by the job or on a commission?	/	
15. Does the individual bear the cost of any travel and business expenses incurred to perform this service? <i>Generally, these types of expenses are paid by an employer, however, some contracts provide for payment of airfare, mileage, etc. for consultants.</i>	/	

If 11 and 12 are "YES", 13 through 15 should also be "YES" and are items that should be written into the consultant contract. This individual is an independent contractor. A "YES" on questions 13 through 15 supports the district's conclusion and substantiates a "reasonable basis" for treatment as an independent contractor. While there are circumstances where the district might pay contractually provided expenses, these should be kept at a minimum to avoid giving the impression of an employment relationship.

4-26-94

PAID AUG 29 2016

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
 See Specific Instructions on page 2.

Name: Heartbeat CPR Educators

Business name, if different from above: _____

Check appropriate box: Individual/Sole proprietor Corporation Partnership Other Exempt

Address (number, street, and apt. or suite no.): 107 COMMONS DR. SUITE 101

City, state, and ZIP code: SACRAMENTO CA 95825

List account number(s) here (optional): _____

Requester's name and address (optional): _____

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Social security number

--	--	--	--	--	--	--	--

or

Employer identification number

41-5711214

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter:

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the Instructions on page 2.)

Sign Here: _____ Signature of U.S. person: Jenna Peterson Date: 9/8/2014

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

If you are a foreign person, use the appropriate Form W-8. See Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 30% of such payments after December 31, 2001 (29% after December 31, 2003). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate instructions for the Requester of Form W-9.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law the requester may be subject to civil and criminal penalties.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Oak Hill Elementary

Date: 10/21/2015

Action Item XX

To: CJUSD Board of Trustees

Information Item

From: Dean Domach

Attached Pages 1

Principal's Initials: PS

SUBJECT: Sixth Grade Science Camp at Alliance Redwoods Education Center - Oak Hill

Oak Hill 6th grade will be sending approximately 57 sixth grade students to attend science camp at Alliance Redwoods Education Center the week of February 1 – 5, 2016. The science camp at Alliance Redwoods aligns with the science standards set forth by the state for sixth grade. Three teachers will attend as well as parent volunteers. Student expenses for the trip will be the responsibility of their parents.

RECOMMENDATION: The CJUSD Board of Trustees Approve 57 Sixth Grade Students from Oak Hill to attend Science Camp at Alliance Redwoods.

CONSENT AGENDA

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Family Resource Center

Action Item X

To: Board of Trustees

Information Item

Date: 10/19/2016

Attached Pages 1

From: Alyson Collier

Principal's Initials: 

SUBJECT

Approve out of state travel for Center Adult School counselor to attend Effective Transitions in Adult Education conference in Rhode Island November 14-16, 2016. All expenses covered through the Capital Adult Education Regional Consortium's SCOE office.

RECOMMENDATION: Approve

CONSENT AGENDA

CONFERENCE OVERVIEW

The National College Transition Network at World Education, Inc. will hold its 10th annual national conference on Effective Transitions in Adult Education on **November 14 - 16, 2016** at the Crowne Plaza at the Crossings, Providence (Warwick), RI. Our conference is taking place in a time of great change and opportunity in the adult education field. The conference is designed with this significant transition of the adult education community in view.

The Effective Transitions Conference is held every year and is geared towards adult education, workforce development, and postsecondary educators, advisers, and administrators. Workshop themes include foundational skills, acceleration strategies, career pathways and workforce development, collaborations and partnerships, college and career readiness standards, English for Speakers of Other Languages, correctional education, advising and comprehensive support services, and technology integration.



CONFERENCE SPONSORS



WHEN

Monday, November 14, 2016 - Wednesday, November 16, 2016

9:00 AM - 4:30 PM

Eastern Time Zone

WHERE

Crowne Plaza Hotel at the Crossings

801 Greenwich Ave

Warwick, Rhode Island 02886

USA

401-732-6000

WEBSITES

NCTN

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Center High School

Date: 9/16/2016

To: CUSD Board of Trustees

From: Mike Jordan

Principal's Initials MJ

Action Item X

Information Item _____

Attached Pages 22

SUBJECT:

Future Business Leaders of America adviser Larry Davenport is requesting approval to take approximately 7 members of our organization to the FBLA Leadership Development Institute. The conference will take place at the Marriott Hotel in Santa Clara from October 21 – 23. Hotel address is 2700 Mission College Blvd in Santa Clara. Students will only be attending Saturday and Sunday. Students will be leaving Saturday morning October 22nd @ 6:00 a.m. to arrive in time for conference workshops @ 9:00 a.m. Students will return Sunday, October 23th after the last general session.

Students will be transported by Mr. Davenport to mitigate travel expenses. Funding for adviser expenses will be provided through the Carl Perkins fund. Our student leaders have been fundraising and will be using some of those funds to subsidize the cost of their travel. Additional expenses will be student/parent responsibility.

The purpose of this trip is to hone the leadership skills of our officer team to make our local organization more effective. Students will attend workshops, general sessions, network with others chapters, and prepare for section/state competitive events. Student participation has yet to be determined but a parent letter has already been sent home to potential participants.

The agenda for this event is attached. For more information, go to: www.cafbla.org
Access the Competition tab....LDI North.

Larry Davenport
FBLA Adviser
339-4780
ldavenport@ceanterusd.org

CONSENT AGENDA

RECOMMENDATION:

Approval for FBLA to attend conference will take place at the Marriott Hotel in Santa Clara.

Field Trip Planning/Approval Form

Teacher: Larry Davenport

Approx. 8
Number of Students

Class or Club FBLA

Clear description of the trip's connection to the curriculum and standards:

Attend the annual Northern CA Leadership Development Institute for training, workshops, & networking.

Date of Trip 10/22 - 10/23 Time Leaving 6:00 am Time Returning 3:00 pm

Other Places you may go during the trip: Area restaurants and mall.

Transportation Request Submitted YES NO

Are parents driving, and if so has a volunteer & employee auto usage statement on file? YES NO NA

If the trip is overnight or over 150 miles, and if so has the Board Agenda Request been submitted? YES pending

Teacher Signature* [Signature] Date 9/14/16

*Signature indicates the teacher has examined and supports how the trip supports academic and content standards.

Dept. Chair Signature* [Signature] Date 9/14/16

*Signature indicates the Department Chair has examined and supports how the trip supports academic and content standards.

Principals Signature [Signature] Date 9/19/16

Reminders:

1. This form must be completed by the teacher and have final approval BEFORE any letters are sent home or any final arrangements are made. Requests must be submitted at least ten (10) days before the trip. Requests for trips over 150 miles or that include an overnight stay must be submitted to the Board of Trustees for approval at least thirty (30) days prior to the trip
2. A final list of student participants must be placed in each staff mailbox, and a copy given to the attendance office, no less that three (3) days prior to the trip.
3. Refer to the Field Trip Procedural Outline to insure that all appropriate forms are completed.
4. If there are any special factors about the trip, please attach a separate sheet describing them.

Mr. Davenport will be the chaperone. He will only be able to transport 7 students provided he gets the SUV per Transportation. We should know the final list by .

Below is a list of potential FBLA members who are interested in attending LDI October 22 and 23rd. **Please note deadline to pay the initial \$50 to reserve a spot is this Friday, September 23rd.**

- [REDACTED] (paid)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

September 15, 2016



Dear Parent/s:

Your child is invited to represent Center High School's Future Business Leaders of America at this year's Leadership Development Institute. The conference will be held at the Santa Clara Marriott Hotel in on October 21-23.

Hotel address is: 2700 Mission College Blvd.

Santa Clara, CA

Phone: (408) 986-6159

The adviser in charge, Mr. Davenport, will only be able transport and chaperone students Saturday and Sunday. Mr. Davenport will be driving the interested students via personal vehicle. He will be leaving Center High School @ 6:00 SHARP Saturday morning, October 22nd. The first conference activity begins Saturday @ 9:00 a.m. so it is **IMPORTANT** for students to be **on time** for departure. He will be returning Sunday after the closing breakfast session. Arrival time @ the parking lot of Center High School will be around 1:00 p.m. Please note.... **ANY** student in FBLA is eligible to attend. However, due to transportation restrictions, **only officers** will be transported by Mr. Davenport. Parents may transport their own student both ways to this conference if your student wants to attend. All appropriate paperwork and release forms will be required of everyone attending.

We are asking for a **\$50.00 non-refundable deposit** to be turned into the **ASB** store by Friday, **September 23th**. This is a **FIRM** deadline please. Student, please bring your receipt to either Mr. Davenport or Mrs. Cummings by the deadline. This will secure your spot. The remainder of the amount will be due after the October break.

If paying by check, make check payable to:

- CHS – FBLA
- Memo: LDI

The cost of this conference is as follows:

LDI Registration	\$55
Hotel	\$149 includes tax <ul style="list-style-type: none">• Quad -• \$37.25 (based on 4 per room)
Food	Student bring their own \$\$ for Saturday meals. Sunday breakfast is included in registration
National Dues	\$20
TOTAL DUE BY STUDENT	\$100

In closing, in my opinion this is the most organized, well-chaperoned event of the FBLA year. Students have an opportunity to network with other schools, support March of Dimes, attend over 20 leadership workshops, prepare for competitive events, hear keynote speakers, and share strategies for success. An itinerary of the event can be accessed @ www.cafbla.org (click Conferences...Leadership Development Institute).

If you have any questions, please call one of us at 339-4780 or 339.4777.

Sincerely,



Cathy Cummings and Larry Davenport (Advisers)

Please give to either Mr. Davenport or Mrs. Cummings
Keep the letter as your conference reference

www.cafbla.org

Click the Conference tab....LDI North 2016

LDI Conference

10/22 – 10/23

Total Cost: \$100

- Yes, I give permission for my student to attend the LDI conference.
- Yes, I understand there is a \$50.00 deposit due NO LATER than Friday, September 23rd.
- Yes, I understand all money is to be paid @ the ASB window.
- Yes, I understand the receipt for payment will be given to one of the advisers.
- Yes, I understand dress is professional on Saturday @ the workshops.
- Yes, I understand the remaining \$50.00 will be due by Friday, October 14th.
- I **will NOT** be transporting my student to and from the conference.
- I **will be** transporting my student to and from the conference.

Student Name _____

Parent Name _____

Cell # for Parent _____

Cell # for Student _____

3111 Center Court Lane

Antelope, CA 95843

Get on CA-99 S from Elverta Rd

- | | | |
|---|--|-----------------|
| | | 14 min (8.8 mi) |
| ↑ | 1. Head west on Center Ct Ln toward Watt Ave | |
| | | 0.1 mi |
| ↶ | 2. Turn left at the 1st cross street onto Watt Ave | |
| | | 0.3 mi |
| ↷ | 3. Turn right onto Elverta Rd | |
| | | 8.1 mi |
| ⤴ | 4. Take the ramp onto CA-99 S | |
| | | 0.3 mi |

Take I-80 W and I-680 S to Great America Pkwy in Santa Clara. Take exit 6 from CA-237 W

- | | | |
|---|--|---------------------|
| | | 1 h 49 min (119 mi) |
| ⤴ | 5. Merge onto CA-99 S | |
| | | 3.6 mi |
| ⤴ | 6. Merge onto CA-99 S/I-5 S | |
| | | 2.4 mi |
| ↷ | 7. Use the right 2 lanes to take exit 522 to merge onto I-80 W toward San Francisco | |
| | | 46.0 mi |
| ↷ | 8. Use the right 2 lanes to take exit 40 for I-680 toward Benicia/San Jose | |
| | | 0.6 mi |
| ↑ | 9. Continue onto I-680 S | |
| | ⚠ Partial toll road | |
| | | 57.6 mi |
| ↷ | 10. Take exit 12 for Mission Blvd/State Route 262 toward I-880 | |
| | | 0.2 mi |
| ↷ | 11. Keep right at the fork, follow signs for Mission Blvd W and merge onto Mission Blvd | |
| | | 0.9 mi |
| ↶ | 12. Keep left at the fork, follow signs for Interstate 880 S/San Jose and merge onto I-880 S | |
| | | 4.0 mi |
| ↷ | 13. Use the right 2 lanes to take the CA-237 W exit toward Mtn View | |
| | | 0.9 mi |
| ↑ | 14. Continue onto CA-237 W | |
| | | 2.6 mi |
| ↷ | 15. Take exit 6 for Great America Parkway toward Lafayette Street | |
| | | 0.4 mi |

Continue on Great America Pkwy. Drive to Mission College Blvd

- | | | |
|---|---|----------------|
| | | 6 min (1.9 mi) |
| ↶ | 16. Use the left 2 lanes to turn left onto Great America Pkwy | |
| | | 1.6 mi |
| ↶ | 17. Use the left 2 lanes to turn left onto Mission College Blvd | |

Google Maps

3111 Center Court Lane, Antelope, CA to Santa Clara Marriott

Drive 130 miles, 2 h 14 min

Santa Clara Marriott

2700 Mission College Boulevard, Santa Clara, CA 95054

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

LEADERSHIP DEVELOPMENT INSTITUTE- NORTH

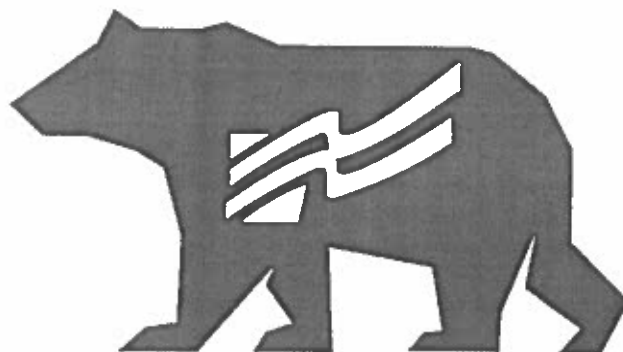


**OCTOBER 21-23, 2016
SANTA CLARA MARRIOTT**



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LETTER TO CHAPTERS

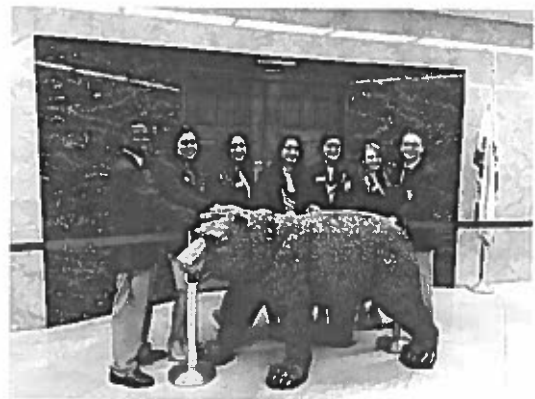
Northern California FBLA Members and Advisers:

Get ready to Bring Business and Education Together at the California Future Business Leaders of America Leadership Development Institute (LDI) on October 21-23, 2016 at the Santa Clara Marriott! Prepare your officers and members for an outstanding year with essential training and networking opportunities. We're starting on Friday evening with "get to know you" activities, continuing Saturday with workshop sessions packing in tons of information to get you ready for the FBLA year, and culminating with a closing session on Sunday where you can Graduate with Honors.

At LDI, you'll have the opportunity to:

- Learn from professionals and your own CA FBLA State & Section Officers with your choice of over 20 different workshops!
- Prepare for your competitive event experience with a practice session, on-site test scoring, and workshops with performance tips and coaching!
- Hear exciting Keynote Speaker, and closing session speaker.
- Support FBLA's partner, the March of Dimes, by donating \$2 per person to wear blue jeans at entertainment activities!
- Network with chapters from Bay, Central, and Northern Sections, to share strategies for success!

The 2016 Leadership Development Institute is also a chance to give new members an early taste of the full FBLA experience. So take advantage of this great leadership opportunity and bring both officers and members! Registration is \$55 per person, and the Online Registration system opens **September 2, 2016** (See page 5).



LDI-NORTH CONFERENCE TEAM

JACOB AVILA
Central Section Director

JONATHAN MIRELES
Northern Section Director

GRAEME LOGIE
Bay Section Director

IMPORTANT CONFERENCE DEADLINES

Friday September 2nd	Online Registration System Opens	Online link at www.cafbla.org See "Online Registration Instructions" on Page 6 for more details Designate Breakfast Options
Wednesday September 28	Hotel Reservations Deadline Make reservations no later than 5:00 p.m. PDT	See "Hotel Reservations" on page 11 for more details.
Friday September 30	Last day to pay membership fees to be eligible to register for LDI-North	Online membership registration www.fbla-pbl.org Please note: all members must be registered.
Friday September 30	LDI-North Registration CLOSES 9:00 pm PDT NO REFUNDS OR SUBSTITUTIONS AFTER THIS DATE AND TIME.	Online link at www.cafbla.org See "Online Registration Instructions" on Page 6 for more details
Friday September 30	National Anthem Audition Video Due	Email youtube.com link to: Graeme Logie, Bay Section Director See page 5
Friday October 7	Registration Payment Deadline—POSTMARKED Enclose a copy of your Online Registration Confirmation page with your payment. We accept School/District or Cashier's Checks only. No personal checks. Please make checks payable to <u>California FBLA</u>.	Mail to: California FBLA c/o Jonathan Mireles Northern Section Director 1369 Lucy Way Chico, CA 95973
October 21-22	FBLA Code of Conduct and Medical Release Forms—Bring to registration. These forms are required in order to pick up your conference materials.	Link to form

GENERAL INFORMATION

LDI-NORTH ONLINE REGISTRATION

Online registration is quick and easy! Member and Adviser information is on the National Membership database, so we've made it simple for you. See "Online Registration Instructions" on page 6 for more details.

DEADLINE

Registration must be received no later than **September 30**. LDI-North registration questions can be directed to Sue Christensen, Communications Manager, at communicationsmanager@cafbla.org. Make sure your school's accounting department is aware of the registration and payment deadline.

REGISTRATION RATES

Registration closes at 9 p.m. PDT on September 30.

Registrant Type	Fee
Members, Advisers, and Chaperones	\$55
State/Section Officers and their Advisers	\$25

SUNDAY BREAKFAST OPTION

Sunday breakfast is included. In order to receive your chapter's meal tickets, please designate "breakfast". If you will not be staying for the Sunday Breakfast, choose "no breakfast" option on the online registration.

ADVISER PARTICIPATION

In order to run a smooth conference, we ask Advisers to assist in event supervision. Choices include supervision during Friday and Saturday night activities. Advisers will receive a gift card as a thank you for assisting and may sign up for multiple events.

REGISTRATION PAYMENT

Make checks payable to California FBLA. Conference registration payments should be sent to:

California FBLA
c/o Jonathan Mireles, Northern Section Director
1369 Lucy Way
Chico, CA 95973

PLEASE NOTE: We do not accept personal checks.

COMPLIMENTARY REGISTRATION

The chapters that achieved Gold Seal Chapter recognition last year will receive two (2) complimentary registrations. Outstanding Chapters will receive one (1) complimentary registration.

2015-2016 Gold Seal Chapters Two (2) Complimentary Registrations

Colusa High School	Live Oak High School
Cosumnes Oaks H.S.	Maxwell High School
Homestead High School	Mira Loma High School
John Pitman High School	Redwood High School
Lassen High School	Sutter Union High School
Lindsay High School	Westmoor High School

2015-2016 Outstanding Chapters One (1) Complimentary Registration

Cupertino High School	Henry M. Gunn H. S.
-----------------------	---------------------

ADVISER/CHAPERONE REGISTRATION

Advisers who will have **additional** chaperones assist or act in place of their attendance must register as the Adviser/chaperone to have access to all portions of the conference. These chaperones must pay full conference registration and have the FBLA chaperone/supervision form signed by school administration.

CANCELLATIONS/SUBSTITUTIONS

Chapters have until September 30 to make any last minute changes. Payments made prior to any changes are non-refundable.

LOST BADGES

Lost badges can be replaced at Conference Check-In table for \$5. An Adviser or chaperone must accompany the member to the Conference Check-In Table. We will need the attendee's name, and Adviser/chaperone signature, and a \$5 on-site payment. This fee applies to all attendees.

NATIONAL ANTHEM SINGER

Do you have singing talent in your chapter? We are soliciting talented singers to sing a traditional version of the National Anthem at the opening session. An audition video must be received by **September 30**. Include your name, school, email address and phone number. The person chosen will receive email notification. Interested performers should email the link to Graeme Logie, glogie@cafbla.org.

ONLINE REGISTRATION INSTRUCTIONS

Chapters will be using the online registration system to register members, Adviser, and guests for the 2016 Leadership Development Institute. This registration is directly linked to the national membership registration system.

From now until **September 30 (9:00 p.m. PDT)**, the registration system will be available on the California FBLA web site at www.cafbla.org. Members will need to be registered in the national membership system in order to participate at LDI. Credit card payments to FBLA-PBL post instantly. If mailing a check, allow enough time for the national office to post your dues payment.

The system will time out about 20 minutes after you login. For large chapters, you may need to submit your registration in two or three online sessions on the same day in order to complete it. After making all entries, you will be able to review and print your registration summary. A copy of the summary will be emailed to you and to the conference committee. In addition, please print at least four copies of the Registration Summary:

- For your business office to generate your conference registration dues check
- For your files (2)
- To mail with your conference registration payment check



AT LDI-NORTH, YOUR SUNDAY BREAKFAST IS INCLUDED in the registration fee, but **YOU MUST CHOOSE REGISTER WITH BREAKFAST TO RECEIVE MEAL TICKETS AT THE CONFERENCE.**

Log In

- Online Registration Link is available at www.cafbla.org, and can be found under the Conferences tab.
- Follow prompt to go to Login page
- Log In is the same as your Online Membership Login
 - ◊ User name: Enter your chapter number
 - ◊ Password: service

Step One: Contact Information

- Update Adviser Information
- Choose Adviser who will be the main point of contact

Step Two: Adviser Registration

- Update Adviser List (Only Advisers on the list may register as Advisers others need to be added as guests/chaperones).
- Click the check boxes for the Advisers registering
- Indicate years of service

Step Three: Member Registration

- Only online paid members are listed
- Check the box next to each member attending
- Select Current Grade
- To register more than 30 members, move to the end to finalize registration after 19 minutes to avoid losing data when the system times out. You can Log back in to complete registration as many times as needed. The latest version of your registration status will be used.

Step Four: Guests/Chaperones

- Add Guest/Chaperones attending and select the appropriate Registration Type

Step Five: Finalize Registration

- Review registration information and finalize registration to proceed to Registration Summary.

Step Six: Registration Summary

- Print the necessary copies (see bottom left column on this page) and distribute.

PRELIMINARY CONFERENCE SCHEDULE (SUBJECT TO CHANGE)

Friday, October 21st	
5:30 pm-8:00 pm	CONFERENCE REGISTRATION
8:30 pm-10:30 pm	Fun, Networking Activities, Competitive events prep session
11:00 pm-6:00 am	CURFEW (Everyone in assigned rooms)
Saturday, October 22nd	
7:30 am-9:00 am	CONFERENCE REGISTRATION
9:00 am-9:30 am	Officer Workshops
9:00 am-9:45 am	LEADERSHIP SESSION I
10:00 am-11:10 am	OPENING SESSION Keynote Speaker
11:15 am-12:00 pm	LEADERSHIP SESSION II Advisers' Meeting
12:00 pm-1:20 pm	LUNCH (on your own)
1:30 pm-2:15 pm	LEADERSHIP SESSION III
2:25 pm-3:10 pm	LEADERSHIP SESSION IV
3:10 pm-3:25 pm	BREAK
3:25 pm-4:10 pm	LEADERSHIP SESSION V
4:20 pm-5:05 pm	LEADERSHIP SESSION VI
5:10 pm	Evaluation forms-Local Adviser
5:30 pm	Evaluation forms-Directors
5:30 pm-8:30 pm	DINNER (on your own)
8:30 pm-11:00 pm	March of Dimes Activities
11:30 pm-6:00 am	CURFEW (Everyone in assigned rooms)
Sunday, October 23rd	
7:30 am-11:00 am	CLOSING BREAKFAST SESSION Graduate with Honors

OPENING SESSION

At the opening session, you will be introduced to your California FBLA State and Section Officers from the Bay, Central, and Northern Sections in addition to hearing from a dynamic **KEYNOTE SPEAKER**. (Speaker information not available at the time of this publication)

GRADUATE WITH HONORS

Graduate with Honors at this year's LDI by filling out a conference Evaluation. Evaluation information will be placed in each chapter's registration materials. These evaluations must be completed in entirety in order to receive your certificate.

WORKSHOP TOPICS

Select from workshops on topics including:

- Communications
- Dress for Success
- Entrepreneurship
- Financial Independence
- Foreign Affairs
- Internships
- Leadership Development
- Networking
- Running for FBLA Office
- And much more!



ENTERTAINMENT & ACTIVITIES

COMPETITIVE EVENTS PREP SESSIONS

What makes the difference between competing at SLC and winning at SLC? Preparation and basic training! Come get whipped into great mental shape and learn the tips and tricks in competitions.

The following events will be offered for practice at LDI:

- Accounting I
- Accounting II
- Business Calculations
- Business Law
- Introduction to Financial Math
- Introduction to Business Procedures
- Computer Applications
- Computer Problem Solving
- Cyber Security
- Database Design & Applications
- Economics
- Entrepreneurship
- FBLA Principles and Procedures
- Global Business
- Health Care Administration
- Hospitality Management
- Introduction to Business
- Introduction to Business Communication
- Management Decision Making
- Marketing
- Parliamentary Procedure
- Personal Finance
- Spreadsheet Applications
- Word Processing

ADVISER MEETING

Meet other Advisers, network, and share ideas on how to guide your chapter to success. Information on upcoming events and programs will also be shared. Please come with ideas, questions, and feedback on both LDI and on FBLA in general. Look for the Adviser's meeting in the conference program.



ENTERTAINMENT ACTIVITIES FOR MARCH OF DIMES

Come get your groove on and purchase a wristband in advance for \$2 each to dress casual at the MOD charity events. Wristbands will only be sold at the Conference Check In Table. Students MUST show conference badge, and bracelets will be put on by conference staff at the time of purchase. All proceeds will be donated to the March of Dimes.

The conference committee and State and Section Officers are planning entertaining and fun activities for Friday night and Saturday night.

Check out the Conference Program upon arrival and make plans to participate in these activities.

CONFERENCE ATTIRE

Professional business attire is required for all general sessions, workshops, and other activities at the Leadership Development Institute, unless stated otherwise in the conference program. The dress code is designed to uphold the professional image of the association and its members, and to prepare students for the business world. Conference nametags are part of the dress code and must be worn at all times while participating in all conference activities.

DRESS CODE FOR MEMBERS, ADVISERS, AND CHAPERONES

Professional attire acceptable for wear during the official FBLA activities includes:

Men

- Business suit with collared dress shirt, and necktie; or sport coat, dress slacks, collared shirt, and necktie; or dress slacks, collared shirt, and necktie.
- Banded collared shirt may be worn only if a sport coat or business suit is worn.
- Dress shoes and dress socks are required.

Women

- Business suit; or a business pantsuit; or a skirt or dress slacks with blouse or sweater; or a business dress.
- Dress shoes are required,
Please Note: Skirt length needs to be at the knee or no more than three inches above.

Inappropriate attire includes:

- Backless, see-through, tight-fitting, spaghetti straps, strapless, extremely short, or low-cut blouses/tops/dresses/skirts.
- T-shirts, Lycra, spandex, midriff baring tops, tank tops or bathing suits.
- Sandals, athletic shoes, industrial work shoes, hiking boots, thongs, or over-the-knee boots.
- Hats, denim, flannel fabric clothing, or athletic wear, including sneakers.

Casual attire may be worn for specified conference events. Casual includes T-shirts, polo shirts, jeans, khakis, sneakers or sandals. Cut-off jeans, spandex or Lycra garments, and bathing suits are not appropriate casual attire. Shoes and shirt must be worn at all times.

No visible body piercing, other than ears, on either men or women.

Chapter Advisers are responsible for ensuring that their students, Advisers and chaperones comply with the rules for conference attire.

Fashion note: New fashion trends may be in style, but are not appropriate conference attire. Use common sense and be conservative rather than cutting-edge. If you have any doubt about the appropriateness of your attire, find something else to wear. Be a professional!



CONFERENCE POLICIES AND CONDUCT

CONFERENCE POLICIES

California FBLA strongly encourages that all FBLA student members participating in overnight conference functions reside at the designated and approved lodging facility for the duration of the event. All chapters must also have a school approved adult Adviser staying at the hotel with them. No exceptions.

The Code of Conduct and curfew are strictly enforced. Only participants registered for the conference may enter the conference or lodging facilities. Signed **Code of Conduct Forms** and **Medical Release Forms** must be submitted at the registration table for each participating member. Advisers should retain an additional copy of each student's forms in their possession throughout the conference. Fill-in forms may be found in the Document Library at www.cafbla.org.

Friends and family members that are not registered for LDI are prohibited to attend any LDI activities.

Students may not "come and go" during the duration of the event. Students may not leave the conference facilities without the permission of their Adviser and are expected to stay at the hotel unless approved by their Adviser.

Students may not attend FBLA activities unless there is a school approved Adviser in attendance with them on the hotel property. **Registration materials will not be issued to any student or chapter officer.** The Adviser must pick up registration materials and ensure that students are supervised and actively participating in conference educational and leadership activities.

CONFERENCE CONDUCT

FBLA has a proud tradition of excellence! Its members are noted for their professionalism, hospitality, and manners. The very nature of LDI demands that all delegates conduct themselves as professional business leaders. FBLA has established guidelines for both dress and conduct which contribute to the learning experience. All delegates must understand that though having a good time is definitely encouraged, expectations are high, and violations of accepted principles will not be tolerated.

Chapter Advisers are primarily responsible for enforcing all conduct and appearance standards with his/her chapter members. Staff is available to assist Advisers in the enforcement of conduct guidelines, when necessary.

FBLA Advisers work together to make sure the delegation adheres to accepted guidelines. **All students need to understand that any Adviser's request for improved behavior must be followed.** Advisers are encouraged to act on all transgressions by any delegates and to be sure that the delegate's local chapter Adviser is made aware of the violation.

CELL PHONES

Students are strongly encouraged to **TURN OFF** their cell phones during conference hours. Cell phones on vibrate or silent mode are acceptable as long as they are not distracting. It is not appropriate to get up and leave a session to take a call. Such behavior is very disrespectful to presenters and disruptive to other participants. Make the most of your conference experience and keep the phone off.

PARTICIPATION

All delegates are expected to fully participate in the conference. This includes attending all general sessions, meetings, and workshops. It is not appropriate for members to be simply "hanging out" during leadership and workshop sessions. It is also important for participants to display excellent standards of professionalism and attitude. Talking during sessions, refusing to participate, or disrupting sessions with distracting behavior are not signs of a professional future leader.

HOTEL INFORMATION



- On the following two pages you will find a copy of the hotel reservation form. Please note that to reserve your rooms, you will need to download the Word document version from the CA website under conferences (www.cafbla.org) and use that file to fill in your conference hotel reservation.
- To guarantee your reservation, please enclose a check for the first night's rooms (to be credited to your account) OR enter a credit card number in the space provided (recommended option to ensure your rooms are held).
- Advisers are encouraged to reserve early as we have a limited number of hotel rooms available for this conference.
- Rooms are first-come, first served. Should our room block fill up your chapter will be responsible to book rooms on their own.
- Hotel reservations are due to the Santa Clara Marriott by email, with the document attached, on September 28, 2016 by 5:00 pm PDT.
- Room rates are \$149 all inclusive. All the information you need to reserve your rooms is on the form (copy on next two pages), i.e., hotel contact person.
- Final Hotel Payment is due upon check-in. You can bring either your school check or a credit card. If you do not have payment sent before or with you upon arrival, your school will not be given your rooms but will still owe the invoice balance for the rooms.

THIS IS FOR YOUR REFERENCE ONLY!

Please **DOWNLOAD** the Word Document version of these forms at cafbla.org so you can input your chapter's information directly and email it to the Marriott.



CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA
2016 Leadership Development Institute-North
Housing Reservation Form

Make checks payable to: *Santa Clara Marriott*

Please mail check and copy of this form to:

Reservations Department: **Christy Wang**

Marriott Santa Clara

2700 Mission College Blvd.

Santa Clara, CA

Phone: (408) 986-6159

FAX: (408) 748-9529

Email: Christy.Wang@marriott.com

Accommodations

(Rates are \$149.00 per night, per room, including tax)

Single	Double	Triple	Quad
one person	two people	three people	four people
1 king bed	1 king bed	2 double beds or	1 king w/rollaway

To secure your reservation, please email this completed form ASAP to the email listed above. **NOTE: reservations are on a first-come, first-served basis. If hotel block is full, chapters may have to find other accommodations in the area.**

To guarantee your reservation, please enclose a check for the first night's room and tax (to be credited to your account) OR a credit card number in the space provided. Failure to arrive on your indicated check-in date without prior notification (by September 28, 2016) will result in cancellation of your reservation and forfeiture of your deposit, or one night's room charge will be billed to your credit card.

Person responsible for group's Billing:	E-mail address:
School Name	
Mailing Address	
City/ZIP	
School Phone	FAX Number
Date and Time of Arrival	Departure Date
Credit Card Type	Card Number
Expiration Date	Name on Card

I authorize the Marriott Santa Clara to charge my account for one night's deposit and all applicable taxes.

THIS IS FOR YOUR REFERENCE ONLY!

Please **DOWNLOAD** the Word Document version of these forms at cafbla.org so you can input your chapter's information directly and email it to the Marriott.

LDI-NORTH 2016 HOUSING FORM, PART 2

School		Responsible Adviser and Cellphone Number	
---------------	--	---	--

Please type or print clearly the names and complete all column(s).

Check Appropriate Room Type	Male or Female	Name(s) of Room Occupant(s)
Single		
Double		
Triple		
Quad		
Single		
Double		
Triple		
Quad		
Single		
Double		
Triple		
Quad		
Single		
Double		
Triple		
Quad		
Single		
Double		
Triple		
Quad		
Single		
Double		
Triple		
Quad		

Copy this sheet if you need additional space.

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Center High School

Date: 9/23/16

To: CUSD Board of Trustees

From: Mike Jordan

Principal's Initials MJ

Action Item X

Information Item _____

Attached Pages 8

SUBJECT:

The California Department of Education mandates all Partnership Academies provide opportunities for students to go on field trips. The plan this year is for the MCA to take students to Hawaii in order to create a real-world working experience by having all students be part of creating a project to share with the community. This cross curricular project will include elements of English, History, Spanish as well as media components. While in Hawaii, the students will tour the University of Hawaii at Manoa and its television studio, walk through the rain forest to Manoa waterfall, swim at Hanauma Bay Marine Preserve, stand above the Memorial USS Arizona, shop and taste pineapple at the Dole Plantation, observe world ranked surfers at the North Shore Pipeline, be entertained by a Hawaiian Chief at the Macadamian Nut Farm, visit an ancient Buddhist Temple, shop at International Market, learn about the local animal life at the Waikiki Aquarium Hawaii, observe an Athletic event, and even Climb Diamond Head Volcano. The students will fundraise for their expenses. The chaperones attending will be Matt Chamberlain, Amy Chaney, Rob McInnes, Vernon Bisho, Amy Chaney, Kristen Clements, Anne Cowan, Heather Woods and Brina Jope. The date of the trip is during March 6-11. The students will fly on Hawaiian Air and stay at the Sheraton Princess Kaialani and the Waikiki Gateway in Honolulu.

CONSENT AGENDA

RECOMMENDATION: Approval for the MCA to take students to Hawaii in order to create a real-world working experience by having all students be part of creating a project to share with the community.

Field Trip Planning/Approval Form

Teacher: MATT CHAMBERLAIN

60
Number of Students

Class or Club MCA

Clear description of the trip's connection to the curriculum and standards:

Students will produce a video & produce a yearbook spread as they visit U of Hawaii, Moolia School, Pearl Harbor, Hawaiian History Museum, visit Marine Preserve at Hanalei Bay, climb a volcano, visit a Buddhist temple, Battle Field

Date of Trip March 6 Time Leaving _____ Time Returning Sat March 12

Other Places you may go during the trip: see above

Transportation Request Submitted YES _____ NO X

Are parents driving, and if so has a volunteer & employee auto usage statement on file? YES _____ NO X

If the trip is overnight or over 150 miles, and if so has the Board Agenda Request been submitted? YES X NO _____

Teacher Signature* Matt Cull Date 9/20/16

*Signature indicates the teacher has examined and supports how the trip supports academic and content standards.

Dept. Chair Signature* Matt Cull Date 9/20/16

*Signature indicates the Department Chair has examined and supports how the trip supports academic and content standards.

Principals Signature Matt Cull Date 9/22/16

Reminders:

1. This form must be completed by the teacher and have final approval BEFORE any letters are sent home or any final arrangements are made. Requests must be submitted at least ten (10) days before the trip. Requests for trips over 150 miles or that include an overnight stay must be submitted to the Board of Trustees for approval at least thirty (30) days prior to the trip
2. A final list of student participants must be placed in each staff mailbox, and a copy given to the attendance office, no less than three (3) days prior to the trip.
3. Refer to the Field Trip Procedural Outline to insure that all appropriate forms are completed.
4. If there are any special factors about the trip, please attach a separate sheet describing them.

The California Department of Education mandates all Partnership Academies provide opportunities for students to go on field trips. The plan this year is for the MCA to take students to Hawaii in order to create a real-world working experience by having all students be part of creating a project to share with the community. This cross-curricular project will include elements of English, History, Spanish as well as media components.

While in Hawaii, the students will tour the University of Hawaii at Manoa and its television studio, walk through the rain forest to Manoa waterfall, swim at Hanauma Bay Marine Preserve, stand above the Memorial USS Arizona, shop and taste pineapple at the Dole Plantation, observe world ranked surfers at the North Shore Pipeline, be entertained by a Hawaiian Chief at the Macadamian Nut Farm, visit an ancient Buddhist Temple, shop at International Market, learn about the local animal life at the Waikiki Aquarium Hawaii, observe an Athletic event, and even Climb Diamond Head Volcano.

The students will fundraise for their expenses. The chaperones attending will be Matt Chamberlain, Amy Chaney, Rob McInnes, Vernon Bisho, Amy Chaney, Kristen Clements, Anne Cowan, Heather Woods and Brina Jope. The date of the trip is during March 6-11. The students will fly on Hawaiian Air and stay at the Sheraton Princess Kaiulani and the Waikiki Gateway in Honolulu.

HAWAII Trip for Juniors

Sunday, March 5, 2017

- 8am Fly out of Sacramento Hawaiian Airlines
- Noon Arrive Honolulu
- 1PM check in to Hotel
- 2PM lecture on the Beach
- 3PM Military Museum Tour
- 4PM Beach Time
- 6PM Scavenger hunt
- 7PM-9PM Dinner and Shopping
- 10PM curfew

Monday, March 6

- 7am breakfast
- 8am Depart Hotel for University of Manoa Tour
- noon depart for Manoa Falls - Jungle Walk
- 3PM Tour Queen Liliokalanis Palace and State Capital, Punch Bowl
- 5pm Beach time
- 7PM Dinner and Shopping
- 10PM Curfew

Tuesday, March 7

- 630 breakfast
- 7am depart for Pearl Harbor
- 8am Pearl Harbor and USS Arizona Memorial
- 11am Dole Plantation
- 1230PM Pipeline Surfing exhibition and Turtle Bay

MARCH 6-10, 2017

- 2pm Macadamia Nut Farm
- 3PM Bodo Buddhists Temple
- 430PM Pali Lookout
- 6PM University of Hawaii Sporting Event
- 10PM Arrive Hotel - curfew

Wednesday, March 8

- 630am breakfast
- 7am depart Hotel
- 9am Hanauma Bay Marine Preserve
- Noon Climb Diamond Head Volcano
- 3PM Arrive at hotel
- 4PM Depart for Germaines Luau
- 10PM Arrive at Hotel & Curfew

Thursday, March 9

- 7am breakfast
- 8am Closing ceremony on Beach
- 9am Last chance to shop and pack
- 11am Depart for Airport
- 2PM Flight out of Honolulu International
- 9PM Arrive in Sac

Chaperones -Matt Chamberlain, Vernon Bisho, Heather Woods, Anne Cowan, Brina Jope

Hawaii Itinerary for Seniors 2017

Tuesday, March 7

- 6am arrive at Sac Airport
- 8am Depart for Honolulu
- Noon Arrive Honolulu International Airport
- 1PM Check in at Hotel
- 2PM Lecture on the Beach
- 3-430PM Military History Museum & Beach Time
- 6PM Depart for University of Hawaii Sporting Event
- 10PM Arrive at hotel and Curfew

Wednesday, March 8

- 630am breakfast
- 7am depart hotel
- 9am Hanauma Bay Marine Preserve - snorkeling
- Noon - Climb Diamond Head
- 3PM arrive at Hotel, shower
- 4PM depart for Germaines Luau
- 10PM Arrive at Hotel & Curfew

Thursday, March 9

- 7am breakfast
- 8am depart for University of Hawaii at Manoa
- noon depart for Manoa Falls - Jungle Walk
- 3PM Punchbowl, Queen Liliokalanis Palace, State Capital
- 5PM beach time
- 7PM Dinner and shopping & 10PM curfew

Tuesday, March 8 2017

- Friday, March 11

- 6am breakfast
- 7am depart hotel for Island tour
- 8am arrive at Pearl Harbor for USS Arizona Memorial tour
- 11am Dole Plantation
- 1230 Pipeline Surfing exhibition, turtle bay
- 2PM Macadamia Nut Farm
- 3PM Byodo Buddhist Temple
- 430PM Pali Lookout
- 6PM arrive at hotel
- 6-10PM Beach time, dinner and shopping

Saturday, March 12

- 7am breakfast
- 8am closing ceremony
- 9am last chance shopping and packing
- 11am depart for airport
- 2PM depart for Sac
- 9PM arrive in Sac
-

Chaperones - Amy Chaney, Kristen Clements, Rob McInnes, Matt Chamberlain

Table 1

last name	May \$100	Sep. \$500	Oct. \$400	Nov. \$300	Fundraiser	total	
	100	500			270 SNAP270	870	FJ
	100 fundraising					100	FJ
	100	500				600	FJ
	100				45 SNAP45	145	FJ
	100	500			135 SNAP135-85 clothe	650	FS
ok	100	500				600	FS
		250				250	FS
	100 285 Raiders	195 Boosters				580	FJ
ok		boosters 500				500	FS
	100	500			300 SNAP300	900	MJ
	100	500	100			700	MJ
	100	500				600	FS
	100	500	86			686	FJ
	100					100	FS
	100	500				600	FJ
	100	500			45 SNAP45	645	FJ
	100	500			270 SNAP300	870	FS
	100	220			205 SNAP205	525	FS
	100 fundraised		150		300 SNAP450	550	FJ
	100					100	MJ
		500				500	FJ
	100	500				600	MJ
	100	500				600	MS
	100	500				600	MJ
	100	500				600	MS
	100	500			200 SNAP200	800	MJ
	100	500			20 SNAP20	620	MS
	100	230			300 SNAP 300	830	MJ
	100	500				600	MS
ok		fundraising			SNAP 45	45	MS
	100				20 SNAP20	120	FS
	100	500				600	FS
	100	500	235		300 SNAP535	1135	FJ
	100				20 SNAP20	120	FJ
ok		500				500	FS
					80 SNAP80	80	FJ
	100 fundraising					100	FJ
	100	500				600	FS
	100	500				600	FS
	100	500				600	MJ
	300	250				550	FJ
	100	865			135 SNAP135	1100	MS
	100	500			300 SNAP300	900	FS
	100					100	FJ
	100	500			180 SNAP180	780	FJ
	100	500				600	MJ
	100	500			75 SNAP75	675	MS
	100	500			65 SNAP65	665	FS
	100					100	MJ
	100	296			235 SNAP235	631	FJ

last name	May \$100	Sep. \$500	Oct. \$400	Nov. \$300	Fundraiser	total		
	x	x	x	x		1,300	1,300	FJ
	100	fundraised		350	300 SNAP650		750	MS
	100		500		110 SNAP 110		710	FJ
	100				125 SNAP125		225	FJ
	100						100	MJ
	100		500		65 SNAP65		665	MJ
	100				30 SNAP30		130	FJ
	100		200				300	FJ
	100		450				550	FS
	100		500		65 SNAP65		665	MJ
	100		500				600	FJ
	100				135 SNAP135		235	MJ
	400		900 x		15 SNAP15		1300	FJ
	100		500	200			800	MJ
	100		500				600	FJ
	100		500				600	MJ
	100		500		25 SNAP25		625	FS
	100						100	MS
	100		500				600	FS
	100		500				600	FS
				Chaperones	JUNIORS-41	SENIORS-32		
				2 females	FEMALES-26	FEMALES-22	2 females	
				2 males	MALES-15	MALES-10	2 males	
				2 rooms	ROOMS -11	ROOMS-9	2 rooms	

Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site: Facilities & Operations Department		
To:	Board of Trustees	Action Item <u> X </u>
Date:	October 19, 2016	Information Item <u> </u>
From:	Craig Deason, Assist. Supt.	# Attached Pages <u> 4 </u>
Assist. Supt. Initials:	<u> CD </u>	

SUBJECT:	Amendment 1 to Agreement with CPM for Prop 39 Planning Services
<p>Facilities & Operations request that the Agreement with CPM entered into January 21, 2015, be amended so as to add budget and accounting services, change schedule of hourly rates, and add allowable reimbursable expenses.</p>	
<p>Recommendation: That the Board of Trustees approves Amendment 1 to the agreement with CPM for Prop 39 planning and implementation services.</p>	

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CONSENT AGENDA

Contract Amendment #1

October 19, 2016

Planning and implementation services associated with Proposition 39, California Clean Energy Jobs Act Agreement between Center Joint Unified School District and Capital Program Management Inc., "Program Manager or PM" (hereinafter collectively referred to as "Parties").

WHEREAS, the Parties entered into an Agreement ("Agreement") dated January 21, 2015 to provide planning and implementation services in connection with the Proposition 39, California Clean Energy Jobs Act for the District; and

WHEREAS, the Parties wish to amend the Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

This is an Amendment to enhance the scope of services to add budget and accounting services for the Prop 39 implementation, to change the Schedule of Hourly Rates to align with Center's contract with CPM for Facility Needs Assessment and Implementation Planning Services, and to add Allowable Reimbursable Expenses.

ADD to Exhibit "A" Project Scope the following:

- L. Budget & Accounting services for invoice due diligence, transactional posting, and updates to logs and budget reports.

REPLACE Exhibit "B" with Exhibit "B" - Revised (attached).

ADD Exhibit "C" Allowable Reimbursable Expenses (attached).

NOW, THEREFORE, the Parties agree that all other terms, conditions, exhibits, and obligations of the Agreement remain in effect throughout the term of the Agreement except for those provisions of the Agreement that are directly contradicted by this Amendment, in which event the terms of the Amendment shall control.

The covenants and conditions contained in this Amendment shall apply to and bind the Parties and the heirs, legal representatives, successors and permitted assigns of the Parties.

[Signature on following page]

This Amendment is executed as of the day and year first written above.

CENTER JOINT UNIFIED SCHOOL DISTRICT:

By: _____

Its: _____

Date: _____

CAPITAL PROGRAM MANAGEMENT, INC.:

By:  _____

Mr. Wallace E. Browe

Its: President

Date: 10.7.16

Exhibit "B" - Revised
Estimated Fees - Proposition 39 Planning & Implementation Services

Total Cost Not-To-Exceed \$130,000 per the following:

Proposition 39 Planning & Implementation Services: These services are to be performed on an hourly basis per the following rate schedule and based on the actual hours expended.

SCHEDULE OF HOURLY RATES FOR PERSONNEL COSTS

Position		Rates for 7/1/16 – 12/31/16	Rates for 1/1/17 – 12/31/17	Rates for 1/1/18 – 12/31/18
PIC	President	\$195	\$196	\$204
	Vice President	\$195	\$196	\$204
	Principal	\$195	\$196	\$204
Planning & Program Management Practice	Program Director	\$195	\$196	\$204
	Senior Program Manager	\$186	\$184	\$191
	Program/Project Manager	\$170	\$169	\$176
	Asst. Program/Project Manager	\$145	\$143	\$149
	Program Coordinator II	\$109	\$108	\$112
	Program Coordinator I	\$92	\$91	\$95
	Senior Estimator	\$186	\$184	\$191
	Estimator	\$170	\$169	\$176
	Senior Scheduler	\$186	\$184	\$191
	Scheduler	\$170	\$169	\$176
	Clerical	\$58	\$58	\$60
Prop 39 Planning & Project Management	Senior Mechanical/Electrical Engineer	\$186	\$184	\$191
	Electrical Engineer	\$170	\$169	\$176
	Lighting/Controls/Energy Specialist	\$170	\$169	\$176
	Senior Energy Analyst	\$170	\$169	\$176
	Trainer	\$170	\$169	\$176
	Field Engineer	\$145	\$143	\$149
Budget & Accounting Practice	Director of Budget & Accounting	\$190	\$196	\$204
	Budget & Accounting Manager	\$179	\$184	\$191
	Senior Budget Analyst	\$136	\$140	\$146
	Budget Analyst	\$122	\$126	\$131
	Asst. Budget Analyst	\$95	\$98	\$102
Educational Technology Practice	Director of Educational Technology	\$190	\$196	\$204
	Senior Ed-Tech Manager	\$179	\$184	\$191
	Ed-Tech Manager	\$164	\$169	\$176
	Asst. Ed-Tech Manager	\$138	\$143	\$149
	Drafter	\$126	\$130	\$135
Contract Management	Director of Contract Management	\$190	\$196	\$204
	Senior Contract Manager	\$179	\$184	\$191
	Contract Manager	\$164	\$169	\$176
	Contract Administrator	\$138	\$143	\$149
	Assistant Contract Administrator	\$105	\$108	\$112

Exhibit "C"

ALLOWABLE REIMBURSABLE EXPENSES

The PM will be reimbursed for reasonable expenses incurred in conjunction with the project. The items allowable for reimbursement are as follows:

1. Cost of travel between sites within the District.
2. Cost of printing and distributing documentation and reports.
3. Cost of postage, UPS, Federal Express, and other deliveries.
4. Cost of reproduction of plans and specifications.
5. Cost of legal notices published for project.

Reimbursable expenses will be billed to the Owner at direct cost plus 5%.

Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site: Facilities & Operations Department		
To:	Board of Trustees	Action Item <u> X </u>
Date:	October 19, 2016	Information Item <u> </u>
From:	Craig Deason, Assist. Supt.	# Attached Pages <u> 1 </u>
Assist. Supt. Initials:	<u> CD </u>	

<p>SUBJECT: Amendment 1 to Agreement with CPM for Facility Needs Assessment and Implementation Planning Services for Modernization Projects</p> <p>Facilities & Operations request that the Agreement with CPM entered into June 30, 2016, be amended so as to add eligibility research services to Attachment 1 of the Agreement. Under Scope of Work, 1.g., Utilize specialty sub-consultants, add “- Eligibility research services (Hancock, Park & DeLong)”.</p> <p>Recommendation: That the Board of Trustees approves the amendment to the agreement with CPM for needs assessment, planning and implementation services for future modernization projects.</p>

CONSENT AGENDA

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Contract Amendment #1

October 19, 2016

Facility Needs Assessment and Implementation Planning Services For Modernization Projects Agreement between Center Joint Unified School District, Sacramento County, California, hereinafter called the Owner or District, and Capital Program Management Inc., hereinafter called the Program Manager or PM (hereinafter collectively referred to as "Parties").

WHEREAS, the Parties entered into an Agreement ("Agreement") dated June 30, 2016 to provide Program Management Services for Facility Needs Assessment and Implementation Planning Services in connection with renovation projects in the District; and

WHEREAS, the Parties wish to amend the Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

This is an Amendment to enhance the scope of services to add eligibility research services to Attachment 1 – Proposal for Facility Needs Assessment and Implementation Planning Services for Modernization Projects.

ADD to Attachment 1 – Proposal for Facility Needs Assessment and Implementation Planning Services for Modernization Projects, under Scope of Work, I. Site Condition Assessments, g. Utilize specialty sub-consultants:

- Eligibility research services (Hancock, Park & DeLong)

NOW, THEREFORE, the Parties agree that all other terms, conditions, exhibits, and obligations of the Agreement remain in effect throughout the term of the Agreement except for those provisions of the Agreement that are directly contradicted by this Amendment, in which event the terms of the Amendment shall control.

The covenants and conditions contained in this Amendment shall apply to and bind the Parties and the heirs, legal representatives, successors and permitted assigns of the Parties.

This Amendment is executed as of the day and year first written above.

CENTER JOINT UNIFIED SCHOOL DISTRICT:

CAPITAL PROGRAM MANAGEMENT, INC.:

By: _____

By:  _____

Mr. Wallace E. Browe

Its: _____

Its: President _____

Date: _____

Date: 10-6-16 _____



Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Facilities & Operations Department

To: Board of Trustees

Action Item X

Date: October 19, 2016

Information Item

From: Craig Deason, Assist. Supt.

Attached Pages 2

Assist. Supt. Initials: CD

SUBJECT: Notice of Completion for the
Center High School – Proposition 39 Funded
Energy Efficiency and Conservation Lighting Project
Pacific Power & Systems, Inc.

The Center High School – Proposition 39 Funded Energy Efficiency and Conservation Lighting Project at Center High School contract awarded to Pacific Power & Systems has been completed as of October 7, 2016. I have verified that all contract requirements have been completed and the Notice of Completion is ready to be filed.

RECOMMENDATION: That the Board of Trustees approves filing of the Notice of Completion for all work contracted to Pacific Power & Systems in association with the Center High School – Proposition 39 Funded Energy Efficiency and Conservation Lighting Project.

CONSENT AGENDA

Board Meeting:
October 19, 2016

TO: Board of Trustees
FROM: Scott Loehr, Superintendent
SUBJECT: **NOTICE OF COMPLETION – Pacific Power & Systems, Inc.**
**PROPOSITION 39 FUNDED ENERGY EFFICIENCY and
CONSERVATION LIGHTING PROJECT**

SUPPORT INFORMATION:

The Center High School – Proposition 39 Funded Energy Efficiency and Conservation Lighting Project contract was awarded to Pacific Power & Systems, Inc., at the District's September 21, 2016 Board meeting.

The contractor has met the requirements set forth in the construction documents and work has been completed to the satisfaction of the Superintendent.

Upon approval by the Board, the Superintendent will file the Notice of Completion with the Sacramento County Recorder's Office.

FISCAL IMPLICATION:

Thirty-five (35) days following the filing of the Notice of Completion with the Sacramento County Recorder's Office, the District may release the 5% contractor's retention. The 5% retention is included within the contract price, so there is no net fiscal impact to the District.

RECOMMENDED ACTION:

Approve the Notice of Completion for Pacific Power & Systems, Inc., for the Center High School – Proposition 39 Funded Energy Efficiency and Conservation Lighting Project.

RECORDING REQUESTED BY

AND

WHEN RECORDED MAIL TO

CENTER JOINT UNIFIED SCHOOL DISTRICT
8408 Watt Avenue
Antelope, CA 95843

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN

That the work of Center High School – Proposition 39 Funded Energy Efficiency and Conservation Lighting Project was completed on:

October 7, 2016.

That the name and address of owner of said property is:

CENTER JOINT UNIFIED SCHOOL DISTRICT
8408 Watt Avenue
Antelope, CA 95843

The nature of its title to said property is a fee simple.

That the name of the original contractor for the work is Pacific Power & Systems, Inc., a licensed contractor of California. That the property herein above referred to are located at 8408 Watt Avenue, Antelope, CA 95843.

Center Joint unified School District
A Political Subdivision of the State of California

By: _____

Scott A. Loehr, Superintendent
Center Joint Unified School District
8408 Watt Avenue, Antelope, CA 95843

(STATE OF CALIFORNIA)
(City of Antelope)
(County of Sacramento)

Scott A. Loehr, being first duly sworn, deposes and says: That I am the Superintendent of the Center Joint Unified School District, which District is the owner of property described in the forgoing Notice of Completion and knows the contents thereof; that the facts therein stated are true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing to true and correct.

Dated this _____ day of _____, 2016.

Scott A. Loehr, Superintendent

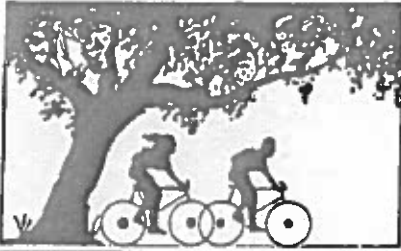
Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site: Facilities & Operations Department		
To:	Board of Trustees	Action Item <u> X </u>
Date:	October 19, 2016	Information Item <u> </u>
From:	Craig Deason, Assist. Supt.	# Attached Pages <u> </u>
Assist. Supt. Initials:	<u> CD </u>	

SUBJECT:	Ground Lease Agreement: North Highlands Recreation & Park District
<p>The Ground Lease Agreement between the North Highlands Recreation and Park District and Center Joint Unified School District extends the original agreement signed in August, 1992, for another five years.</p>	
<p>RECOMMENDATION: That the Board of Trustees approves the proposed Five Year Ground Lease Agreement with North Highlands Recreation & Park District.</p>	

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CONSENT AGENDA



October 1, 2016

CENTER JOINT UNIFIED SCHOOL DISTRICT

GROUND LEASE AGREEMENT EXTENSION

The Ground Lease Agreement between the North Highlands Recreation and Park District and the Center Joint Unified School District has been extended for five (5) years, through September, 2021. All terms and conditions remain the same as set forth in the initial agreement, dated August 24, 1992 and amended August 18, 2010, with one change in the conditions. The yearly payment amount has been revised. The new schedule is listed below.

This agreement may be terminated by either party before expiration of its term in any one of the following ways:

1. By mutual agreement of the parties, expressed in writing.
2. By School or Park District upon giving the other party at least six (6) months written notice of termination.

The payment schedule for the five year term will be as follows:

Year one:	2016/2017	\$4,000
Year two:	2017/2018	\$4,000
Year three:	2018/2019	\$4,500
Year four:	2019/2020	\$4,500
Year five:	2020/2021	\$5,000

Payment will be due and payable at the beginning of September each year.

Alan Matré, Chairperson

Date

Scott Loehr, Superintendent

Date

North Highlands Recreation and Park District

Center Joint Unified School District

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept. /Site: Business Department

Date: 10/04/2016

Action Item

To: Board of Trustees

Information Item

From: Lisa Coronado

Attached Page 1

SUBJECT:

**APPROVAL OF CENTER JOINT UNIFIED SCHOOL DISTRICT
PAYROLL ORDERS**

The Governing board is asked to approve the attached payroll Orders for July 2016 through September 2016.

RECOMMENDATION: That the CJUSD Board of Trustees approve the District Payroll Orders for July 2016 through September 2016.

CONSENT AGENDA

DISTRICT PAYROLL-SUMMARIZED FOR FISCAL YEAR ENDING JUNE 30,2017

	REGULAR	VARIABLE	SPECIAL	TOTAL PAYROLL	#OF TRANSACTIONS
JULY	\$ 981,000.75	\$ 64,821.20		\$ 1,045,821.95	271
AUG	\$ 2,503,675.78	\$ 114,671.61		\$ 2,618,347.39	835
SEPT	\$ 2,505,464.56	\$ 172,109.94		\$ 2,677,574.50	898
OCT				\$ -	
NOV				\$ -	
DEC				\$ -	
2-Jan				\$ -	
JAN				\$ -	
FEB				\$ -	
MARCH				\$ -	
APRIL				\$ -	
MAY				\$ -	
JUNE				\$ -	
SPECIAL				\$ -	

\$ 5,990,141.09	\$ 351,602.75	\$ -	\$ 6,341,743.84	2004
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Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site:	Business Department	
Date:	September, 2016	Action Item
To:	Board of Trustees	Information Item
From:	Jeanne Bess	# Attached Pages <u>64</u>

SUBJECT: Supplemental Agenda – Commercial Warrant Registers
September 1,2016 \$245,132.43, September 8, 2016 \$468,426.03, September 22, 2016 \$691,328.18, September 29, 2016 \$329,259.44
The commercial warrant payments to vendors totals \$ 1,734,146.08
RECOMMENDATION: That the CJUSD Board of Trustees approve the Supplemental Agenda – Vendor Warrants as presented

CONSENT AGENDA

Batch status: A All

From batch: 0014

To batch: 0014

Include Revolving Cash: Y

Include Address: N

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

J12553 APY500 H.02.05 09/01/16 PAGE 1
<< Open >>

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP			

015930/00	ADA	BADMINTON & TENNIS					
148 PO-170128	09/01/2016	J-7184-16	1	01-0000-0-4300-472-1550-1000-014-000	NN F	556.36	550.00
148 PO-170128	09/01/2016	J-7184-16	2	01-6300-0-4300-472-1110-1000-014-000	NN F	831.60	737.00
TOTAL PAYMENT AMOUNT							1,287.00
						1,287.00 *	1,287.00
016059/00	ANDERSON	LUMBER					
10 PO-170009	09/01/2016	192108110	1	01-8150-0-4300-106-0000-8110-007-000	NN P	114.23	114.23
TOTAL PAYMENT AMOUNT							114.23
						114.23 *	114.23
019210/00	ANDREWS,	JULIE					
654 PO-170644	09/01/2016	TRAVEL EXPENSES	1	01-0000-0-5200-371-1110-1000-012-000	NN F	149.59	149.59
TOTAL PAYMENT AMOUNT							149.59
						149.59 *	149.59
016075/00	ANWAR,	SHAHNAZ					
713 PO-170655	09/01/2016	REIMB	2	01-6500-0-4200-102-5770-1110-002-000	NN F	109.65	109.65
713 PO-170655	09/01/2016	REIMB	1	01-6500-0-4300-102-5750-1110-002-000	NN F	139.88	139.88
TOTAL PAYMENT AMOUNT							249.53
						249.53 *	249.53
010564/00	APPLE	COMPUTER					
644 PO-170551	09/01/2016	4396852269	1	01-6500-0-4400-102-5001-2700-002-000	NN F	520.32	520.32
TOTAL PAYMENT AMOUNT							520.32
						520.32 *	520.32
019504/00	B & H	PHOTO-VIDEO					
577 PO-170494	09/01/2016	114188523	1	01-0000-0-4300-115-0000-7700-007-000	YN F	322.91	298.99
637 PO-170554	09/01/2016	114457217	1	01-0000-0-4300-236-1110-1000-009-000	YN F	70.20	65.00
TOTAL PAYMENT AMOUNT							363.99
						363.99 *	363.99
TOTAL USE TAX AMOUNT							29.12
021669/00	BAIONI,	RON					
770 PO-170679	09/01/2016	REIMB	1	01-0000-0-5210-371-0000-2700-012-000	NN F	162.00	162.00
TOTAL PAYMENT AMOUNT							162.00
						162.00 *	162.00

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

J12553 APY500 H.02.05 09/01/16 PAGE 3
<< Open >>

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
010407/00	CENTER UNIFIED REVOLVING FUND	000000000					
743 PO-170646	09/01/2016	4184	1 01-0000-0-5800-234-1110-1000-008-000 NN F			306.45	306.45
			TOTAL PAYMENT AMOUNT	306.45 *			306.45
015735/00	COUNTY OF SACRAMENTO						
44 PO-170043	09/01/2016	19024	1 01-8150-0-5800-106-0000-8110-007-000 NN P			25.00	25.00
			TOTAL PAYMENT AMOUNT	25.00 *			25.00
016761/00	CPM EDUCATIONAL PROGRAM						
663 PO-170571	09/01/2016	1605418-IN	1 01-0037-0-4100-103-1110-1000-003-000 NN F			529.20	503.31
			TOTAL PAYMENT AMOUNT	503.31 *			503.31
019423/00	DECOTECH SYSTEMS INC						
632 PO-170549	09/01/2016	16-28735	1 01-0370-0-6500-115-0000-7700-007-000 NN F			1,093.18	1,093.18
			TOTAL PAYMENT AMOUNT	1,093.18 *			1,093.18
021610/00	EATON INTERPRETING SERVICES						
698 PO-170602	09/01/2016	232988	1 01-0000-0-5800-103-4760-1000-003-740 NN P			105.00	105.00
			TOTAL PAYMENT AMOUNT	105.00 *			105.00
020587/00	ELECTRIC GOLF CAR COMPANY INC						
633 PO-170556	09/01/2016	7978	2 01-0000-0-4300-112-0000-3600-007-000 NN P			54.00	54.00
			TOTAL PAYMENT AMOUNT	54.00 *			54.00
019262/00	ENTERPRISE RENT A CAR						
746 PO-170649	09/01/2016	48K95D	1 01-0000-0-5600-472-1110-4200-014-915 NN F			153.04	153.04
			TOTAL PAYMENT AMOUNT	153.04 *			153.04
019519/00	EPIC SPORTS INC						
588 PO-170509	09/01/2016	2279418	1 01-0000-0-4300-236-1110-1000-009-000 YN F			148.70	135.53
			TOTAL PAYMENT AMOUNT	135.53 *			135.53
			TOTAL USE TAX AMOUNT	10.84			

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

J12553 APY500 H.02.05 09/01/16 PAGE 4
<< Open >>

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

014292/00	FLINN SCIENTIFIC INC						
504 PO-170435	09/01/2016	2000752	1 01-0000-0-4300-472-1600-1000-014-000 NN F			20.54	28.68
			TOTAL PAYMENT AMOUNT	28.68 *			28.68
022347/00	GIVE SOMETHING BACK						
311 PO-170390	09/01/2016	IN-0534987	1 01-0000-0-4400-110-0000-7200-004-000 NN F			897.47	798.13
694 PO-170601	09/01/2016	IN-0535515	1 01-6500-0-4300-102-5770-1110-002-000 NN F			221.84	221.83
719 PO-170618	09/01/2016	IN-0535517	1 01-0000-0-4300-472-0000-2700-014-000 NN F			361.53	361.52
			TOTAL PAYMENT AMOUNT	1,381.48 *			1,381.48
017618/00	GOPHER SPORT						
432 PO-170382	09/01/2016	9194141	1 01-0000-0-4300-240-1110-1000-011-000 NN F			4,521.47	5,290.12
553 PO-170480	09/01/2016	9197136	1 01-6300-0-4300-240-1110-1000-011-000 NN F			890.03	1,041.34
			TOTAL PAYMENT AMOUNT	6,331.46 *			6,331.46
022345/00	HAGMAN, AARON						
754 PO-170658	09/01/2016	TRAVEL EXPENSES	1 01-0000-0-5200-475-3200-1000-015-000 NN F			249.23	249.23
			TOTAL PAYMENT AMOUNT	249.23 *			249.23
016486/00	HDS WHITE CAP CONST.SUPPLY						
416 PO-170365	09/01/2016	10005684962	1 01-0000-0-4300-106-0000-8110-007-000 NN P			308.64	308.64
			TOTAL PAYMENT AMOUNT	308.64 *			308.64
010602/00	HI-LINE ELECTRICAL & MECH						
88 PO-170085	09/01/2016	10482666	1 01-0000-0-4300-112-0000-3600-007-000 NN P			172.32	172.32
			TOTAL PAYMENT AMOUNT	172.32 *			172.32
015264/00	HIGHLANDS RADIATOR						
687 PO-170596	09/01/2016	14631	1 01-0000-0-5600-112-0000-3600-007-000 NY P			523.80	523.80
			TOTAL PAYMENT AMOUNT	523.80 *			523.80

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

J12553 APY500 H.02.05 09/01/16 PAGE 5
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE	SIT GOAL FUNC	RES DEP T9MP		

017002/00	HOME DEPOT CREDIT SERVICES							
434 PO-170380	09/01/2016	6035322649033119		1 01-6382-0-4300-472-1110-1000-014-000	NN	P	25.16	25.16
				TOTAL PAYMENT AMOUNT				25.16
016176/00	IDVILLE							
524 PO-170455	09/01/2016	3092486		1 01-0000-0-4300-110-0000-7200-004-000	NN	F	110.16	115.55
				TOTAL PAYMENT AMOUNT				115.55
018990/00	INTERSTATE BATTERIES							
78 PO-170076	09/01/2016	90013020-10092642		1 01-0000-0-4300-112-0000-3600-007-000	NN	P	722.04	722.04
				TOTAL PAYMENT AMOUNT				722.04
010728/00	JOHNSTONE SUPPLY OF SACRAMENTO							
23 PO-170022	09/01/2016	27-S2132061		1 01-8150-0-4300-106-0000-8110-007-000	NN	P	1,028.34	1,028.34
				TOTAL PAYMENT AMOUNT				1,028.34
014411/00	KNOWLEDGE MATTERS INC.							
531 PO-170460	09/01/2016	15662		1 01-6387-0-5800-472-1110-1000-014-000	NN	F	2,990.00	2,990.00
				TOTAL PAYMENT AMOUNT				2,990.00
010806/00	LD PRODUCTS							
589 PO-170510	09/01/2016	SIP-005113445		1 01-0000-0-4300-236-1110-1000-009-000	NN	F	235.16	233.24
598 PO-170523	09/01/2016	SIP-005114079		1 01-0000-0-4300-236-1110-1000-009-000	NN	F	97.99	97.19
				TOTAL PAYMENT AMOUNT				330.43
017726/00	LOS ANGELES FREIGHTLINER							
63 PO-170061	09/01/2016	NB21760		1 01-0000-0-4300-112-0000-3600-007-000	NN	P	695.94	695.94
63 PO-170061	09/01/2016	BN79912		1 01-0000-0-4300-112-0000-3600-007-000	NN	P	12.90	12.90
63 PO-170061	09/01/2016	BN79813		1 01-0000-0-4300-112-0000-3600-007-000	NN	P	10.53	10.53
63 PO-170061	09/01/2016	BN79951		1 01-0000-0-4300-112-0000-3600-007-000	NN	P	161.48	161.48
				TOTAL PAYMENT AMOUNT				880.85

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

J12553 APY500 H.02.05 09/01/16 PAGE 6
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

020602/00	MCGRAW HILL SCHOOL EDUCATION							
203 PO-170225	09/01/2016	93003578001		1 01-0037-0-4100-103-1110-1000-003-000 NN P			3,340.41	3,340.41
203 PO-170225	09/01/2016	93292344001		1 01-0037-0-4100-103-1110-1000-003-000 NN F			680.92	470.10
				TOTAL PAYMENT AMOUNT				3,810.51 *
015663/00	MCNICHOLS, SHIRLEY							
695 PO-170630	09/01/2016	REIMB		1 01-0000-0-4300-472-0000-2700-014-000 NN F			138.51	138.51
				TOTAL PAYMENT AMOUNT				138.51 *
016087/00	MICHAEL'S TRANSPORTATION SERV.							
234 PO-170226	09/01/2016	93307		1 01-0000-0-5800-112-0000-3600-007-000 NN P			2,555.00	2,555.00
789 PO-170682	09/01/2016	93446		1 01-0000-0-5800-112-0000-3600-007-000 NN F			3,857.50	3,857.50
				TOTAL PAYMENT AMOUNT				6,412.50 *
016985/00	NEWEGG BUSINESS INC.							
501 PO-170432	09/01/2016	1202029733		1 01-6387-0-4300-472-1110-1000-014-000 NN F			194.39	191.69
501 PO-170432	09/01/2016	1202029733		2 01-6387-0-4400-472-1110-1000-014-000 NN F			420.78	420.78
				TOTAL PAYMENT AMOUNT				612.47 *
017576/00	OFFICE DEPOT/BUS.SERVICES DIV							
180 PO-170157	09/01/2016	851358691001		1 01-6300-0-4300-238-1110-1000-010-000 NN P			2.06	2.06
180 PO-170157	09/01/2016	851358690001		1 01-6300-0-4300-238-1110-1000-010-000 NN F			194.46	162.31
293 PO-170272	09/01/2016	853379309001		1 01-0000-0-4300-234-1110-1000-008-000 NN P			5.18	5.18
293 PO-170272	09/01/2016	853386851001		1 01-0000-0-4300-234-1110-1000-008-000 NN P			135.98	135.98
293 PO-170272	09/01/2016	853379311002		1 01-0000-0-4300-234-1110-1000-008-000 NN P			1.63	1.63
293 PO-170272	09/01/2016	853379308001		1 01-0000-0-4300-234-1110-1000-008-000 NN P			4.96	4.96
293 PO-170272	09/01/2016	853386848001		1 01-0000-0-4300-234-1110-1000-008-000 NN P			701.08	701.08
293 PO-170272	09/01/2016	8533386852001		1 01-0000-0-4300-234-1110-1000-008-000 NN P			14.75	14.75
293 PO-170272	09/01/2016	853379311001		1 01-0000-0-4300-234-1110-1000-008-000 NN P			859.72	854.46
587 PO-170508	09/01/2016	857040001002		2 01-0000-0-4300-240-0000-2700-011-000 NN F			29.03	29.03
587 PO-170508	09/01/2016	857040002001		3 01-0000-0-4300-240-1110-1000-011-000 NN F			69.92	56.20
587 PO-170508	09/01/2016	857040001001		1 01-6300-0-4300-240-1110-1000-011-000 NN F			338.69	338.69
648 PO-170562	09/01/2016	858862490001		1 01-6300-0-4300-371-1110-1000-012-000 NN F			81.29	80.92
				TOTAL PAYMENT AMOUNT				2,387.25 *

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
014069/00	PLATT ELECTRIC SUPPLY INC							
28	PO-170027	09/01/2016	K143128	1	01-8150-0-4300-106-0000-8110-007-000	NN P	186.03	186.03
28	PO-170027	09/01/2016	K131984	1	01-8150-0-4300-106-0000-8110-007-000	NN P	520.13	520.13
28	PO-170027	09/01/2016	K080887	1	01-8150-0-4300-106-0000-8110-007-000	NN P	330.92	330.92
28	PO-170027	09/01/2016	K083344	1	01-8150-0-4300-106-0000-8110-007-000	NN P	144.73	144.73
735	PO-170637	09/01/2016	K080945	1	01-0000-0-4300-111-0000-8200-007-939	NN F	1,686.39	1,686.39
TOTAL PAYMENT AMOUNT							2,868.20	2,868.20
014974/00	PLUMMER, RENEE'							
522	PO-170446	09/01/2016	611	1	01-0000-0-5800-112-0000-3600-007-000	NN P	1,575.00	1,575.00
TOTAL PAYMENT AMOUNT							1,575.00	1,575.00
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
82	PO-170079	09/01/2016	180256675	1	01-0000-0-5600-112-0000-3600-007-000	NN P	67.89	67.89
TOTAL PAYMENT AMOUNT							67.89	67.89
010552/00	SAC VAL JANITORIAL							
257	PO-170222	09/01/2016	10203125	1	01-0000-0-9320-000-0000-0000-000-000	NN P	244.37	244.37
257	PO-170222	09/01/2016	10203124	1	01-0000-0-9320-000-0000-0000-000-000	NN P	216.51	216.51
257	PO-170222	09/01/2016	10203091	1	01-0000-0-9320-000-0000-0000-000-000	NN P	364.93	364.93
257	PO-170222	09/01/2016	10203092	1	01-0000-0-9320-000-0000-0000-000-000	NN P	364.93	364.93
TOTAL PAYMENT AMOUNT							1,190.74	1,190.74
010266/00	SACRAMENTO COUNTY UTILITIES							
122	PO-170093	09/01/2016	50006974207	1	01-0000-0-5520-106-0000-8110-007-000	NN P	1,812.79	1,812.79
122	PO-170093	09/01/2016	50000878546	1	01-0000-0-5520-106-0000-8110-007-000	NN P	716.34	716.34
122	PO-170093	09/01/2016	50000878608	1	01-0000-0-5520-106-0000-8110-007-000	NN P	332.39	332.39
TOTAL PAYMENT AMOUNT							2,861.52	2,861.52
021066/00	SCHOOL SPECIALTY INC							
482	PO-170409	09/01/2016	10884159	1	01-6500-0-4300-102-5770-1110-002-000	NN F	435.63	430.49
TOTAL PAYMENT AMOUNT							430.49	430.49

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
011500/00	SCHOOLS INSURANCE AUTHORITY						
	FV-171017 09/01/2016 SEPTEMBER				01-0000-0-9552-000-0000-0000-000-000 NN		8,184.53
					TOTAL PAYMENT AMOUNT	8,184.53 *	8,184.53
010826/00	SHIFFLER EQUIPMENT SALES INC						
	30 PO-170029 09/01/2016 1622102800				1 01-8150-0-4300-106-0000-8110-007-000 NN P	308.83	308.83
	30 PO-170029 09/01/2016 1622213800				1 01-8150-0-4300-106-0000-8110-007-000 NN P	205.96	205.96
					TOTAL PAYMENT AMOUNT	514.79 *	514.79
010263/00	SMUD						
	112 PO-170179 09/01/2016 7000000347				1 01-0000-0-5510-106-0000-8110-007-000 NN P	48,671.45	48,671.45
					TOTAL PAYMENT AMOUNT	48,671.45 *	48,671.45
020252/00	STAPLES BUSINESS ADVANTAGE	043390816					
	394 PO-170353 09/01/2016 3309983415				1 01-0000-0-4300-472-1355-1000-014-000 NN P	328.99	328.99
	394 PO-170353 09/01/2016 3310638113				1 01-0000-0-4300-472-1355-1000-014-000 NN P	57.88	57.88
	394 PO-170353 09/01/2016 3311136595				1 01-0000-0-4300-472-1355-1000-014-000 NN P	10.56	10.56
	394 PO-170353 09/01/2016 3311838915				1 01-0000-0-4300-472-1355-1000-014-000 NN F	8.23	8.23
					TOTAL PAYMENT AMOUNT	405.66 *	405.66
017285/00	TEACHER INNOVATIONS INC						
	745 PO-170648 09/01/2016 381428				1 01-0000-0-5800-234-1110-1000-008-000 NN F	345.60	345.60
					TOTAL PAYMENT AMOUNT	345.60 *	345.60
010519/00	TIM'S MUSIC						
	564 PO-170677 09/01/2016 242284				1 01-0000-0-4100-472-1520-1000-014-000 NN F	77.37	77.37
					TOTAL PAYMENT AMOUNT	77.37 *	77.37
018015/00	TOMPKINS, SHELLEY						
	641 PO-170643 09/01/2016 REIMB-CLOTHES				1 01-5630-0-4300-601-1421-1000-017-000 NN F	12.96	12.96
	641 PO-170643 09/01/2016 REIMB-PASS				2 01-5630-0-5800-601-1421-1000-017-000 NN F	110.00	110.00
					TOTAL PAYMENT AMOUNT	122.96 *	122.96

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE	SIT GOAL FUNC RES DEP T9MP		

014278/00	TOUCHBOARDS						
581 PO-170503	09/01/2016	0461573-IN	2	01-0000-0-4300-472-0000-2700-014-000	YN F	56.11	50.00
581 PO-170503	09/01/2016	0461573-IN	1	01-0000-0-4300-472-1260-1000-014-000	NN F	112.80	107.07
TOTAL PAYMENT AMOUNT						157.07 *	157.07
TOTAL USE TAX AMOUNT						4.00	
010139/00	Troxell Communications Inc						
540 PO-170466	09/01/2016	912232	1	01-0370-0-4400-115-0000-7700-007-000	NN F	8,268.48	8,268.48
TOTAL PAYMENT AMOUNT						8,268.48 *	8,268.48
018554/00	UNITED STATES TREASURY						
790 PO-170683	09/01/2016	94-6002490	1	01-0000-0-5800-105-0000-7200-005-000	NN F	22,470.00	22,470.00
TOTAL PAYMENT AMOUNT						22,470.00 *	22,470.00
011334/00	WELLS FARGO VENDOR FIN SERV						
333 PO-170286	09/01/2016	90136658867	1	01-7220-0-4400-472-1110-1000-014-000	NN F	12,678.42	12,678.42
333 PO-170286	09/01/2016	90136658867	2	01-7220-0-5600-472-1110-1000-014-000	NN F	991.16	991.16
TOTAL PAYMENT AMOUNT						13,669.58 *	13,669.58
021356/00	WHY TRY LLC						
611 PO-170532	09/01/2016	23590	1	01-6512-0-4300-102-5001-3110-003-000	NN F	177.12	177.12
TOTAL PAYMENT AMOUNT						177.12 *	177.12
010843/00	WILCO SUPPLY						
39 PO-170038	09/01/2016	16H1704301	1	01-8150-0-4300-106-0000-8110-007-000	NN P	2,120.33	2,120.33
39 PO-170038	09/01/2016	16H1704302	1	01-8150-0-4300-106-0000-8110-007-000	NN P	171.29	171.29
TOTAL PAYMENT AMOUNT						2,291.62 *	2,291.62
019496/00	WISE, SANDY						
768 PO-170651	09/01/2016	ER- REIMB	1	01-0000-0-3902-371-0000-2420-000-000	NN F	50.00	50.00
TOTAL PAYMENT AMOUNT						50.00 *	50.00
TOTAL FUND PAYMENT						179,767.53 **	179,767.53
TOTAL USE TAX AMOUNT						457.03	

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		

011256/00	BERNARD FOOD INDUSTRIES INC							
773 PO-170670	09/01/2016	753206		1	13-5310-0-4700-108-0000-3700-007-000	NN P	989.52	989.52
TOTAL PAYMENT AMOUNT							989.52 *	989.52
014156/00	COUNTY OF SACRAMENTO							
771 PO-170669	09/01/2016	AR0002175		1	13-5310-0-5800-108-0000-3700-007-000	NN P	686.00	686.00
TOTAL PAYMENT AMOUNT							686.00 *	686.00
011205/00	CULTURE SHOCK YOGURT							
95 PO-170107	09/01/2016	3911		1	13-5310-0-4700-108-0000-3700-007-000	NN P	214.00	214.00
TOTAL PAYMENT AMOUNT							214.00 *	214.00
011602/00	DANIELSEN CO., THE							
705 PO-170608	09/01/2016	108397		2	13-5310-0-4300-108-0000-3700-007-000	NN P	8.00	8.00
705 PO-170608	09/01/2016	109178		2	13-5310-0-4300-108-0000-3700-007-000	NN P	8.00	8.00
705 PO-170608	09/01/2016	108397		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,453.08	1,453.08
705 PO-170608	09/01/2016	109178		1	13-5310-0-4700-108-0000-3700-007-000	NN P	3,537.56	3,537.56
TOTAL PAYMENT AMOUNT							5,006.64 *	5,006.64
021080/00	GOLD STAR FOODS INC		942828211					
708 PO-170610	09/01/2016	1751933		1	13-5310-0-4700-108-0000-3700-007-000	NN P	8,002.86	8,002.86
TOTAL PAYMENT AMOUNT							8,002.86 *	8,002.86
016279/00	P&R PAPER SUPPLY							
193 PO-170166	09/01/2016	30092464-01		1	13-5310-0-4300-108-0000-3700-007-000	NN P	85.54	85.54
193 PO-170166	09/01/2016	30092464-00		1	13-5310-0-4300-108-0000-3700-007-000	NN P	692.29	692.29
TOTAL PAYMENT AMOUNT							777.83 *	777.83
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
101 PO-170111	09/01/2016	180256098		1	13-5310-0-5800-108-0000-3700-007-000	NN P	44.68	44.68
101 PO-170111	09/01/2016	180256674		1	13-5310-0-5800-108-0000-3700-007-000	NN P	44.68	44.68
TOTAL PAYMENT AMOUNT							89.36 *	89.36

81 CENTER UNIFIED SCHOOL DIST.
09-01-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount	
Req Reference	Date			FD RESO P OBJE	SIT GOAL FUNC	RES DEP T9MP			

017334/00	SEVEN UP BOTTLING CO. OF S.F.								
	97 PO-170109	09/01/2016	7063147603	1	13-5310-0-4700-108-0000-3700-007-000	NN P	403.20	403.20	
	TOTAL PAYMENT AMOUNT							403.20	403.20
016043/00	SHELTONS UNLIMITED MECHANICAL								
	113 PO-170113	09/01/2016	16-17899	1	13-5310-0-5600-108-0000-3700-007-000	NN P	167.40	167.40	
	113 PO-170113	09/01/2016	16-18129	1	13-5310-0-5600-108-0000-3700-007-000	NN P	465.48	465.48	
	113 PO-170113	09/01/2016	16-08NUTRI	1	13-5310-0-5600-108-0000-3700-007-000	NN P	1,785.00	1,785.00	
	TOTAL PAYMENT AMOUNT							2,417.88	2,417.88
011422/00	SYSO OF SAN FRANCISCO								
	89 PO-170103	09/01/2016	608232566	2	13-5310-0-4300-108-0000-3700-007-000	NN P	651.03	651.03	
	89 PO-170103	09/01/2016	608232566	1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,587.60	1,587.60	
	TOTAL PAYMENT AMOUNT							2,238.63	2,238.63
	TOTAL FUND PAYMENT							20,825.92	20,825.92

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0014 9-1-16
FUND : 14 DEFERRED MAINTENANCE FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP		
015530/00	MADSEN ROOFING &							
258 PO-170223	09/01/2016	162331			1 14-0024-0-5600-106-9585-8110-007-000	NN F	37,592.50	37,592.50
					TOTAL PAYMENT AMOUNT			37,592.50
								37,592.50 *
016043/00	SHELTONS UNLIMITED MECHANICAL							
652 PO-170566	09/01/2016	16-18206			3 14-0024-0-4300-106-9265-8110-007-000	NN F	54.00	54.00
652 PO-170566	09/01/2016	16-18206			2 14-0024-0-4400-106-9265-8110-007-000	NN F	5,217.48	5,217.48
652 PO-170566	09/01/2016	16-18206			1 14-0024-0-5600-106-9265-8110-007-000	NN F	1,675.00	1,675.00
					TOTAL PAYMENT AMOUNT			6,946.48
								6,946.48 *
					TOTAL FUND	PAYMENT	44,538.98	**
								44,538.98
					TOTAL BATCH PAYMENT		245,132.43	***
					TOTAL USE TAX AMOUNT		457.03	0.00
								245,132.43
					TOTAL DISTRICT PAYMENT		245,132.43	****
					TOTAL USE TAX AMOUNT		457.03	0.00
								245,132.43
					TOTAL FOR ALL DISTRICTS:		245,132.43	****
					TOTAL USE TAX AMOUNT		457.03	0.00
								245,132.43

Number of warrants to be printed: 73, not counting voids due to stub overflows.

Batch status: A All
From batch: 0015
To batch: 0015
Include Revolving Cash: Y
Include Address: N

81 CENTER UNIFIED SCHOOL DIST.
09-08-2016

ACCOUNTS PAYABLE PRELIST
BATCH: 0015 09-08-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

015722/00	ACSA FOUNDATION FOR EDUC.ADMIN						
371 PO-170334	09/08/2016	034782	1 01-0000-0-5300-101-0000-7150-002-000 NN F			1,843.67	1,843.67
			TOTAL PAYMENT AMOUNT	1,843.67 *			1,843.67
010669/00	ALHAMBRA & SIERRA SPRINGS						
17 PO-170016	09/08/2016	4782453082316	1 01-8150-0-4300-106-0000-8110-007-000 NN P			117.96	117.96
61 PO-170059	09/08/2016	4781257082516	1 01-0000-0-4300-112-0000-3600-007-000 NN P			41.55	41.55
474 PO-170417	09/08/2016	4780794082516	1 01-0000-0-4300-110-0000-7200-004-000 NN P			35.56	35.56
579 PO-170502	09/08/2016	4781839082516	1 01-0000-0-4300-475-3200-2700-015-000 NN P			63.03	63.03
			TOTAL PAYMENT AMOUNT	258.10 *			258.10
021763/00	ALL STAR RENTS						
800 PO-170701	09/08/2016	624017	1 01-8150-0-5600-106-0000-8110-007-000 NN P			136.19	136.19
			TOTAL PAYMENT AMOUNT	136.19 *			136.19
010564/00	APPLE COMPUTER						
643 PO-170550	09/08/2016	4397297564	1 01-6500-0-4400-102-5750-1110-002-000 NN F			820.32	820.32
723 PO-170622	09/08/2016	4397663769	1 01-0370-0-4400-115-0000-7700-007-000 NN P			20,734.56	20,734.56
723 PO-170622	09/08/2016	4397548929	1 01-0370-0-4400-115-0000-7700-007-000 NN F			8,838.72	8,838.72
			TOTAL PAYMENT AMOUNT	30,393.60 *			30,393.60
010400/00	AT&T						
521 PO-170445	09/08/2016	248134-81008413	1 01-0000-0-5930-106-0000-8110-007-000 NN P			9.40	9.40
			TOTAL PAYMENT AMOUNT	9.40 *			9.40
019504/00	B & H PHOTO-VIDEO						
664 PO-170572	09/08/2016	114564357	1 01-6500-0-4300-102-5750-1110-002-000 NN F			64.75	59.95
			TOTAL PAYMENT AMOUNT	59.95 *			59.95
019624/00	B & H VIDEO						
659 PO-170570	09/08/2016	114575742	1 01-0000-0-4300-238-1110-1000-010-000 NN F			382.10	318.80
			TOTAL PAYMENT AMOUNT	318.80 *			318.80

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT GOAL	FUNC RES DEP T9MP		

021669/00	BAIONI, RON						
795 PO-170694	09/08/2016	REIMB	1	01-0000-0-4300-371-1110-1000-012-000	NN F	109.90	109.90
TOTAL PAYMENT AMOUNT						109.90 *	109.90
016149/00	BENNETT, JANET						
782 PO-170689	09/08/2016	REIMB	1	01-0000-0-4300-472-1110-1000-014-000	NN F	21.47	21.47
TOTAL PAYMENT AMOUNT						21.47 *	21.47
014789/00	BISHO, VERNON						
788 PO-170693	09/08/2016	REIMB	1	01-7220-0-5800-472-1110-1000-014-000	NN F	396.00	396.00
TOTAL PAYMENT AMOUNT						396.00 *	396.00
018335/00	CA TRANSITION ALLIANCE						
803 PO-170704	09/08/2016	REGIST-A.BRADY	1	01-6520-0-5200-472-5770-1110-003-000	NN P	525.00	525.00
803 PO-170704	09/08/2016	REGIST-PACHECO	2	01-6520-0-5200-472-5770-1110-003-982	NN F	325.00	325.00
TOTAL PAYMENT AMOUNT						850.00 *	850.00
022280/00	CALIFORNIA DEPT OF EDUCATION						
810 PO-170696	09/08/2016	REGIST-A.CHANEY	1	01-6385-0-5200-472-1110-1000-014-000	NN P	300.00	300.00
810 PO-170696	09/08/2016	REGIST-V.BISHO	1	01-6385-0-5200-472-1110-1000-014-000	NN P	300.00	300.00
810 PO-170696	09/08/2016	REGIST-M.CHAMBERLAIN	1	01-6385-0-5200-472-1110-1000-014-000	NN P	300.00	300.00
810 PO-170696	09/08/2016	REGIST-R.MCINNES	1	01-6385-0-5200-472-1110-1000-014-000	NN F	300.00	300.00
TOTAL PAYMENT AMOUNT						1,200.00 *	1,200.00
019858/00	CAMPFEL PRODUCTIONS INC						
799 PO-170700	09/08/2016	15085	1	01-3010-0-5800-371-1110-1000-012-000	NN F	795.00	795.00
TOTAL PAYMENT AMOUNT						795.00 *	795.00
016082/00	CARMAZZI GLOBAL SOLUTIONS						
700 PO-170604	09/08/2016	16-19723	1	01-0000-0-5800-103-4760-1000-003-740	NN P	210.00	210.00
700 PO-170604	09/08/2016	16-19709	1	01-0000-0-5800-103-4760-1000-003-740	NN P	210.00	210.00
TOTAL PAYMENT AMOUNT						420.00 *	420.00

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0015 09-08-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
020305/00	CDW GOVERNMENT INC.						
647 PO-170559	09/08/2016	FDQ2585	1	01-6500-0-4300-102-5750-1110-002-000	NN F	60.10	60.10
704 PO-170607	09/08/2016	FFH3635	1	01-0000-0-4300-115-0000-7700-007-000	NN F	93.17	93.17
775 PO-170652	09/08/2016	FFJ5606	1	01-0000-0-4300-105-0000-7200-005-000	NN F	75.00	75.00
TOTAL PAYMENT AMOUNT						228.27 *	228.27
019920/00	CHERRY ISLAND GOLF COURSE						
783 PO-170690	09/08/2016	100045905	2	01-0000-0-5800-472-1110-4200-014-000	NN F	250.00	250.00
783 PO-170690	09/08/2016	100045905	1	01-0000-0-5800-472-1110-4200-014-809	NN F	500.00	500.00
TOTAL PAYMENT AMOUNT						750.00 *	750.00
015699/00	CLARK SECURITY PRODUCTS						
13 PO-170012	09/08/2016	22K-166134	1	01-8150-0-4300-106-0000-8110-007-000	NN P	230.31	230.31
13 PO-170012	09/08/2016	22K-165631	1	01-8150-0-4300-106-0000-8110-007-000	NN P	641.06	641.06
TOTAL PAYMENT AMOUNT						871.37 *	871.37
010998/00	COASTAL ENTERPRISES						
7 PO-170006	09/08/2016	25037	1	01-0000-0-5800-472-1110-1000-014-782	NN F	9,713.52	7,550.82
TOTAL PAYMENT AMOUNT						7,550.82 *	7,550.82
015631/00	DISCOVERY EDUCATION						
806 PO-170707	09/08/2016	90128053	2	01-0000-0-5800-103-1110-1000-003-000	NN F	5,097.50	5,097.50
806 PO-170707	09/08/2016	90128053	1	01-0370-0-5800-115-0000-7700-007-000	NN F	5,097.50	5,097.50
TOTAL PAYMENT AMOUNT						10,195.00 *	10,195.00
016002/00	EDGAR, SHERRY						
781 PO-170698	09/08/2016	REIMB	1	01-0000-0-4300-472-1110-4200-014-000	NN F	96.08	96.08
TOTAL PAYMENT AMOUNT						96.08 *	96.08
020517/00	EDUCATIONAL DATA SYSTEMS						
557 PO-170483	09/08/2016	081620060	1	01-0000-0-5800-103-0000-3160-003-000	NN F	582.75	582.75
TOTAL PAYMENT AMOUNT						582.75 *	582.75

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT GOAL FUNC	RES DEP T9MP		

010590/00	ELECTRONIX EXPRESS							
138	PO-170120	09/08/2016	522350,524257	1	01-0000-0-4300-472-1110-1000-014-000	YN F	1,438.78	1,400.78
138	PO-170120	09/08/2016	523516,525346	2	01-0000-0-4400-472-1110-1000-014-000	YN F	3,645.00	3,332.77
289	PO-170248	09/08/2016	527195	1	01-6382-0-4300-472-1110-1000-014-000	YN F	29.47	28.06
TOTAL PAYMENT AMOUNT							4,761.61 *	4,761.61
TOTAL USE TAX AMOUNT							380.92	
011569/00	EMC PUBLISHING							
346	PO-170315	09/08/2016	10755452-10766065	1	01-0000-0-4100-101-1110-1000-002-995	NN P	50,222.78	50,222.78
346	PO-170315	09/08/2016	10765995	1	01-0000-0-4100-101-1110-1000-002-995	NN F	18,463.14	7,965.54
347	PO-170316	09/08/2016	10755453-10766066	1	01-0000-0-4100-101-1110-1000-002-995	NN P	95,083.27	95,083.27
347	PO-170316	09/08/2016	10765994	1	01-0000-0-4100-101-1110-1000-002-995	NN F	18,463.14	8,703.09
TOTAL PAYMENT AMOUNT							161,974.68 *	161,974.68
014243/00	GARY HENDERSON MFT							
262	PO-170238	09/08/2016	AUGUST	1	01-6512-0-5800-102-5001-3110-003-000	NN P	500.00	500.00
TOTAL PAYMENT AMOUNT							500.00 *	500.00
022347/00	GIVE SOMETHING BACK							
736	PO-170638	09/08/2016	in-0536050	1	01-6300-0-4300-475-3200-1000-015-000	NN F	38.28	38.26
779	PO-170675	09/08/2016	in-0538123	1	01-0000-0-4300-472-1500-1000-014-000	NN F	121.04	114.61
780	PO-170676	09/08/2016	in-0538122	1	01-0000-0-4300-472-1110-1000-014-983	NN F	86.39	86.40
TOTAL PAYMENT AMOUNT							239.27 *	239.27
017618/00	GOPHER SPORT							
748	PO-170657	09/08/2016	9210177	1	01-6300-0-4300-238-1110-1000-010-000	NN F	853.69	853.68
TOTAL PAYMENT AMOUNT							853.68 *	853.68
010602/00	HI-LINE ELECTRICAL & MECH							
88	PO-170085	09/08/2016	10483789	1	01-0000-0-4300-112-0000-3600-007-000	NN P	20.50	20.50
TOTAL PAYMENT AMOUNT							20.50 *	20.50

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP		
010830/00	HOLT OF CALIFORNIA							
809 PO-170709	09/08/2016	SW050256836			1 01-8150-0-5600-106-0000-8110-007-000	NN F	2,755.86	2,755.86
					TOTAL PAYMENT AMOUNT	2,755.86 *		2,755.86
011341/00	HUNT & SONS INC							
77 PO-170075	09/08/2016	487491			1 01-0000-0-4340-112-0000-3600-007-000	NN P	15,091.91	15,091.91
					TOTAL PAYMENT AMOUNT	15,091.91 *		15,091.91
018990/00	INTERSTATE BATTERIES							
78 PO-170076	09/08/2016	10092648			1 01-0000-0-4300-112-0000-3600-007-000	NN P	595.91	595.91
					TOTAL PAYMENT AMOUNT	595.91 *		595.91
010728/00	JOHNSTONE SUPPLY OF SACRAMENTO							
23 PO-170022	09/08/2016	27-S2132061.003			1 01-8150-0-4300-106-0000-8110-007-000	NN P	81.94	81.94
					TOTAL PAYMENT AMOUNT	81.94 *		81.94
019175/00	LAWSON PRODUCTS							
804 PO-170705	09/08/2016	9304316891			1 01-0000-0-4300-112-0000-3600-007-000	NN P	28.84	28.84
					TOTAL PAYMENT AMOUNT	28.84 *		28.84
022406/00	MAXIM HEALTHCARE SERVICES INC							
265 PO-170231	09/08/2016	4361990262			1 01-0000-0-5800-102-0000-3140-003-000	NN P	1,037.50	1,037.50
265 PO-170231	09/08/2016	4373030262			1 01-0000-0-5800-102-0000-3140-003-000	NN P	1,391.50	1,391.50
265 PO-170231	09/08/2016	4345430262			1 01-0000-0-5800-102-0000-3140-003-000	NN P	937.50	937.50
					TOTAL PAYMENT AMOUNT	3,366.50 *		3,366.50
018487/00	MCCASLAND-ALLAIN, CHRISTINE							
785 PO-170692	09/08/2016	REIMB			1 01-6300-0-4200-472-1110-1000-014-000	NN F	51.00	51.00
					TOTAL PAYMENT AMOUNT	51.00 *		51.00

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		

020602/00	MCGRAW HILL SCHOOL EDUCATION						
179 PO-170156	09/08/2016	93597326001	1	01-0037-0-4100-103-1110-1000-003-000	NN P	0.00	0.00
179 PO-170156	09/08/2016	92741292001	1	01-0037-0-4100-103-1110-1000-003-000	NN F	8,327.16	8,327.15
TOTAL PAYMENT AMOUNT							8,327.15
							8,327.15
017315/00	NAPA AUTO PARTS - GENUINE AUTO						
76 PO-170074	09/08/2016	20901850	1	01-0000-0-4300-112-0000-3600-007-000	NN P	534.64	534.64
TOTAL PAYMENT AMOUNT							534.64
							534.64
015787/00	O'REILLY AUTO PARTS						
80 PO-170078	09/08/2016	1333147	1	01-0000-0-4300-112-0000-3600-007-000	NN P	542.35	542.35
TOTAL PAYMENT AMOUNT							542.35
							542.35
017576/00	OFFICE DEPOT/BUS.SERVICES DIV						
686 PO-170595	09/08/2016	859989400001	1	01-6500-0-4300-102-5770-1110-002-000	NN P	10.80	10.80
686 PO-170595	09/08/2016	859989401001	1	01-6500-0-4300-102-5770-1110-002-000	NN F	92.29	83.92
693 PO-170629	09/08/2016	860384135001	1	01-0000-0-4300-234-1110-1000-008-000	NN F	80.17	80.17
758 PO-170661	09/08/2016	861373851001	1	01-0000-0-4300-238-1110-1000-010-000	NN F	311.26	311.26
761 PO-170663	09/08/2016	861374470001	1	01-6500-0-4300-102-5770-1110-002-000	NN F	243.25	237.24
TOTAL PAYMENT AMOUNT							723.39
							723.39
020770/00	PEAK ADVENTURES CHALLENGE CTR						
784 PO-170691	09/08/2016	131593	1	01-7220-0-5800-472-1110-1000-014-000	NN F	4,950.00	4,950.00
TOTAL PAYMENT AMOUNT							4,950.00
							4,950.00
014069/00	PLATT ELECTRIC SUPPLY INC						
794 PO-170687	09/08/2016	K133090	1	01-0000-0-4300-111-0000-8200-007-939	NN F	2,897.15	2,897.15
796 PO-170688	09/08/2016	K196535	1	01-0000-0-4300-111-0000-8200-007-939	NN F	345.32	345.32
816 PO-170710	09/08/2016	K132801	1	01-0000-0-4300-111-0000-8200-007-939	NN F	1,251.28	1,251.28
819 PO-170711	09/08/2016	K207538	1	01-0000-0-4300-111-0000-8200-007-939	NN F	115.11	115.11
TOTAL PAYMENT AMOUNT							4,608.86
							4,608.86

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

021194/00	PRUDENTIAL OVERALL SUPPLY INC							
82 PO-170079	09/08/2016	180256675		1 01-0000-0-5600-112-0000-3600-007-000 NN P			67.89	67.89
82 PO-170079	09/08/2016	180257229		1 01-0000-0-5600-112-0000-3600-007-000 NN P			67.89	67.89
				TOTAL PAYMENT AMOUNT		135.78 *		135.78
017657/00	RENAISSANCE LEARNING INC.							
741 PO-170645	09/08/2016	inv4284035		1 01-6300-0-5800-234-1110-1000-008-000 NN F			6,237.00	6,236.50
				TOTAL PAYMENT AMOUNT		6,236.50 *		6,236.50
022018/00	SACRAMENTO AUTOGLASS & MIRROR		680310211					
86 PO-170083	09/08/2016	WSAC018602		1 01-0000-0-4300-112-0000-3600-007-000 NN P			216.56	216.56
				TOTAL PAYMENT AMOUNT		216.56 *		216.56
010279/00	SARGENT-WELCH LLC		911319190					
136 PO-170101	09/08/2017	INVOICES		1 01-0000-0-4300-472-1110-1000-014-000 NN F			3,432.22	3,432.22
136 PO-170101	09/08/2016	SEE ATTACHED		2 01-0000-0-4400-472-1110-1000-014-000 NN P			1,751.16	1,751.16
320 PO-170282	09/08/2016	8045672448		1 01-0000-0-4300-101-1110-1000-002-995 NN F			162.35	169.76
				TOTAL PAYMENT AMOUNT		5,353.14 *		5,353.14
020981/00	SAVE MART SUPERMARKETS							
605 PO-170526	09/08/2016	2295696		1 01-6500-0-4300-102-5750-1110-002-000 NN P			15.61	15.61
605 PO-170526	09/08/2016	2295695		1 01-6500-0-4300-102-5750-1110-002-000 NN P			16.65	16.65
				TOTAL PAYMENT AMOUNT		32.26 *		32.26
011500/00	SCHOOLS INSURANCE AUTHORITY							
PV-171019	09/08/2016	SEPTEMBER		01-0000-0-9552-000-0000-0000-000-000 NN				41,089.32
				TOTAL PAYMENT AMOUNT		41,089.32 *		41,089.32
017106/00	SCHOOLS INSURANCE AUTHORITY							
PV-171018	09/07/2016	SEPTEMBER		01-0000-0-9552-000-0000-0000-000-000 NN				8,184.53
				TOTAL PAYMENT AMOUNT		8,184.53 *		8,184.53

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			

021792/00	SENSORY GOODS							
760 PO-170662	09/08/2016	49276		1	01-6500-0-4300-102-5750-1110-002-000	NN F	31.31	33.93
TOTAL PAYMENT AMOUNT								33.93
018450/00	SHERATON SAN DIEGO HOTEL &							
797 PO-170699	09/08/2016	571857287		1	01-6520-0-5200-472-5770-1110-003-000	NN P	162.29	162.29
797 PO-170699	09/08/2016	91857276		1	01-6520-0-5200-472-5770-1110-003-000	NN F	338.10	338.10
797 PO-170699	09/08/2016	61857274		2	01-6520-0-5200-472-5770-1110-003-982	NN P	338.10	338.10
797 PO-170699	09/08/2016	371857284		2	01-6520-0-5200-472-5770-1110-003-982	NN P	162.29	162.29
797 PO-170699	09/08/2016	23185785		2	01-6520-0-5200-472-5770-1110-003-982	NN F	169.05	169.05
TOTAL PAYMENT AMOUNT								1,169.83
020252/00	STAPLES BUSINESS ADVANTAGE							
498 PO-170429	09/08/2016	3313006992		1	01-0000-0-4300-472-0000-2700-014-000	NN F	340.15	340.15
683 PO-170592	09/08/2016	3312609948		1	01-6520-0-4300-472-5770-1110-003-000	NN P	120.03	120.03
683 PO-170592	09/08/2016	3312609949		1	01-6520-0-4300-472-5770-1110-003-000	NN P	41.44	41.44
683 PO-170592	09/08/2016	3312609950		1	01-6520-0-4300-472-5770-1110-003-000	NN P	61.55	61.55
683 PO-170592	09/08/2016	3312609951		1	01-6520-0-4300-472-5770-1110-003-000	NN P	58.31	58.31
683 PO-170592	09/08/2016	3313007017		1	01-6520-0-4300-472-5770-1110-003-000	NN F	173.12	190.21
728 PO-170633	09/08/2016	3313007023		1	01-0000-0-4300-475-3200-1000-015-000	NN F	342.64	342.64
TOTAL PAYMENT AMOUNT								1,154.33
017767/00	SYTECH SOLUTIONS INC							
793 PO-170686	09/08/2016	5968		1	01-0000-0-5800-106-0000-8200-007-000	NN F	8,670.00	8,670.00
TOTAL PAYMENT AMOUNT								8,670.00
022031/00	TEACHER DIRECT							
592 PO-170512	09/08/2016	P463778600019		2	01-0000-0-4300-240-1110-1000-011-000	NN F	24.71	11.71
592 PO-170512	09/08/2016	P463778600019		1	01-6300-0-4300-240-1110-1000-011-000	NN F	150.77	150.77
TOTAL PAYMENT AMOUNT								162.48
014079/00	THYSSENKRUPP ELEVATOR CORP							
34 PO-170033	09/08/2016	3002733910		1	01-8150-0-5600-106-0000-8110-007-000	NN F	367.08	270.84
TOTAL PAYMENT AMOUNT								270.84

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			

011554/00	TRACTOR SUPPLY CO							
55	PO-170053	09/05/2016	6035301203476674	1	01-0000-0-4300-106-0000-8110-007-000	NN P	30.93	30.93
					TOTAL PAYMENT AMOUNT			30.93 *
								30.93
015191/00	WACHOB, CYNTHIA							
165	PO-170144	09/08/2016	AUGUST	1	01-6500-0-5200-102-5060-2110-002-000	NN P	133.76	133.76
					TOTAL PAYMENT AMOUNT			133.76 *
								133.76
014397/00	WORKABILITY REGION 4							
801	PO-170702	09/08/2016	REGIST-PACHECO	1	01-6520-0-5200-472-5770-1110-003-982	NN F	150.00	150.00
802	PO-170703	09/08/2016	REGIST-PACHECO	1	01-6520-0-5200-472-5770-1110-003-000	NN F	50.00	50.00
802	PO-170703	09/08/2016	REGIST-PACHECO	2	01-6520-0-5200-472-5770-1110-003-982	NN F	150.00	150.00
					TOTAL PAYMENT AMOUNT			350.00 *
								350.00
017313/00	XEROX							
724	PO-170623	09/08/2016	230036845	1	01-0000-0-5800-115-9790-8200-007-000	NN P	349.30	349.30
724	PO-170623	09/08/2016	230034658	1	01-0000-0-5800-115-9790-8200-007-000	NN P	207.19	207.19
726	PO-170624	09/08/2016	7149057-001JULY	1	01-0000-0-5800-115-0000-8200-007-992	NN P	35,313.00	35,313.00
726	PO-170624	09/08/2016	7149057-001 JUN	1	01-0000-0-5800-115-0000-8200-007-992	NN P	36,905.72	36,905.72
727	PO-170625	09/08/2016	143515485-A	1	01-0000-0-4300-115-0000-8200-007-992	NN P	479.41	479.41
727	PO-170625	09/08/2015	143515479-A	1	01-0000-0-4300-115-0000-8200-007-992	NN P	4,834.36	4,834.36
					TOTAL PAYMENT AMOUNT			78,088.98 *
								78,088.98
					TOTAL FUND PAYMENT			418,407.63 **
					TOTAL USE TAX AMOUNT			380.92
								418,407.63

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Vendor/Addr	Remit name		Tax ID num	Deposit type	ABA num	Account num			
Req Reference	Date	Description			FD RESO P	OBJE SIT	GOAL FUNC	RES DEP	T9MP

								Liq Amt	Net Amount
010669/00		ALHAMBRA & SIERRA SPRINGS							
	456 PO-170397	09/08/2016	4779099082616		1	09-0700-0-4300-503-1110-1000-018-000	NN	P	
								102.00	102.00
									102.00
									102.00
									102.00

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
017576/00		OFFICE DEPOT/BUS.SERVICES DIV						
702 PO-170606	09/08/2016	859987579001		1	11-6391-0-4300-601-4130-1000-017-000	NN F	132.79	132.79
TOTAL PAYMENT AMOUNT								132.79
TOTAL FUND PAYMENT							132.79 **	132.79

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
022586/00	D&P Creamery							
194 PO-170167	09/08/2016	0050105		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,579.99	2,579.99
194 PO-170167	09/08/2015	0050110		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,745.65	1,745.65
194 PO-170167	09/08/2015	0050120		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,647.71	1,647.71
194 PO-170167	09/08/2016	0050125		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,583.27	1,583.27
194 PO-170167	09/08/2016	0050130		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,004.32	1,004.32
194 PO-170167	09/08/2016	0050135		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,870.34	1,870.34
TOTAL PAYMENT AMOUNT							10,431.28 *	10,431.28
011602/00	DANIELSEN CO., THE							
705 PO-170608	09/08/2016	110062		2	13-5310-0-4300-108-0000-3700-007-000	NN P	1,036.72	1,036.72
705 PO-170608	09/08/2016	110062		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,297.07	2,297.07
TOTAL PAYMENT AMOUNT							3,333.79 *	3,333.79
021080/00	GOLD STAR FOODS INC							
708 PO-170610	09/08/2016	1760365		1	13-5310-0-4700-108-0000-3700-007-000	NN P	6,371.86	6,371.86
TOTAL PAYMENT AMOUNT							6,371.86 *	6,371.86
019993/00	PROPACIFIC FRESH							
94 PO-170106	09/08/2016	60270		1	13-5310-0-4700-108-0000-3700-007-000	NN P	7,362.12	7,362.12
94 PO-170106	09/08/2016	61169		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,704.20	2,704.20
94 PO-170106	09/08/2016	60507		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,842.98	2,842.98
94 PO-170106	09/08/2016	61188		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,937.23	2,937.23
94 PO-170106	09/08/2016	61883		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,227.74	1,227.74
94 PO-170106	09/08/2016	62230		1	13-5310-0-4700-108-0000-3700-007-000	NN P	3,248.90	3,248.90
TOTAL PAYMENT AMOUNT							20,323.17 *	20,323.17
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
101 PO-170111	09/08/2016	180257228		1	13-5310-0-5800-108-0000-3700-007-000	NN P	44.68	44.68
TOTAL PAYMENT AMOUNT							44.68 *	44.68
016043/00	SHELTONS UNLIMITED MECHANICAL							
113 PO-170113	09/08/2016	16-18013		1	13-5310-0-5600-108-0000-3700-007-000	NN P	104.04	104.04
113 PO-170113	09/08/2016	16-09NUTRI		1	13-5310-0-5600-108-0000-3700-007-000	NN P	1,785.00	1,785.00
TOTAL PAYMENT AMOUNT							1,889.04 *	1,889.04

81 CENTER UNIFIED SCHOOL DIST.
09-08-2016

ACCOUNTS PAYABLE PRELIST
BATCH: 0015 09-08-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount	
Req Reference	Date			FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP			
020252/00	STAPLES BUSINESS ADVANTAGE								
677 PO-170588	09/08/2016	3312609946		1	13-5310-0-4300-108-0000-3700-007-000	NN F	285.17	250.85	
TOTAL PAYMENT AMOUNT							250.85 *	250.85	
011422/00	SYSKO OF SAN FRANCISCO								
89 PO-170103	09/08/2016	608302413		2	13-5310-0-4300-108-0000-3700-007-000	NN P	508.55	508.55	
89 PO-170103	09/08/2016	609061178		2	13-5310-0-4300-108-0000-3700-007-000	NN P	1,109.87	1,109.87	
89 PO-170103	09/08/2016	608302413-1740438PU		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,955.91	2,955.91	
89 PO-170103	09/08/2016	608302414-1741188PU		1	13-5310-0-4700-108-0000-3700-007-000	NN P	374.98	374.98	
89 PO-170103	09/08/2016	609061178		1	13-5310-0-4700-108-0000-3700-007-000	NN P	2,189.63	2,189.63	
TOTAL PAYMENT AMOUNT							7,138.94 *	7,138.94	
TOTAL FUND PAYMENT							49,783.61 **	49,783.61	
TOTAL BATCH PAYMENT							468,426.03 ***	0.00	468,426.03
TOTAL USE TAX AMOUNT							380.92		
TOTAL DISTRICT PAYMENT							468,426.03 ****	0.00	468,426.03
TOTAL USE TAX AMOUNT							380.92		
TOTAL FOR ALL DISTRICTS:							468,426.03 ****	0.00	468,426.03
TOTAL USE TAX AMOUNT							380.92		

Number of warrants to be printed: 67, not counting voids due to stub overflows.

Batch status: A All
From batch: ~~001B~~ 0016
To batch: ~~001B~~ 0016
Include Revolving Cash: Y
Include Address: N

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP			

010002/00	ALDAR ACADEMY						
836 PO-170730	09/22/2016	JULY	1	01-6500-0-5800-102-5750-1180-002-000	NN P	2,183.70	2,183.70
836 PO-170730	09/22/2016	AUG	1	01-6500-0-5800-102-5750-1180-002-000	NN P	1,164.64	1,164.64
TOTAL PAYMENT AMOUNT				3,348.34 *			3,348.34
010669/00	ALHAMBRA & SIERRA SPRINGS						
163 PO-170142	09/22/2016	14871405090916	1	01-6500-0-4300-102-5001-2700-002-000	NN P	52.15	52.15
608 PO-170529	09/22/2016	4780818090616	1	01-0000-0-4300-105-0000-7200-005-000	NN P	17.59	17.59
TOTAL PAYMENT AMOUNT				69.74 *			69.74
013985/00	ALL DIESEL ELECTRIC INC.						
64 PO-170062	09/22/2016	11327	1	01-0000-0-4300-112-0000-3600-007-000	NN F	1,000.00	918.00
TOTAL PAYMENT AMOUNT				918.00 *			918.00
014733/00	ALL WEST COACHLINES INC.						
901 PO-170786	09/22/2016	60823	1	01-7220-0-5865-472-1110-1000-014-000	NN F	1,107.84	1,107.84
902 PO-170787	09/22/2016	60839	1	01-7220-0-5865-472-1110-1000-014-000	NN F	1,107.84	1,107.84
TOTAL PAYMENT AMOUNT				2,215.68 *			2,215.68
017075/00	AMERICAN RIVER SPEECH INC.						
840 PO-170731	09/22/2016	JULY	1	01-6500-0-5800-102-5750-1180-002-000	NN P	340.00	340.00
840 PO-170731	09/22/2016	AUGUST	1	01-6500-0-5800-102-5750-1180-002-000	NN P	3,930.40	3,930.40
TOTAL PAYMENT AMOUNT				4,270.40 *			4,270.40
010564/00	APPLE COMPUTER						
881 PO-170764	09/22/2016	4400383200	1	01-0000-0-4300-238-1110-1000-010-000	NN F	128.00	128.00
TOTAL PAYMENT AMOUNT				128.00 *			128.00
011481/00	AT&T						
904 PO-170793	09/22/2016	9291028109	1	01-0000-0-5930-106-0000-8110-007-000	NN P	1,088.66	1,088.66
TOTAL PAYMENT AMOUNT				1,088.66 *			1,088.66

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Reg Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
021604/00	ATLAS DISPOSAL INDUSTRIES						
91 PO-170174	09/22/2016	1031	1 01-0000-0-5525-106-0000-8110-007-000	NN	P	336.10	336.10
91 PO-170174	09/22/2016	189538	1 01-0000-0-5525-106-0000-8110-007-000	NN	P	933.00	933.00
TOTAL PAYMENT AMOUNT						1,269.10 *	1,269.10
019504/00	B & H PHOTO-VIDEO						
640 PO-170557	09/22/2016	CLOSE	4 01-0000-0-4300-103-0000-7200-003-000	NN	C	0.00	0.00
640 PO-170557	09/22/2016	115003659	1 01-0000-0-4400-103-0000-7200-003-000	NN	F	1,272.24	1,272.24
640 PO-170557	09/22/2016	115015139	6 01-6500-0-4300-102-5001-2700-002-000	NN	F	18.36	18.36
640 PO-170557	09/22/2016	115003659	5 01-6500-0-4300-102-5750-1110-002-000	NN	F	36.72	36.72
640 PO-170557	09/22/2016	CLOSE	3 01-6500-0-4400-102-5001-2700-002-000	NN	C	0.00	0.00
640 PO-170557	09/22/2016	115015139	2 01-6500-0-4400-102-5750-1110-002-000	NN	F	1,908.36	1,668.68
669 PO-170574	09/22/2016	114576690	1 01-0000-0-4300-103-4760-1000-003-740	YN	F	322.92	279.99
716 PO-170616	09/22/2016	114809971	1 01-0000-0-4300-236-1110-1000-009-000	YN	F	153.61	142.23
740 PO-170642	09/22/2016	114995263	1 01-0370-0-4400-115-0000-7700-007-000	YN	F	1,224.56	1,133.85
TOTAL PAYMENT AMOUNT						4,552.07 *	4,552.07
TOTAL USE TAX AMOUNT						124.49	
021669/00	BAIONI, RON						
872 PO-170758	09/22/2016	REIMB	1 01-0000-0-4300-475-3200-1000-015-000	NN	F	88.84	88.84
871 PO-170776	09/22/2016	MILEAGE	1 01-0000-0-4300-475-3200-1000-015-000	NN	F	109.62	109.62
TOTAL PAYMENT AMOUNT						198.46 *	198.46
010442/00	BAR HEIN						
48 PO-170224	09/22/2016	505588	1 01-0000-0-4300-106-0000-8110-007-000	NN	P	141.40	141.40
TOTAL PAYMENT AMOUNT						141.40 *	141.40
015718/00	BASIC PACIFIC						
FV-171023	09/22/2016	SEPT 30,2016	01-0000-0-9552-000-0000-0000-000-000	NN			5,262.09
TOTAL PAYMENT AMOUNT						5,262.09 *	5,262.09
021235/00	BECKER, LEE ANN						
883 PO-170770	09/22/2016	AUG MILEAGE	1 01-0000-0-5210-102-0000-3140-003-000	NN	P	60.43	60.43
TOTAL PAYMENT AMOUNT						60.43 *	60.43

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

014102/00	BETTINA LOZIER						
818 PO-170721	09/22/2016	AUGUST MILEAGE	1 01-5630-0-5800-601-1421-1000-017-000 NN F			15.77	15.77
905 PO-170794	09/22/2016	MILEAGE	1 01-5630-0-5800-601-1421-1000-017-000 NN F			54.43	54.43
		TOTAL PAYMENT AMOUNT		70.20 *			70.20
019075/00	BRIGHT FUTURES THERAPY						
841 PO-170732	09/22/2016	3320	1 01-6500-0-5800-102-5750-1180-002-000 NN P			640.00	640.00
841 PO-170732	09/22/2016	3327	1 01-6500-0-5800-102-5750-1180-002-000 NN P			16,240.00	16,240.00
		TOTAL PAYMENT AMOUNT		16,880.00 *			16,880.00
013988/00	BUTTES/CENTER STATE PIPE &						
11 PO-170010	09/22/2016	S009182574.001	1 01-8150-0-4300-106-0000-8110-007-000 NN P			86.58	86.58
11 PO-170010	09/22/2016	S009142619.001	1 01-8150-0-4300-106-0000-8110-007-000 NN P			367.42	367.42
11 PO-170010	09/22/2016	S009196204.001	1 01-8150-0-4300-106-0000-8110-007-000 NN P			1,012.18	1,012.18
892 PO-170780	09/22/2016	S009124286.001	1 01-0000-0-4300-106-0000-8110-007-000 NN P			26.89	26.89
		TOTAL PAYMENT AMOUNT		1,493.07 *			1,493.07
019750/00	CAPITAL PROGRAM MGMT INC						
PO-162396	09/22/2016	#15	1 01-0000-0-5800-106-9623-7200-007-000 NN F			80.50	175.75
PO-162396	09/22/2016	#15	2 01-0000-0-5800-472-0000-8110-007-990 NN F			3,249.00	962.50
621 PO-170542	09/22/2016	#20	1 01-6230-0-5800-106-9623-8500-007-000 NN P			8,627.50	8,627.50
		TOTAL PAYMENT AMOUNT		9,765.75 *			9,765.75
010908/00	CAPITOL ELEMENTARY						
846 PO-170736	09/22/2016	CE6019	1 01-6500-0-5800-102-5750-1180-002-000 NN P			175.00	175.00
		TOTAL PAYMENT AMOUNT		175.00 *			175.00
016082/00	CARMAZZI GLOBAL SOLUTIONS						
700 PO-170604	09/22/2016	16-19881	1 01-0000-0-5800-103-4760-1000-003-740 NN F			276.70	236.25
		TOTAL PAYMENT AMOUNT		236.25 *			236.25

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	COAL FUNC RES DEP T9MP		

016639/00	CAVENDISH SQUARE						
	CL-168027	09/22/2016	3025081				
				01-6300-0-4200-236-1110-1000-009-000	NN	265.87	257.20
				TOTAL PAYMENT AMOUNT	257.20 *		257.20
010407/00	CENTER UNIFIED REVOLVING FUND						
	880 PO-170753	09/22/2016	4187				
				1 01-0000-0-1104-100-1110-1000-000-000	NN F	718.83	718.83
				TOTAL PAYMENT AMOUNT	718.83 *		718.83
021051/00	CHILD ABUSE PREVENTION COUNCIL						
	814 PO-170719	09/22/2016	8941				
	814 PO-170719	09/22/2016	8941				
				2 01-3010-0-5800-601-1220-1000-017-000	NN F	2,750.09	2,750.09
				1 01-5640-0-5800-601-1369-1000-017-000	NN F	2,750.09	2,750.09
				TOTAL PAYMENT AMOUNT	5,500.18 *		5,500.18
013928/00	CINTAS LOCATION 622						
	516 PO-170441	09/22/2016	622679146				
	516 PO-170441	09/22/2016	622674251				
				1 01-0000-0-5800-111-0000-8200-007-000	NN P	184.99	184.99
				1 01-0000-0-5800-111-0000-8200-007-000	NN P	174.39	174.39
				TOTAL PAYMENT AMOUNT	359.38 *		359.38
021464/00	CMI EDUCATION INSTITUTE INC						
	821 PO-170722	09/22/2016	ANN LYONS REGIST				
				1 01-6512-0-5200-102-5001-3110-003-000	NN F	389.99	389.99
				TOTAL PAYMENT AMOUNT	389.99 *		389.99
014557/00	COLLEGE OAK TOW & TRANSPORT						
	67 PO-170065	09/22/2016	496053				
				1 01-0000-0-5800-112-0000-3600-007-000	NN P	210.00	210.00
				TOTAL PAYMENT AMOUNT	210.00 *		210.00
016320/00	COLLIER, ALYSON						
	811 PO-170718	09/22/2016	REIMB-CHAIRS				
				1 01-5640-0-4300-601-1369-1000-017-000	NN F	213.82	213.82
				TOTAL PAYMENT AMOUNT	213.82 *		213.82

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Reg Reference	Date	Description		FD RESO P	OBJE SIT GOAL FUNC RES DEP TRMP		
016731/00	COMMITTEE FOR CHILDREN						
697 PO-170716	09/22/2016	271121					
			1	01-9315-0-4200-601-1110-1000-017-000	YN F	420.12	389.00
							TOTAL PAYMENT AMOUNT 389.00 *
							TOTAL USE TAX AMOUNT 31.12
018527/00	CONTI CORPORATION						
CL-168032	09/22/2016	T-16-009					
				01-0000-0-5800-472-0000-8110-007-990	NN	25,018.00	25,018.00
							TOTAL PAYMENT AMOUNT 25,018.00 *
019423/00	DECOTECH SYSTEMS INC						
631 PO-170548	09/22/2016	16-28795					
			1	01-0370-0-6500-115-0000-7700-007-000	NN F	25,079.43	25,079.43
							TOTAL PAYMENT AMOUNT 25,079.43 *
010481/00	DEMCO INC						
665 PO-170573	09/22/2016	5941716					
714 PO-170614	09/22/2016	5945401					
			1	01-0000-0-4300-103-0000-2420-003-000	NN F	163.52	157.84
			1	01-0000-0-4300-103-0000-2420-003-000	NN F	58.84	61.30
							TOTAL PAYMENT AMOUNT 219.14 *
015800/00	DISCOUNT SCHOOL SUPPLY						
684 PO-170593	09/22/2016	D23161510002					
			1	01-6500-0-4300-102-5770-1110-002-000	NN F	327.32	337.44
							TOTAL PAYMENT AMOUNT 337.44 *
011613/00	DITTO PRINT & COPY						
769 PO-170672	09/22/2016	5351					
			1	01-0000-0-5800-105-0000-7200-005-000	NN F	1,205.82	1,205.82
							TOTAL PAYMENT AMOUNT 1,205.82 *
019943/00	DOCUMENT TRACKING SERVICES						
825 PO-170724	09/22/2016	T-958430001					
			1	01-0000-0-5800-103-1110-1000-003-740	NN F	627.47	627.47
							TOTAL PAYMENT AMOUNT 627.47 *

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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD	RESO	P OBJE SIT GOAL FUNC RES DEP T9MP		
010336/00	ECOTECH PEST MANAGEMENT INC						
109	PO-170177	09/22/2016	12233	1	01-0000-0-5500-106-0000-8110-007-000 NN P	712.00	712.00
TOTAL PAYMENT AMOUNT						712.00 *	712.00
020587/00	ELECTRIC GOLF CAR COMPANY INC						
831	PO-170727	09/22/2016	633	1	01-0000-0-4300-472-0000-2700-014-000 NN F	54.00	54.00
TOTAL PAYMENT AMOUNT						54.00 *	54.00
010592/00	EWING IRRIGATION PRODUCTS						
415	PO-170364	09/22/2016	2129864	1	01-0000-0-4300-106-0000-8110-007-000 NN P	62.87	62.87
415	PO-170364	09/22/2016	2129863	1	01-0000-0-4300-106-0000-8110-007-000 NN P	336.69	336.69
415	PO-170364	09/22/2016	2190481	1	01-0000-0-4300-106-0000-8110-007-000 NN P	1,229.86	1,229.86
TOTAL PAYMENT AMOUNT						1,629.42 *	1,629.42
015137/00	FRED PRYOR SEMINARS						
	FV-171021	09/19/2016	INV 20281001		01-0000-0-5800-112-0000-3600-007-000 NN		50.00
TOTAL PAYMENT AMOUNT						50.00 *	50.00
019704/00	FRISCH, JOYCE						
847	PO-170738	09/22/2016	REIMB	1	01-0000-0-4300-371-0000-2700-012-000 NN F	95.88	95.88
TOTAL PAYMENT AMOUNT						95.88 *	95.88
017681/00	GEARY PACIFIC SUPPLY						
42	PO-170041	09/22/2016	3309005	1	01-8150-0-4300-106-0000-8110-007-000 NN P	452.04	452.04
42	PO-170041	09/22/2016	3309007	1	01-8150-0-4300-106-0000-8110-007-000 NN P	545.35	545.35
TOTAL PAYMENT AMOUNT						997.39 *	997.39
022347/00	GIVE SOMETHING BACK						
766	PO-170671	09/22/2016	IN-0538124	1	01-6512-0-4300-102-5001-3110-003-000 NN F	373.38	142.41
890	PO-170773	09/22/2016	IN-0543808	1	01-0000-0-4300-475-3200-2700-015-000 NN F	110.08	110.08
TOTAL PAYMENT AMOUNT						252.49 *	252.49

81 CENTER UNIFIED SCHOOL DIST.
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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
011335/00	GM ENGINEERING						
909 PO-170791	09/22/2016	090216A					
			1	01-0000-0-5800-472-0000-8110-007-990	NN P	2,000.00	2,000.00
			TOTAL PAYMENT AMOUNT		2,000.00 *		2,000.00
014075/00	GOLDEN WEST INDUSTRIAL						
237 PO-170211	09/22/2016	2076812					
			1	01-0000-0-4300-112-0000-3600-007-000	NN F	200.00	177.30
			TOTAL PAYMENT AMOUNT		177.30 *		177.30
019946/00	GRIFFIN ELECTRIC						
864 PO-170753	09/22/2016	10906090116					
			1	01-8150-0-5800-106-0000-8110-007-000	NN F	317.50	317.50
			TOTAL PAYMENT AMOUNT		317.50 *		317.50
017609/00	GUERGUY, CARLA						
832 PO-170729	09/22/2016	REIMB					
			1	01-6300-0-4300-475-3200-1000-015-000	NN F	16.68	16.68
			TOTAL PAYMENT AMOUNT		16.68 *		16.68
015498/00	HARRIS WELDING						
18 PO-170017	09/22/2016	01692313					
18 PO-170017	09/22/2016	01690951					
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	301.88	301.88
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	229.33	229.33
			TOTAL PAYMENT AMOUNT		531.21 *		531.21
010830/00	HOLT OF CALIFORNIA						
878 PO-170768	09/22/2016	SW050257102					
878 PO-170768	09/22/2016	SW050257102					
878 PO-170768	09/22/2016	SW050257102					
			1	01-8150-0-4300-106-0000-8110-007-000	NN F	54.32	54.32
			2	01-8150-0-5210-106-0000-8110-007-000	NN F	120.00	120.00
			3	01-8150-0-5800-106-0000-8110-007-000	NN F	90.00	90.00
			TOTAL PAYMENT AMOUNT		264.32 *		264.32
017002/00	HOME DEPOT CREDIT SERVICES						
22 PO-170021	09/22/2016	1884876					
22 PO-170021	09/22/2016	4024595					
22 PO-170021	09/22/2016	1025014					
22 PO-170021	09/22/2016	8024075					
22 PO-170021	09/22/2016	1240739					
22 PO-170021	09/22/2016	4024656					
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	860.37	860.37
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	60.37	60.37
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	129.60	129.60
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	38.67	38.67
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	179.63	179.63
			1	01-8150-0-4300-106-0000-8110-007-000	NN P	70.05	70.05

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Reg Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
017002 (CONTINUED)								
22 PO-170021	09/22/2016	1584129			1 01-8150-0-4300-106-0000-8110-007-000 NN P		30.55	30.55
22 PO-170021	09/22/2016	5014272			1 01-8150-0-4300-106-0000-8110-007-000 NN P		23.17	23.17
22 PO-170021	09/22/2016	7013981			1 01-8150-0-4300-106-0000-8110-007-000 NN P		20.52	20.52
22 PO-170021	09/22/2016	5014294			1 01-8150-0-4300-106-0000-8110-007-000 NN P		418.89	418.89
22 PO-170021	09/22/2016	4014439			1 01-8150-0-4300-106-0000-8110-007-000 NN P		27.60	27.60
787 PO-170681	09/22/2016	3070455			1 01-0000-0-4300-111-0000-8200-007-000 NN P		86.27	86.27
TOTAL PAYMENT AMOUNT							1,945.69 *	1,945.69
015311/00 HOWARD TARAS MD								
757 PO-170717	09/22/2016	2/2016			1 01-5640-0-5800-601-1369-1000-017-000 NY F		60.00	60.00
TOTAL PAYMENT AMOUNT							60.00 *	60.00
018939/00 J'S COMMUNICATIONS INC								
155 PO-170134	09/22/2016	N16-995			1 01-0000-0-4300-472-0000-2700-014-000 NN F		1,941.12	1,941.12
TOTAL PAYMENT AMOUNT							1,941.12 *	1,941.12
010728/00 JOHNSTONE SUPPLY OF SACRAMENTO								
23 PO-170022	09/22/2016	27-S2139611.001			1 01-8150-0-4300-106-0000-8110-007-000 NN P		187.50	187.50
TOTAL PAYMENT AMOUNT							187.50 *	187.50
010355/00 KAISER FOUNDATION HEALTH PLAN								
FV-171022	09/22/2016	OCTOBER-			01-0000-0-9552-000-0000-0000-000-000 NN		162,920.50	162,920.50
TOTAL PAYMENT AMOUNT							162,920.50 *	162,920.50
021874/00 KIDWELL, TAMBRA								
829 PO-170714	09/22/2016	TRIP 1057			1 01-0000-0-5800-112-0000-3600-007-000 NN P		10.57	10.57
TOTAL PAYMENT AMOUNT							10.57 *	10.57
022353/00 KYLE, STEPHEN								
899 PO-170784	09/22/2016	REIMB			1 01-0000-0-4300-240-1110-1000-011-000 NN F		117.15	117.15
TOTAL PAYMENT AMOUNT							117.15 *	117.15

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Reg Reference	Date	Description	FD RESO P	OBJE SIT	COAL FUNC RES DEP TRMP		
014389/00	LOMOVA, YELENA						
903	PO-170788	09/22/2016	TRIP956	1	01-0000-0-5800-112-0000-3600-007-000 NN P	10.24	10.24
	TOTAL PAYMENT AMOUNT				10.24 *		10.24
017726/00	LOS ANGELES FREIGHTLINER						
63	PO-170061	09/22/2016	BN80726-OVERPAY	1	01-0000-0-4300-112-0000-3600-007-000 NN P	48.15	48.15
63	PO-170061	09/22/2016	BN80858	1	01-0000-0-4300-112-0000-3600-007-000 NN P	29.29	29.29
63	PO-170061	09/22/2016	BN80889	1	01-0000-0-4300-112-0000-3600-007-000 NN F	116.91	154.42
	TOTAL PAYMENT AMOUNT				231.86 *		231.86
021914/00	LOY MATTISON ENTERPRISES						
701	PO-170605	09/22/2016	080116083116	1	01-0000-0-5800-106-0000-8110-007-000 NY P	805.00	805.00
	TOTAL PAYMENT AMOUNT				805.00 *		805.00
022406/00	MAXIM HEALTHCARE SERVICES INC						
265	PO-170231	09/22/2016	4390400262	1	01-0000-0-5800-102-0000-3140-003-000 NN P	1,425.00	1,425.00
265	PO-170231	09/22/2016	4403690262	1	01-0000-0-5800-102-0000-3140-003-000 NN P	736.50	736.50
	TOTAL PAYMENT AMOUNT				2,161.50 *		2,161.50
010034/00	MCGILL DISCOUNT NURSE SUPPLIES						
706	PO-170609	09/22/2016	IN0569439	1	01-0000-0-4300-102-0000-3140-003-000 NN F	890.51	908.87
	TOTAL PAYMENT AMOUNT				908.87 *		908.87
016993/00	MCGRAW HILL SCHOOL EDUCATION						
762	PO-170664	09/22/2016	93959866001	1	01-0037-0-4100-103-1110-1000-003-000 NN F	238.53	404.08
	TOTAL PAYMENT AMOUNT				404.08 *		404.08
020602/00	MCGRAW HILL SCHOOL EDUCATION						
534	PO-170495	09/22/2016	93928777001	1	01-0037-0-4100-103-1110-1000-003-000 NN P	1,341.72	1,341.72
534	PO-170495	09/22/2016	93928562001	1	01-0037-0-4100-103-1110-1000-003-000 NN F	22,026.95	23,366.12
597	PO-170522	09/22/2016	94077565001	1	01-0000-0-4100-101-1110-1000-002-995 NN P	1,111.50	1,111.50
597	PO-170522	09/22/2016	93987241001	1	01-0000-0-4100-101-1110-1000-002-995 NN F	5,745.63	5,656.03
	TOTAL PAYMENT AMOUNT				31,475.37 *		31,475.37

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Reg Reference	Date	Description	FD RESO P	CBJE SIT	GOAL FUNC RES DEP T9MP		

016087/00	MICHAEL'S TRANSPORTATION SERV.						
234 PO-170226	09/22/2016	93544	1	01-0000-0-5800-112-0000-3600-007-000	NN F	445.00	445.00
789 PO-170682	09/22/2016	93544	1	01-0000-0-5800-112-0000-3600-007-000	NN P	3,412.50	3,412.50
789 PO-170682	09/22/2016	93532	1	01-0000-0-5800-112-0000-3600-007-000	NN F	2,730.00	3,910.00
866 PO-170754	09/22/2016	93580	1	01-0000-0-5800-112-0000-3600-007-000	NN P	1,427.50	1,427.50
866 PO-170754	09/22/2016	93582	1	01-0000-0-5800-112-0000-3600-007-000	NN P	810.00	810.00
866 PO-170754	09/22/2016	93683	1	01-0000-0-5800-112-0000-3600-007-000	NN P	1,620.00	1,620.00
TOTAL PAYMENT AMOUNT				11,625.00 *			11,625.00
019059/00	MILLENNIUM TERMITE & PEST						
111 PO-170178	09/22/2016	TR-71099	1	01-0000-0-5500-106-0000-8110-007-000	NN P	91.00	91.00
111 PO-170178	09/22/2016	TR-72628	1	01-0000-0-5500-106-0000-8110-007-000	NN P	57.00	57.00
111 PO-170178	09/22/2016	TR-72628	1	01-0000-0-5500-106-0000-8110-007-000	NN P	59.00	59.00
TOTAL PAYMENT AMOUNT				207.00 *			207.00
021692/00	MONOPRICE INC						
848 PO-170739	09/22/2016	14873650	1	01-0000-0-4300-371-1110-1000-012-000	NN F	145.49	140.80
TOTAL PAYMENT AMOUNT				140.80 *			140.80
022587/00	NTS MIKEDON LLC						
235 PO-170210	09/22/2016	0509455	1	01-8150-0-4300-106-0000-8110-007-000	NN P	596.97	596.97
TOTAL PAYMENT AMOUNT				596.97 *			596.97
017576/00	OFFICE DEPOT						
CL-168060	09/22/2016	845562608001		01-0000-0-4400-101-0000-7150-002-995	NN	21,195.00	21,195.00
CL-168060	09/22/2016	845523952002		01-0000-0-4400-101-0000-7150-002-995	NN	1,833.85	2,073.47
135 PO-170118	09/22/2016	851334972001	1	01-0000-0-4300-238-1110-1000-010-000	NN P	675.73	675.73
135 PO-170118	09/22/2016	851334972002	1	01-0000-0-4300-238-1110-1000-010-000	NN F	104.52	82.88
256 PO-170221	09/22/2016	851426800001	2	01-0000-0-4300-112-0000-3600-007-000	NN P	0.00	0.00
256 PO-170221	09/22/2016	851426801000	2	01-0000-0-4300-112-0000-3600-007-000	NN F	334.49	295.29
256 PO-170221	09/22/2016	851426799001	1	01-8150-0-4300-106-0000-8110-007-000	NN P	0.00	0.00
256 PO-170221	09/22/2016	851426799002	1	01-8150-0-4300-106-0000-8110-007-000	NN F	582.67	582.67
243 PO-170264	09/22/2016	853176301001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	105.49	105.49
243 PO-170264	09/22/2016	853176303001	1	01-0000-0-4300-234-1110-1000-008-000	NN F	27.58	7.01
249 PO-170266	09/22/2016	853184411001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	822.27	822.27
249 PO-170266	09/22/2016	853184412001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	25.89	25.89
249 PO-170266	09/22/2016	853186895001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	1,445.58	1,445.58
249 PO-170266	09/22/2016	853184411002	1	01-0000-0-4300-234-1110-1000-008-000	NN P	1.63	1.63

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
017576 (CONTINUED)							
249 PO-170266	09/22/2016	853186896001	1	01-0000-0-4300-234-1110-1000-008-000	NN F	180.47	18.06
268 PO-170268	09/22/2016	853191387001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	874.02	874.02
268 PO-170268	09/22/2016	853192947001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	887.45	887.45
268 PO-170268	09/22/2016	853191387002	1	01-0000-0-4300-234-1110-1000-008-000	NN P	3.26	3.26
268 PO-170268	09/22/2016	853191391001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	27.09	27.09
268 PO-170268	09/22/2016	853191388001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	22.27	22.27
268 PO-170268	09/22/2016	853191390001	1	01-0000-0-4300-234-1110-1000-008-000	NN F	118.85	2.69
271 PO-170269	09/22/2016	853352151001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	1,918.56	1,918.56
271 PO-170269	09/22/2016	853352153001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	7.12	7.12
271 PO-170269	09/22/2016	853352155001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	1.73	1.73
271 PO-170269	09/22/2016	853352151002	1	01-0000-0-4300-234-1110-1000-008-000	NN F	56.31	4.89
278 PO-170270	09/22/2016	853369896001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	1,633.29	1,633.29
278 PO-170270	09/22/2016	853369899001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	60.40	60.40
278 PO-170270	09/22/2016	853369896003	1	01-0000-0-4300-234-1110-1000-008-000	NN P	10.80	10.80
278 PO-170270	09/22/2016	853369896002	1	01-0000-0-4300-234-1110-1000-008-000	NN F	33.31	8.66
295 PO-170274	09/22/2016	853461348001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	9.03	9.03
295 PO-170274	09/22/2016	853459793001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	1.65	1.65
295 PO-170274	09/22/2016	853461347001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	25.89	25.89
295 PO-170274	09/22/2016	853461345001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	871.68	871.68
295 PO-170274	09/22/2016	853459794002	1	01-0000-0-4300-234-1110-1000-008-000	NN P	3.26	3.26
295 PO-170274	09/22/2016	853461351002	1	01-0000-0-4300-234-1110-1000-008-000	NN P	19.41	19.41
295 PO-170274	09/22/2016	853461351001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	25.88	25.88
295 PO-170274	09/22/2016	854736925002	1	01-0000-0-4300-234-1110-1000-008-000	NN P	60.44	60.44
295 PO-170274	09/22/2016	854736925001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	135.98	135.98
295 PO-170274	09/22/2016	855373239001	1	01-0000-0-4300-234-1110-1000-008-000	NN P	12.27	12.27
295 PO-170274	09/22/2016	853459794001	1	01-0000-0-4300-234-1110-1000-008-000	NN F	685.90	679.67
483 PO-170421	09/22/2016	855737598001	1	01-6500-0-4300-102-5770-1110-002-000	NN P	158.09	158.09
483 PO-170421	09/22/2016	855737599001	1	01-6500-0-4300-102-5770-1110-002-000	NN P	7.72	7.72
483 PO-170421	09/22/2016	855737598002	1	01-6500-0-4300-102-5770-1110-002-000	NN F	15.63	6.76
537 PO-170463	09/22/2016	856462130001	1	01-0000-0-4300-371-1110-1000-012-000	NN F	119.82	119.26
551 PO-170471	09/22/2016	856461560001	1	01-6300-0-4300-371-1110-1000-012-000	NN P	94.80	94.80
551 PO-170471	09/22/2016	856461561001	1	01-6300-0-4300-371-1110-1000-012-000	NN F	7.38	6.93
566 PO-170487	09/22/2016	857041859001	1	01-0000-0-4300-236-1110-1000-009-000	NN P	15.16	15.16
566 PO-170487	09/22/2016	857041860001	1	01-0000-0-4300-236-1110-1000-009-000	NN P	4.88	4.88
566 PO-170487	09/22/2016	857041858001	1	01-0000-0-4300-236-1110-1000-009-000	NN P	520.15	520.15
566 PO-170487	09/22/2016	857041857001	1	01-0000-0-4300-236-1110-1000-009-000	NN F	161.99	191.98
685 PO-170594	09/22/2016	859988390001	1	01-6500-0-4300-102-5750-1110-002-000	NN F	226.67	124.75
709 PO-170611	09/22/2016	859987196001	1	01-5640-0-4300-601-1369-1000-017-000	NN P	1.89	1.89
709 PO-170611	09/22/2016	859987197001	1	01-5640-0-4300-601-1369-1000-017-000	NN P	77.04	77.04
709 PO-170611	09/22/2016	859987198001	1	01-5640-0-4300-601-1369-1000-017-000	NN F	6.47	6.47
731 PO-170636	09/22/2016	860383053001	1	01-0000-0-4300-238-1110-1000-010-000	NN P	141.67	141.67
731 PO-170636	09/22/2016	860383054001	1	01-0000-0-4300-238-1110-1000-010-000	NN P	12.47	12.47
731 PO-170636	09/22/2016	860383053002	1	01-0000-0-4300-238-1110-1000-010-000	NN F	3.72	4.90
747 PO-170656	09/22/2016	86137361001	1	01-6500-0-4300-102-5770-1110-002-000	NN F	182.63	182.63
764 PO-170666	09/22/2016	861375161001	1	01-6500-0-4300-102-5770-1110-002-000	NN F	161.55	64.67

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P	OBJE SIT COAL FUNC RES DEP T9MP		

017576	(CONTINUED)							
765 PO-170667	09/22/2016	861376137001		1	01-6500-0-4300-102-5770-1110-002-000	NN P	84.21	84.21
765 PO-170667	09/22/2016	861376141001		1	01-6500-0-4300-102-5770-1110-002-000	NN F	2.20	2.20
TOTAL PAYMENT AMOUNT								36,466.99 *
014069/00	PLATT ELECTRIC SUPPLY INC							
28 PO-170027	09/22/2016	K278268		1	01-8150-0-4300-106-0000-8110-007-000	NN P	106.46	106.46
28 PO-170027	09/22/2016	K278988		1	01-8150-0-4300-106-0000-8110-007-000	NN P	154.42	154.42
28 PO-170027	09/22/2016	K276729		1	01-8150-0-4300-106-0000-8110-007-000	NN P	160.81	160.81
28 PO-170027	09/22/2016	K251277		1	01-8150-0-4300-106-0000-8110-007-000	NN P	23.76	23.76
28 PO-170027	09/22/2016	Z065675		1	01-8150-0-4300-106-0000-8110-007-000	NN P	23.76	23.76
28 PO-170027	09/22/2016	k279047		1	01-8150-0-4300-106-0000-8110-007-000	NN P	467.04	467.04
28 PO-170027	09/22/2016	k276747		1	01-8150-0-4300-106-0000-8110-007-000	NN P	426.25	426.25
TOTAL PAYMENT AMOUNT								1,362.50 *
021401/00	PRACTI-CAL INC							
264 PO-170230	09/22/2016	335817		1	01-5640-0-5800-103-0000-3140-003-000	NN P	47.77	47.77
264 PO-170230	09/22/2016	335914		1	01-5640-0-5800-103-0000-3140-003-000	NN P	23.89	23.89
TOTAL PAYMENT AMOUNT								71.66 *
017327/00	PREFERRED AERIAL & CRANE							
906 PO-170789	09/22/2016	12448		1	01-8150-0-5800-106-0000-8110-007-000	NN F	350.00	350.00
TOTAL PAYMENT AMOUNT								350.00 *
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
82 PO-170079	09/22/2016	180257229		1	01-0000-0-5600-112-0000-3600-007-000	NN P	67.89	67.89
82 PO-170079	09/22/2016	180257799		1	01-0000-0-5600-112-0000-3600-007-000	NN P	67.89	67.89
82 PO-170079	09/22/2016	180258571		1	01-0000-0-5600-112-0000-3600-007-000	NN P	49.83	49.83
TOTAL PAYMENT AMOUNT								185.61 *
010552/00	SAC VAL JANITORIAL							
257 PO-170222	09/22/2016	10208102		1	01-0000-0-9320-000-0000-0000-000-000	NN P	1,229.58	1,229.58
257 PO-170222	09/22/2016	10207173		1	01-0000-0-9320-000-0000-0000-000-000	NN P	502.93	502.93
257 PO-170222	09/22/2016	10207172		1	01-0000-0-9320-000-0000-0000-000-000	NN P	252.63	252.63
257 PO-170222	09/22/2016	10208361		1	01-0000-0-9320-000-0000-0000-000-000	NN P	313.74	313.74
907 PO-170790	09/22/2016	10206494		1	01-0000-0-4300-111-0000-8200-007-000	NN P	140.40	140.40

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
010552 (CONTINUED)								
907 PO-170790	09/22/2016	10206494			2 01-0000-0-5600-111-0000-8200-007-000 NN P		127.50	127.50
TOTAL PAYMENT AMOUNT							2,566.78 *	2,566.78
022536/00 SACRAMENTO COUNTY OFFICE OF ED								
885 PO-170778	09/22/2016	170290			1 01-6500-0-5800-102-5001-2700-002-000 NN F		790.66	790.66
TOTAL PAYMENT AMOUNT							790.66 *	790.66
014493/00 SACRAMENTO EDUCATIONAL CABLE								
844 PO-170734	09/22/2016	1002			1 01-0000-0-5800-115-0000-7700-007-000 NN F		2,261.50	2,261.50
TOTAL PAYMENT AMOUNT							2,261.50 *	2,261.50
016337/00 SAECHOA, MUANG								
263 PO-170229	09/22/2016	JULY			1 01-6500-0-5800-102-5770-3600-002-000 NN P		194.40	194.40
263 PO-170229	09/22/2016	AUG			1 01-6500-0-5800-102-5770-3600-002-000 NN F		205.60	172.80
TOTAL PAYMENT AMOUNT							367.20 *	367.20
020981/00 SAVE MART SUPERMARKETS								
372 PO-170335	09/22/2016	2296018			1 01-0000-0-4300-101-0000-7150-002-000 NN P		6.99	6.99
605 PO-170526	09/22/2016	2295698			1 01-6500-0-4300-102-5750-1110-002-000 NN P		17.99	17.99
TOTAL PAYMENT AMOUNT							24.98 *	24.98
015962/00 SCHMIEDER, KRIS								
813 PO-170775	09/22/2016	REIMB SNACKS			1 01-0000-0-4300-240-0000-2700-011-000 NN F		26.94	26.94
813 PO-170775	09/22/2016	reimb bee			2 01-0000-0-5300-240-0000-2700-011-000 NN F		100.00	100.00
TOTAL PAYMENT AMOUNT							126.94 *	126.94
020695/00 SCHOOL OUTFITTERS								
291 PO-170249	09/22/2016	INV12091670-R			1 01-6300-0-4300-472-1110-1000-014-000 NN F		3,216.31	3,216.31
TOTAL PAYMENT AMOUNT							3,216.31 *	3,216.31

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr Reg Reference	Remit name Date	Description	Tax ID num	Deposit type	ABA num FD RESO P OBJE SIT GOAL FUNC	Account num RES DEP T9MP	Liq Amt	Net Amount
016887/00	SCHOOL SAFETY SOLUTIONS LLC							
	921 PO-170798	09/22/2016 2023						
				1	01-0000-0-5800-111-0000-8200-007-000	NN F	382.68	382.68
					TOTAL PAYMENT AMOUNT		382.68 *	382.68
015240/00	SF CABLE							
	296 PO-170251	09/23/2016 33018301						
				1	01-0370-0-4300-115-0000-7700-007-000	NN F	79.60	79.23
					TOTAL PAYMENT AMOUNT		79.23 *	79.23
016043/00	SHELTONS UNLIMITED MECHANICAL							
	830 PO-170726	09/22/2016 16-18007						
				1	01-0000-0-5600-472-0000-2700-014-000	NN F	144.00	144.00
					TOTAL PAYMENT AMOUNT		144.00 *	144.00
022591/00	SIERRA PACIFIC LITHOGRAPHICS							
	715 PO-170615	09/22/2016 1324488						
				1	01-0000-0-9320-000-0000-0000-000-000	NN F	1,122.77	1,122.77
					TOTAL PAYMENT AMOUNT		1,122.77 *	1,122.77
017883/00	SIMPLEXGRINNELL LP							
	31 PO-170030	09/22/2016 82858442						
	867 PO-170755	09/22/2016 82858442						
				1	01-8150-0-5800-106-0000-8110-007-000	NN F	2,010.83	2,010.83
				1	01-8150-0-5800-106-0000-8110-007-000	NN P	1,622.57	1,622.57
					TOTAL PAYMENT AMOUNT		3,633.40 *	3,633.40
010263/00	SMUD							
	112 PO-170179	09/22/2016 7000000347						
				1	01-0000-0-5510-106-0000-8110-007-000	NN P	22,941.85	22,941.85
					TOTAL PAYMENT AMOUNT		22,941.85 *	22,941.85
019633/00	SPINELLI DONALD & NOTT							
	875 PO-170761	09/22/2016 27548						
				1	01-0000-0-5880-105-0000-7200-005-000	NN P	5,682.00	5,682.00
					TOTAL PAYMENT AMOUNT		5,682.00 *	5,682.00

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
014558/00	SPURR						
115 PO-170180	09/22/2016	76526	1	01-0000-0-5515-106-0000-8110-007-000	NN P	822.64	822.64
			TOTAL PAYMENT AMOUNT	822.64 *			822.64
010137/00	STATE BOARD OF EQUALIZATION						
PV-171026	09/22/2016	SUKH100468425		01-0000-0-9560-000-0000-0000-000-000	NN		10,992.34
			TOTAL PAYMENT AMOUNT	10,992.34 *			10,992.34
020465/00	SUPPORTED LIFE INSTITUTE						
843 PO-170733	09/22/2016	AUGUST	1	01-6500-0-5800-102-5750-1180-002-000	NN P	258.00	258.00
			TOTAL PAYMENT AMOUNT	258.00 *			258.00
014079/00	THYSSENKRUPP ELEVATOR CORP						
826 PO-170725	09/22/2016	3002733927	1	01-8150-0-5600-106-0000-8110-007-000	NN P	995.76	995.76
			TOTAL PAYMENT AMOUNT	995.76 *			995.76
018567/00	TRULITE GLASS & ALUMINUM SOL.						
35 PO-170034	09/22/2016	120739542	1	01-0000-0-4300-106-0000-8110-007-000	NN P	106.42	106.42
			TOTAL PAYMENT AMOUNT	106.42 *			106.42
016370/00	TWIN RIVERS UNIFIED SCH DIST						
817 PO-170741	09/22/2016	170160	1	01-0000-0-5800-105-0000-8300-005-000	NN P	23,666.66	23,666.66
817 PO-170741	09/22/2016	170393	1	01-0000-0-5800-105-0000-8300-005-000	NN P	11,833.33	11,833.33
			TOTAL PAYMENT AMOUNT	35,499.99 *			35,499.99
015018/00	VERHOVETCHI, VEACESLAV						
PV-171025	09/22/2016	STALE DATED CKS-REISSUE		01-0000-0-5800-112-0000-3600-007-000	NN		28.86
			TOTAL PAYMENT AMOUNT	28.86 *			28.86

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 12 CHILD DEVELOPMEN FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount		
Reg Reference	Date	Description		FD RESO P	OBJE SIT	GOAL FUNC	RES DEP	T9MP	

018143/00	CHILD DEVELOPMENT CENTERS INC								
679 PO-170576	09/22/2016	5030-AUG16		1	12-5025-0-5800-100-8500-1000-005-000	NN	P	20,332.05	20,332.05
679 PO-170576	09/22/2016	5030-AUG16		2	12-6105-0-5800-100-8500-1000-005-000	NN	P	26,279.72	26,279.72
TOTAL PAYMENT AMOUNT								46,611.77 *	46,611.77
TOTAL FUND				PAYMENT				46,611.77 **	46,611.77

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description		FD RESO P	CBJE SIT GOAL FUNC RES DEP T9MP		
011205/00	CULTURE SHOCK YOGURT						
95 PO-170107	09/22/2016	3996					
			1	13-5310-0-4700-108-0000-3700-007-000	NN P	214.00	214.00
			TOTAL PAYMENT AMOUNT				214.00
							214.00
011602/00	DANIELSEN CO., THE						
705 PO-170608	09/22/2016	111243,111851	2	13-5310-0-4300-108-0000-3700-007-000	NN P	52.53	52.53
705 PO-170608	09/22/2016	110667	1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,453.95	1,453.95
705 PO-170608	09/22/2016	111243,111201,111867	1	13-5310-0-4700-108-0000-3700-007-000	NN P	375.73	375.73
			TOTAL PAYMENT AMOUNT				1,882.21
							1,882.21
017342/00	EKON-O-PAC LLC						
125 PO-170115	09/22/2016	58484	1	13-5310-0-4300-108-0000-3700-007-000	NN P	549.60	549.60
			TOTAL PAYMENT AMOUNT				549.60
							549.60
021080/00	GOLD STAR FOODS INC						
708 PO-170610	09/22/2016	1775733	1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,715.14	1,715.14
708 PO-170610	09/22/2016	1760485	1	13-5310-0-4700-108-0000-3700-007-000	NN P	377.67	377.67
708 PO-170610	09/22/2016	1778217	1	13-5310-0-4700-108-0000-3700-007-000	NN P	4,370.90	4,370.90
708 PO-170610	09/22/2016	1770910	1	13-5310-0-4700-108-0000-3700-007-000	NN P	10,958.72	10,958.72
			TOTAL PAYMENT AMOUNT				17,422.43
							17,422.43
017730/00	HARRIS COMPUTER SYSTEMS						
126 PO-170116	09/22/2016	MN00094308	1	13-5310-0-5800-108-0000-3700-007-000	NN P	12,191.03	12,191.03
			TOTAL PAYMENT AMOUNT				12,191.03
							12,191.03
022464/00	KASEY, LAURA						
895 PO-170782	09/22/2016	REIMB-SUPPLIES	2	13-5310-0-4300-108-0000-3700-007-000	NN F	103.34	103.34
895 PO-170782	09/22/2016	REIMB FOOD	1	13-5310-0-4700-108-0000-3700-007-000	NN F	23.16	23.16
			TOTAL PAYMENT AMOUNT				126.50
							126.50
016279/00	P&R PAPER SUPPLY						
193 PO-170166	09/22/2016	30094952-00	1	13-5310-0-4300-108-0000-3700-007-000	NN P	1,259.66	1,259.66
			TOTAL PAYMENT AMOUNT				1,259.66
							1,259.66

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

011572/00	PHOONG, CONTRI							
893 PO-170781	09/22/2016	REFUND		1 13-5310-0-8634-000-0000-0000-000-000 NN F			32.90	32.90
TOTAL PAYMENT AMOUNT							32.90 *	32.90
015276/00	PREMIER FOOD SAFETY							
915 PO-170797	09/22/2016	1609200697		1 13-5310-0-5200-108-0000-3700-007-000 NN F			139.00	139.00
TOTAL PAYMENT AMOUNT							139.00 *	139.00
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
101 PO-170111	09/22/2016	180257798		1 13-5310-0-5800-108-0000-3700-007-000 NN P			44.68	44.68
101 PO-170111	09/22/2016	180258570		1 13-5310-0-5800-108-0000-3700-007-000 NN P			44.68	44.68
TOTAL PAYMENT AMOUNT							89.36 *	89.36
017334/00	SEVEN UP BOTTLING CO. OF S.F.							
97 PO-170109	09/22/2016	7062951812		1 13-5310-0-4700-108-0000-3700-007-000 NN P			403.20	403.20
TOTAL PAYMENT AMOUNT							403.20 *	403.20
011422/00	SYSCO OF SAN FRANCISCO							
89 PO-170103	09/22/2016	609132615		2 13-5310-0-4300-108-0000-3700-007-000 NN P			859.96	859.96
89 PO-170103	09/22/2016	609132616		2 13-5310-0-4300-108-0000-3700-007-000 NN P			441.54	441.54
89 PO-170103	09/22/2016	609202329		2 13-5310-0-4300-108-0000-3700-007-000 NN P			873.55	873.55
89 PO-170103	09/22/2016	609132615		1 13-5310-0-4700-108-0000-3700-007-000 NN P			1,351.24	1,351.24
89 PO-170103	09/22/2016	609132616		1 13-5310-0-4700-108-0000-3700-007-000 NN P			407.26	407.26
89 PO-170103	09/22/2016	609202329		1 13-5310-0-4700-108-0000-3700-007-000 NN P			3,586.99	3,586.99
89 PO-170103	09/22/2016	609202330		1 13-5310-0-4700-108-0000-3700-007-000 NN P			148.65	148.65
TOTAL PAYMENT AMOUNT							7,669.19 *	7,669.19
014137/00	TONI BLAIR							
838 PO-170737	09/22/2016	REFUND		1 13-5310-0-8634-000-0000-0000-000-000 NN F			18.00	18.00
TOTAL PAYMENT AMOUNT							18.00 *	18.00
TOTAL FUND PAYMENT							41,997.08 **	41,997.08

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0016 09-22-16
FUND : 14 DEFERRED MAINTENANCE FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC	RES DEP T9MP		

011374/00	CAPITOL MECHANICAL INC							
617 PO-170538	09/22/2016	12994			1 14-0024-0-6500-106-9265-8110-007-000	NN F	8,000.00	8,000.00
					TOTAL PAYMENT AMOUNT			8,000.00
								8,000.00 *

016043/00	SHELTONS UNLIMITED MECHANICAL							
910 PO-170792	09/22/2016	16-18022			3 14-0024-0-4300-106-9265-8110-007-000	NN F	1,004.92	1,004.92
910 PO-170792	09/22/2016	16-18022			2 14-0024-0-4400-106-9265-8110-007-000	NN F	1,135.82	1,135.82
910 PO-170792	09/22/2016	16-18022			1 14-0024-0-5600-106-9265-8110-007-000	NN F	549.00	549.00
					TOTAL PAYMENT AMOUNT			2,689.74
								2,689.74 *

					TOTAL FUND	PAYMENT	10,689.74	**
								10,689.74

					TOTAL BATCH PAYMENT		691,328.18	***
					TOTAL USE TAX AMOUNT		155.61	
							0.00	691,328.18

81 CENTER UNIFIED SCHOOL DIST.
09-22-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0017 0-BATCH
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
021763/00	ALL STAR RENTS							
550 PO-170470	09/22/2016	close						
				1	01-8150-0-5600-106-0000-8110-007-000	NN C	5,000.00	0.00
					TOTAL PAYMENT AMOUNT	0.00 *		0.00
022591/00	SIERRA PACIFIC LITHOGRAPHICS							
845 PO-170735	09/22/2016	CLOSE						
				1	01-0000-0-9320-000-0000-0000-000-000	NN C	2,245.54	0.00
					TOTAL PAYMENT AMOUNT	0.00 *		0.00
					TOTAL FUND PAYMENT	0.00 **		0.00
					TOTAL BATCH PAYMENT	0.00 ***	0.00	0.00
					TOTAL DISTRICT PAYMENT	691,328.18 ****	0.00	691,328.18
					TOTAL USE TAX AMOUNT	155.61		
					TOTAL FOR ALL DISTRICTS:	691,328.18 ****	0.00	691,328.18
					TOTAL USE TAX AMOUNT	155.61		

Number of warrants to be printed: 113, not counting voids due to stub overflows.

Batch status: A All
From batch: 0018
To batch: 0018
Include Revolving Cash: Y
Include Address: N

81 CENTER UNIFIED SCHOOL DIST.
09-29-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0018 09-29-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP		
019486/00	4IMPRINT INC							
778 PO-170674	09/29/2016	4917660			1 01-0000-0-5800-105-0000-7200-005-000	NN F	42.18	42.18
TOTAL PAYMENT AMOUNT							42.18 *	42.18
020710/00	ACCURATE LABEL DESIGN							
690 PO-170599	09/29/2016	148630			1 01-0000-0-5800-472-0000-2700-014-000	NN F	527.95	489.95
TOTAL PAYMENT AMOUNT							489.95 *	489.95
013985/00	ALL DIESEL ELECTRIC INC.							
958 PO-170824	09/29/2016	11337			1 01-0000-0-4300-112-0000-3600-007-000	NN P	691.20	691.20
TOTAL PAYMENT AMOUNT							691.20 *	691.20
021763/00	ALL STAR RENTS							
800 PO-170701	09/29/2016	628446.10			1 01-8150-0-5600-106-0000-8110-007-000	NN P	131.89	131.89
TOTAL PAYMENT AMOUNT							131.89 *	131.89
019769/00	AMERICAN EXPRESS							
964 PO-170829	09/29/2016	0-03000			1 01-6264-0-5200-101-0000-2700-002-000	NN P	900.00	900.00
965 PO-170830	09/29/2016	0-030000			1 01-6264-0-5200-101-0000-2700-002-000	NN P	931.32	931.32
966 PO-170831	09/29/2016	0-03000			1 01-6264-0-5200-101-0000-2700-002-000	NN F	619.92	619.92
TOTAL PAYMENT AMOUNT							2,451.24 *	2,451.24
016075/00	ANWAR, SHAHNAZ							
968 PO-170832	09/29/2016	REIMB-BOOKS			1 01-6500-0-4200-102-5001-2700-002-000	NN F	285.00	285.00
TOTAL PAYMENT AMOUNT							285.00 *	285.00
018533/00	ATKINSON ANDELSON LOYA RUDD							
711 PO-170612	09/29/2016	505228			1 01-0000-0-5880-105-0000-7200-005-000	NE P	3,965.07	3,965.07
TOTAL PAYMENT AMOUNT							3,965.07 *	3,965.07

81 CENTER UNIFIED SCHOOL DIST.
09-29-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0018 09-29-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO	P OBJE	SIT GOAL FUNC RES DEP T9MP		
017561/00	BAIONI, KIM						
927 PO-170802	09/29/2016	REIMB	1	01-0000-0-5200-475-3200-1000-015-000	NN F	25.00	25.00
			TOTAL PAYMENT AMOUNT		25.00 *		25.00
021669/00	BAIONI, RON						
926 PO-170801	09/29/2016	REIMB SPEAKERS	1	01-0000-0-4300-475-3200-2700-015-000	NN F	68.33	68.33
943 PO-170845	09/29/2016	REIMB	1	01-3010-0-4300-371-1110-1000-012-000	NN F	39.99	39.99
			TOTAL PAYMENT AMOUNT		108.32 *		108.32
015718/00	BASIC PACIFIC						
FV-171029	09/29/2016	OCT 10		01-0000-0-9552-000-0000-0000-000-000	NN		180.00
			TOTAL PAYMENT AMOUNT		180.00 *		180.00
020540/00	CALIFORNIA AMERICAN WATER CO						
108 PO-170176	09/29/2016	1015-210038466358	1	01-0000-0-5520-106-0000-8110-007-000	NN P	29,475.18	29,475.18
			TOTAL PAYMENT AMOUNT		29,475.18 *		29,475.18
010407/00	CENTER UNIFIED REVOLVING FUND						
983 PO-170854	09/29/2016	4188	1	01-0000-0-4300-101-0000-7150-002-000	NN F	25.00	25.00
983 PO-170854	09/29/2016	4188	2	01-0000-0-4300-120-0000-7110-000-000	NN F	50.00	50.00
			TOTAL PAYMENT AMOUNT		75.00 *		75.00
013928/00	CINTAS LOCATION 622						
516 PO-170441	09/29/2016	622684025	1	01-0000-0-5800-111-0000-8200-007-000	NN P	184.99	184.99
			TOTAL PAYMENT AMOUNT		184.99 *		184.99
019714/00	CLARK, ERICA						
957 PO-170848	09/29/2016	REIMB	1	01-0000-0-4300-472-1600-1000-014-000	NN F	135.83	135.83
			TOTAL PAYMENT AMOUNT		135.83 *		135.83

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
010998/00	COASTAL ENTERPRISES							
798 PO-170695	09/29/2016	25445		1 01-0000-0-5800-472-1110-1000-014-782 NN F			1,487.16	1,487.16
				TOTAL PAYMENT AMOUNT			1,487.16 *	1,487.16
016320/00	COLLIER, ALYSON							
946 PO-170818	09/29/2016	REIMB		1 01-5630-0-4300-601-1421-1000-017-000 NN F			1,618.63	1,618.63
				TOTAL PAYMENT AMOUNT			1,618.63 *	1,618.63
021813/00	CONSOLIDATED COMMUNICATIONS							
749 PO-170650	09/29/2016	916-113-4131/0		1 01-0000-0-5930-106-0000-8110-007-000 NN P			220.97	220.97
				TOTAL PAYMENT AMOUNT			220.97 *	220.97
011166/00	DAILY JOURNAL CORPORATION							
938 PO-170808	09/29/2016	A2922098		1 01-0000-0-5800-101-0000-7150-002-000 NN F			144.30	144.30
				TOTAL PAYMENT AMOUNT			144.30 *	144.30
014731/00	DAVENPORT, LARRY							
933 PO-170841	09/29/2016	MILEAGE		1 01-3550-0-5200-472-3800-1000-014-000 NN F			71.23	71.23
				TOTAL PAYMENT AMOUNT			71.23 *	71.23
010177/00	DAY, CHRIS							
977 PO-170850	09/29/2016	VARIOUS INVOICES		1 01-6500-0-5800-102-5750-1180-002-000 NN F			1,666.02	1,666.02
				TOTAL PAYMENT AMOUNT			1,666.02 *	1,666.02
021079/00	DUSLAN TECHNOLOGY INC							
861 PO-170751	09/29/2016	264870		1 01-0000-0-4300-234-1110-1000-008-000 NN F			289.36	267.93
				TOTAL PAYMENT AMOUNT			267.93 *	267.93
016002/00	EDGAR, SHERRY							
988 PO-170856	09/29/2016	REIMB		1 01-0000-0-4300-472-1110-4200-014-000 NN F			46.35	46.35
				TOTAL PAYMENT AMOUNT			46.35 *	46.35

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		

020622/00	EDUCATION & COMMUNITY SUPPORTS							
925 PO-170840	09/29/2016	INV00035957		1	01-3010-0-5800-103-1110-1000-003-832	NN F	350.00	350.00
				TOTAL PAYMENT AMOUNT		350.00 *		350.00
010590/00	ELECTRONIX EXPRESS							
325 PO-170391	09/29/2016	526533		1	01-0000-0-4300-101-1110-1000-002-995	YN P	355.45	355.45
325 PO-170391	09/29/2016	524980		1	01-0000-0-4300-101-1110-1000-002-995	YN P	814.83	814.83
325 PO-170391	09/29/2016	529485		1	01-0000-0-4300-101-1110-1000-002-995	YN P	94.95	94.95
325 PO-170391	09/29/2016	530946		1	01-0000-0-4300-101-1110-1000-002-995	YN F	126.00	62.50
576 PO-170493	09/29/2016	530108		1	01-6382-0-4300-472-1110-1000-014-000	YN P	67.90	67.90
576 PO-170493	09/29/2016	525242		1	01-6382-0-4300-472-1110-1000-014-000	YN F	289.82	264.80
				TOTAL PAYMENT AMOUNT		1,660.43 *		1,660.43
				TOTAL USE TAX AMOUNT		132.84		
018444/00	ELITE TROPHIES & AWARDS							
969 PO-170833	09/29/2016	1923		1	01-0000-0-5800-101-0000-7150-002-000	NN F	43.20	43.00
				TOTAL PAYMENT AMOUNT		43.00 *		43.00
019519/00	EPIC SPORTS INC							
692 PO-170600	09/29/2016	2301692		1	01-0000-0-4300-472-1110-4200-014-812	NN F	442.88	412.54
				TOTAL PAYMENT AMOUNT		412.54 *		412.54
018236/00	EXPLORE LEARNING							
897 PO-170783	09/29/2016	1694835		1	01-6300-0-5800-371-1110-1000-012-000	NN F	3,000.50	3,000.50
				TOTAL PAYMENT AMOUNT		3,000.50 *		3,000.50
015172/00	FRENCH, DAVID L.							
959 PO-170826	09/29/2016	REIMB		1	01-0000-0-5800-475-3200-2700-015-000	NN F	190.72	190.72
				TOTAL PAYMENT AMOUNT		190.72 *		190.72
022347/00	GIVE SOMETHING BACK							
164 PO-170143	09/29/2016	IN-0521028		1	01-0000-0-4300-472-1415-1000-014-000	NN P	199.58	199.58
164 PO-170143	09/29/2016	IN-0521568		1	01-0000-0-4300-472-1415-1000-014-000	NN P	138.95	138.95
164 PO-170143	09/29/2016	IN-0526466		1	01-0000-0-4300-472-1415-1000-014-000	NN F	63.08	93.29

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
018398/00	LORD, MARVIN						
990 PO-170858	09/29/2016	REIMB-DRIVE	1	01-0000-0-4400-115-0000-7700-007-000	NN F	210.85	210.85
		TOTAL PAYMENT AMOUNT			210.85 *		210.85
017726/00	LOS ANGELES FREIGHTLINER						
889 PO-170772	09/29/2016	BN80726	1	01-0000-0-4300-112-0000-3600-007-000	NN P	58.68	58.68
		TOTAL PAYMENT AMOUNT			58.68 *		58.68
022230/00	MANAGED HEALTH NETWORK						
246 PO-170215	09/29/2016	3200083332	1	01-0000-0-3401-100-1110-1000-000-000	NN P	1,195.48	1,195.48
		TOTAL PAYMENT AMOUNT			1,195.48 *		1,195.48
022406/00	MAXIM HEALTHCARE SERVICES INC						
265 PO-170231	09/29/2016	4423050262	1	01-0000-0-5800-102-0000-3140-003-000	NN P	1,150.00	1,150.00
		TOTAL PAYMENT AMOUNT			1,150.00 *		1,150.00
017408/00	MCALLISTER, SAMUEL						
936 PO-170843	09/29/2016	0005	1	01-6387-0-5800-472-1110-1000-014-000	NY F	700.00	700.00
		TOTAL PAYMENT AMOUNT			700.00 *		700.00
016993/00	MCGRAW HILL SCHOOL EDUCATION						
763 PO-170665	09/29/2016	93959866001	1	01-0037-0-4100-103-1110-1000-003-000	NN F	404.08	404.08
		TOTAL PAYMENT AMOUNT			404.08 *		404.08
016087/00	MICHAEL'S TRANSPORTATION SERV.						
866 PO-170754	09/29/2016	93759	1	01-0000-0-5800-112-0000-3600-007-000	NN P	2,025.00	2,025.00
		TOTAL PAYMENT AMOUNT			2,025.00 *		2,025.00
017576/00	OFFICE DEPOT						
786 PO-170680	09/29/2016	861965966001	1	01-0000-0-4300-238-1110-1000-010-000	NN P	32.28	32.28
786 PO-170680	09/29/2016	861965965001	1	01-0000-0-4300-238-1110-1000-010-000	NN F	21.59	21.59
792 PO-170685	09/29/2016	861965503001	1	01-6300-0-4300-371-1110-1000-012-000	NN F	473.77	471.58

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					FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP		
TOTAL PAYMENT AMOUNT						431.82 *		431.82
014222/00	HCI AUDIOMETRICS							
911 PO-170814	09/29/2016	892024		1	01-0000-0-5800-102-0000-3140-003-000	NN F	510.00	510.00
TOTAL PAYMENT AMOUNT						510.00 *		510.00
021775/00	HD SUPPLY FACILITIES MAINT.							
19 PO-170018	09/29/2016	9147955752		1	01-8150-0-4300-106-0000-8110-007-000	NN P	218.27	218.27
19 PO-170018	09/29/2016	9147955755		1	01-8150-0-4300-106-0000-8110-007-000	NN P	204.42	204.42
TOTAL PAYMENT AMOUNT						422.69 *		422.69
021995/00	HEARTBEAT CPR EDUCATORS							
944 PO-170846	09/29/2016	16-305		1	01-0000-0-5800-238-1110-1000-010-000	NN F	660.00	660.00
TOTAL PAYMENT AMOUNT						660.00 *		660.00
017002/00	HOME DEPOT CREDIT SERVICES							
434 PO-170380	09/29/2016	6035322649033119		1	01-6382-0-4300-472-1110-1000-014-000	NN P	800.14	800.14
TOTAL PAYMENT AMOUNT						800.14 *		800.14
021343/00	HUNTER, CURTIS							
950 PO-170847	09/29/2016	REIMB		1	01-0000-0-4300-472-1655-1000-014-000	NN F	93.11	93.11
TOTAL PAYMENT AMOUNT						93.11 *		93.11
014622/00	IT'S ELEMENTARY							
860 PO-170750	09/29/2016	6773056		1	01-0000-0-4300-234-1110-1000-008-000	NN F	37.77	34.97
TOTAL PAYMENT AMOUNT						34.97 *		34.97
014389/00	LOMOVA, YELENA							
903 PO-170788	09/29/2016	TRIP 978		1	01-0000-0-5800-112-0000-3600-007-000	NN P	11.43	11.43
TOTAL PAYMENT AMOUNT						11.43 *		11.43

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP			

017576	(CONTINUED)							
805 PO-170706	09/29/2016	863296567001		1	01-0000-0-4300-371-1110-1000-012-000	NN F	205.19	204.24
820 PO-170712	09/29/2016	863295447001		1	01-6300-0-4300-238-1110-1000-010-000	NN F	106.65	106.65
874 PO-170760	09/29/2016	865022966001		1	01-6500-0-4300-102-5770-1110-002-000	NN P	187.75	187.75
874 PO-170760	09/29/2016	865022967001		1	01-6500-0-4300-102-5770-1110-002-000	NN F	64.66	9.17
876 PO-170767	09/29/2016	865090971001		1	01-6500-0-4300-102-5770-1110-002-000	NN F	100.26	30.73
891 PO-170779	09/29/2016	866275255001		2	01-0000-0-4300-371-0000-2700-012-000	NN F	152.01	259.28
891 PO-170779	09/29/2016	866275255001		1	01-0000-0-4300-371-1110-1000-012-000	NN F	108.48	107.27
TOTAL PAYMENT AMOUNT							1,430.54 *	1,430.54
010426/00	PAULS SAFE & LOCK							
27 PO-170026	09/29/2016	24443		1	01-8150-0-4300-106-0000-8110-007-000	NY P	43.00	43.00
TOTAL PAYMENT AMOUNT							43.00 *	43.00
020192/00	PITNEY BOWES INC							
974 PO-170836	09/29/2016	00234350LN		1	01-0000-0-4300-105-0000-7200-005-000	NN F	270.79	270.79
TOTAL PAYMENT AMOUNT							270.79 *	270.79
011345/00	PLACER LEARNING CENTER							
980 PO-170852	09/29/2016	JULY		1	01-6500-0-5800-102-5750-1180-002-000	NN P	4,066.30	4,066.30
980 PO-170852	09/29/2016	AUGUST		1	01-6500-0-5800-102-5750-1180-002-000	NN P	8,938.10	8,938.10
TOTAL PAYMENT AMOUNT							13,004.40 *	13,004.40
014069/00	PLATT ELECTRIC SUPPLY INC							
28 PO-170027	09/29/2016	K363033		1	01-8150-0-4300-106-0000-8110-007-000	NN P	108.17	108.17
28 PO-170027	09/29/2016	K400928		1	01-8150-0-4300-106-0000-8110-007-000	NN P	14.46	14.46
28 PO-170027	09/29/2016	K395390		1	01-8150-0-4300-106-0000-8110-007-000	NN P	1.10	1.10
28 PO-170027	09/29/2016	K395253		1	01-8150-0-4300-106-0000-8110-007-000	NN P	182.10	182.10
941 PO-170844	09/29/2016	K082241		1	01-0000-0-4300-111-0000-8200-007-939	NN F	490.36	490.36
TOTAL PAYMENT AMOUNT							796.19 *	796.19
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
82 PO-170079	09/29/2016	180258925		1	01-0000-0-5600-112-0000-3600-007-000	NN P	67.89	67.89
TOTAL PAYMENT AMOUNT							67.89 *	67.89

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Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		

010266/00	SACRAMENTO COUNTY UTILITIES						
122 PO-170093	09/29/2016	50008418859	1	01-0000-0-5520-106-0000-8110-007-000	NN P	233.11	233.11
			TOTAL PAYMENT AMOUNT			233.11	233.11
018912/00	SAFETY-KLEEN CORPORATION						
978 PO-170851	09/29/2016	71318589	1	01-0000-0-4300-112-0000-3600-007-000	NN F	733.99	733.99
			TOTAL PAYMENT AMOUNT			733.99	733.99
020981/00	SAVE MART SUPERMARKETS						
605 PO-170526	09/29/2016	2295970	1	01-6500-0-4300-102-5750-1110-002-000	NN P	5.52	5.52
			TOTAL PAYMENT AMOUNT			5.52	5.52
018297/00	SCHOOL SERVICES OF CALIFORNIA ██████████						
729 PO-170634	09/29/2016	W091933	1	01-0000-0-5200-110-0000-7200-004-000	NN F	265.00	265.00
			TOTAL PAYMENT AMOUNT			265.00	265.00
018930/00	SCHOOL SPECIALTY/CLASSROOM DIR ██████████						
791 PO-170684	09/29/2016	208117124145	1	01-0000-0-4300-371-1110-1000-012-000	NN F	31.52	32.16
			TOTAL PAYMENT AMOUNT			32.16	32.16
017106/00	SCHOOLS INSURANCE AUTHORITY						
PV-171028	09/29/2016	OCTOBER		01-0000-0-9552-000-0000-0000-000-000	NN		8,542.42
			TOTAL PAYMENT AMOUNT			8,542.42	8,542.42
016043/00	SHELTONS UNLIMITED MECHANICAL ██████████						
976 PO-170838	09/29/2016	16-18191	1	01-8150-0-5600-106-0000-8110-007-000	NN P	467.88	467.88
976 PO-170838	09/29/2016	16-18176	1	01-8150-0-5600-106-0000-8110-007-000	NN P	93.60	93.60
976 PO-170838	09/29/2016	16-17840	1	01-8150-0-5600-106-0000-8110-007-000	NN P	1,622.13	1,622.13
			TOTAL PAYMENT AMOUNT			2,183.61	2,183.61

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022591/00	SIERRA PACIFIC LITHOGRAPHICS							
873 PO-170759	09/29/2016	1325004		1	01-0000-0-9320-000-0000-0000-000-000	NN F	1,209.17	1,209.17
TOTAL PAYMENT AMOUNT							1,209.17 *	1,209.17
018967/00	SPRINT CUSTOMER SERVICE							
116 PO-170181	09/29/2016	811116315-178		1	01-0000-0-5930-106-0000-8110-007-000	NN P	131.40	131.40
374 PO-170336	09/29/2016	811116315-178		1	01-0000-0-5930-101-0000-7150-002-000	NN P	65.34	65.34
496 PO-170427	09/29/2016	811116315-178		1	01-0000-0-5930-103-0000-2110-003-000	NN P	75.49	75.49
533 PO-170461	09/29/2016	811116315-178		1	01-0000-0-5930-472-0000-2700-014-000	NN P	0.20	0.20
493 PO-170653	09/29/2016	811116315-178		1	01-0000-0-5930-102-0000-3140-003-000	NN P	16.36	16.36
493 PO-170653	09/29/2016	8111416315-178		1	01-0000-0-5930-102-0000-3140-003-000	NN P	88.90	88.90
TOTAL PAYMENT AMOUNT							377.69 *	377.69
020252/00	STAPLES BUSINESS ADVANTAGE							
767 PO-170668	09/29/2016	3313540684		1	01-6512-0-4300-102-5001-3110-003-000	NN F	58.67	58.39
TOTAL PAYMENT AMOUNT							58.39 *	58.39
015259/00	SUNBELT RENTALS INC							
414 PO-170363	09/29/2016	63433449-CREDIT		1	01-0000-0-5800-106-0000-8110-007-000	NN P	697.56	697.56
TOTAL PAYMENT AMOUNT							697.56 *	697.56
022254/00	VALLEY POWER SYSTEMS INC							
929 PO-170803	09/29/2016	J26831		1	01-0000-0-4300-112-0000-3600-007-000	NN F	88.26	88.26
929 PO-170803	09/29/2016	J26831		2	01-0000-0-5600-112-0000-3600-007-000	NN F	725.00	725.00
TOTAL PAYMENT AMOUNT							813.26 *	813.26
017313/00	XEROX							
724 PO-170623	09/29/2016	230037463		1	01-0000-0-5800-115-9790-8200-007-000	NN P	1,283.41	1,283.41
726 PO-170624	09/29/2016	7149057-001		1	01-0000-0-5800-115-0000-8200-007-992	NN P	35,313.00	35,313.00
727 PO-170625	09/29/2016	7149057-001		1	01-0000-0-4300-115-0000-8200-007-992	NN P	5,490.57	5,490.57
TOTAL PAYMENT AMOUNT							42,086.98 *	42,086.98
TOTAL FUND PAYMENT							130,980.55 **	130,980.55
TOTAL USE TAX AMOUNT							132.84	

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Req Reference	Date			FD RESO P OBJE	SIT GOAL FUNC	RES DEP T9MP		
020098/00	BIG TRAY							
105 PO-170112	09/29/2016	621632		1	13-5310-0-4400-108-0000-3700-007-000	NN P	192.89	192.89
TOTAL PAYMENT AMOUNT							192.89	192.89
014156/00	COUNTY OF SACRAMENTO							
771 PO-170669	09/29/2016	AR0005361		1	13-5310-0-5800-108-0000-3700-007-000	NN P	686.00	686.00
771 PO-170669	09/29/2016	AR0058738		1	13-5310-0-5800-108-0000-3700-007-000	NN P	239.00	239.00
TOTAL PAYMENT AMOUNT							925.00	925.00
011602/00	DANIELSEN CO., THE							
705 PO-170608	09/29/2016	113493		2	13-5310-0-4300-108-0000-3700-007-000	NN P	8.00	8.00
705 PO-170608	09/29/2016	113493		1	13-5310-0-4700-108-0000-3700-007-000	NN P	1,521.58	1,521.58
TOTAL PAYMENT AMOUNT							1,529.58	1,529.58
021080/00	GOLD STAR FOODS INC							
708 PO-170610	09/29/2016	1785896		1	13-5310-0-4700-108-0000-3700-007-000	NN P	10,351.63	10,351.63
708 PO-170610	09/29/2016	17865069		1	13-5310-0-4700-108-0000-3700-007-000	NN P	63.45	63.45
TOTAL PAYMENT AMOUNT							10,415.08	10,415.08
016279/00	P&R PAPER SUPPLY							
193 PO-170166	09/29/2016	30096807-00		1	13-5310-0-4300-108-0000-3700-007-000	NN P	1,447.36	1,447.36
TOTAL PAYMENT AMOUNT							1,447.36	1,447.36
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
101 PO-170111	09/29/2016	180258924		1	13-5310-0-5800-108-0000-3700-007-000	NN P	44.68	44.68
TOTAL PAYMENT AMOUNT							44.68	44.68
018967/00	SPRINT CUSTOMER SERVICE							
123 PO-170114	09/29/2016	811113615-178		1	13-5310-0-5930-108-0000-3700-007-000	NN P	1.41	1.41
TOTAL PAYMENT AMOUNT							1.41	1.41

81 CENTER UNIFIED SCHOOL DIST.
09-29-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0018 09-29-16
FUND : 13 CAFETERIA FUND

J13906 APY500 H.02.05 09/29/16 PAGE 11
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP		
020252/00	STAPLES BUSINESS ADVANTAGE							
676 PO-170587	09/29/2016	3314040945			1 13-5310-0-4300-108-0000-3700-007-000	NN F	140.39	140.39
PV-171027	09/26/2016	3314040953			13-5310-0-4300-108-0000-3700-007-000	NN		34.32
TOTAL PAYMENT AMOUNT							174.71 *	174.71
021111/00	ULINE							
972 PO-170835	09/29/2016	80527733			1 13-5310-0-4300-108-0000-3700-007-000	NN F	114.18	114.18
TOTAL PAYMENT AMOUNT							114.18 *	114.18
TOTAL FUND PAYMENT							14,844.89 **	14,844.89

81 CENTER UNIFIED SCHOOL DIST.
09-29-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0018 09-29-16
FUND : 14 DEFERRED MAINTENANCE FUND

J13906 APY500 H.02.05 09/29/16 PAGE 12
<< Open >>

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				

011374/00	CAPITOL MECHANICAL INC						
610 PO-170531	09/29/2016	13008		1 14-0024-0-6500-106-9265-8110-007-000	NN F	11,633.00	12,146.00
853 PO-170740	09/29/2016	13007		1 14-0024-0-4400-106-9265-8110-007-000	NN F	8,100.00	8,100.00
TOTAL PAYMENT AMOUNT						20,246.00 *	20,246.00
TOTAL FUND PAYMENT						20,246.00 **	20,246.00

81 CENTER UNIFIED SCHOOL DIST.
09-29-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0018 09-29-16
FUND : 21 BUILDING FUND

J13906 APY500 H.02.05 09/29/16 PAGE 13
<< Open >>

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT GOAL FUNC RES DEP T9MP			
019750/00	CAPITAL PROGRAM MGMT INC						
935 PO-170807	09/29/2016 #1		1	21-0000-0-5800-106-9175-8110-007-000	NN P	66,968.50	66,968.50
935 PO-170807	09/29/2016 #2		1	21-0000-0-5800-106-9175-8110-007-000	NN P	96,219.50	96,219.50
TOTAL PAYMENT AMOUNT				163,188.00 *			163,188.00
TOTAL FUND PAYMENT				163,188.00 **			163,188.00
TOTAL BATCH PAYMENT				329,259.44 ***	0.00		329,259.44
TOTAL USE TAX AMOUNT				132.84			
TOTAL DISTRICT PAYMENT				329,259.44 ****	0.00		329,259.44
TOTAL USE TAX AMOUNT				132.84			
TOTAL FOR ALL DISTRICTS:				329,259.44 ****	0.00		329,259.44
TOTAL USE TAX AMOUNT				132.84			

Number of warrants to be printed: 73, not counting voids due to stub overflows.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Facilities & Operations Department

To: Board of Trustees

Action Item _____

Date: October 19, 2016

Information Item X

From: Craig Deason, Assist. Supt.

Attached Pages 6

Assist. Supt. Initials: CD

SUBJECT: Conference Attendance

Thirty-one staff members from Center Joint Unified School District plan to attend the Google for Education Roseville Summit January 14 & 15, 2017. The summit will be held at the Roseville High School. This summit is produced by the EdTech Team.

A list of attendees and agenda are attached. The Maintenance and Facilities Department will pay for two attendees from each site and all others are paid for by the sites.

REGISTER

Roseville, CA
January 14—15, 2017
Location: Roseville High School
Roseville High School, 1 Tiger
Way, Roseville, CA

ROSEVILLE HIGH SCHOOL

ROSEVILLE SUMMIT

Featuring Google for Education

JANUARY 14-15

**Two Full Days of Learning
with Google for Education
Innovators and Certified
Trainers!**

Overview

Schedule

Register

FAQ

Speakers

Sponsors

About

Location

**We invite you to join us for the 4th
Annual EdTechTeam Roseville
Summit Featuring Google for
Education**

In Partnership With

Share  Tweet 



Roseville Joint Union High School District
Excellence In Education

Two Full Days of Learning

This two-day high-intensity event focuses on deploying, integrating, and using Google Apps for Education (and other Google tools) to promote student learning in K-12 and higher education.

The Global Leaders in Google for Education

EdTechTeam Global
Summits Featuring Google
for Education are
produced by EdTechTeam,
Inc.

for Education Innovative
on Certified Trainers, practicing
ation providers.



Can't make it to this summit?

Wait, there's more...

GAFE Summits | Google-y Goodness

A large, dark grey play button icon centered within a white rectangular box with a thin black border.

SCHEDULE

Check back often for details, including session titles, descriptions, and other fun events happening throughout the Summit

DAY 1

7:30 AM - 8:30 AM Registration & Light Breakfast

8:30 AM - 9:30 AM Keynote

Keynote

10:00 AM - 11:00 AM Session 1

11:30 AM - 12:30 PM Session 2

12:30 PM - 1:30 PM Lunch

1:30 PM - 2:30 PM Session 3

3:00 PM - 4:00 PM Session 4

4:30 PM - 5:30 PM Demo Slam & Raffle

The Demo Slam is a high energy, geek out kind of session.

DAY 2

7:30 AM - 8:30 AM Light Breakfast

8:30 AM - 9:30 AM Keynote Keynote

9:45 AM - 10:45 AM Session 5

11:00 AM - 12:00 AM Session 6

12:00 AM - 1:00 PM Lunch

1:00 PM - 2:00 PM Session 7

2:15 PM - 3:15 PM Session 8

3:15 PM - 4:00 PM Closing Keynote Keynote

REGISTER NOW TO TAKE ADVANTAGE OF THE EARLY BIRD RATES.

Register below and join us for the EdTechTeam Roseville Summit Featuring Google for Education to be held at Roseville High School on January 14 & 15.

Register Now >

Group rates are available online!

Are you paying by purchase order?

For group registrations by check or bank transfer or for custom invoices, please contact the Events Coordinator at events@edtechteam.com.

Cancellation Policy:

All registrations are final and non-refundable. Registration is, however, transferable. If you cannot make it to the event, please find a colleague to attend in your place. (If an event is canceled due to weather or other events beyond our control, the event will be rescheduled. If you are unable to participate on the new date, then your ticket is transferable to another EdTechTeam event of similar value. No refunds or reimbursements of travel expenses will be provided.)

Summits may be cancelled or postponed due to low numbers. It is recommended that you not book travel more than 30 days before the event.

EDTECHTEAM SUMMIT PRESENTERS

All presenters are Google for Education Certified Innovators, Google for Education Certified Trainers, Google Employees, or teachers with local successful stories!

Spotlight Speakers

EdTechTeam Inc
5405 Alton Parkway Suite 5A-305
Irvine CA 92604

invoice: Carol Surryhne

Req # 1045



EdTechTeam, Inc.

Center Joint Unified School District
Carol Surryhne

Invoice # 0002781C
Invoice Date October 4, 2016
Balance Due (USD) \$7,719.00

Item	Description	Unit Cost	Quantity	Line Total
Group: 20+	EdTechTeam Roseville Summit featuring Google for Education - January 14 & 15, 2017	249.00	31	7,719.00
Total				7,719.00
Amount Paid				0.00
Balance Due (USD)				\$7,719.00

Terms

Please Note:

Payment is DUE upon receipt. Invoices will not be amended following an event. All sales are final and non-refundable. Tickets are transferrable prior to an event.

Payments more than 30 days after an event will be considered delinquent.

Remit Payment to:

EdTechTeam, Inc.

5405 Alton Parkway Suite 5A-305, Irvine, Ca 92604

949-407-9051 Phone, 949-259-4515 Fax

www.edtechteam.com

Taxpayer ID: 20-5181384

Note: The Educational Technology and Life Corporation is doing business as EdTechTeam, Inc.

Notes Attendees:

Sarah Wildman

Jennifer Slay

Amber Cleverdon

Jamie Topper

Jennifer Law

Caryn Kennedy

Rebecca Koutney

John Telles

Julie Andrew
Stu Deason
Kim Baioni
Aaron Hagman
Chris Collins
Melissa Tackett-Oliver
Brandy Ventitelli
Marci Phillips
Cristina Hildebrand
Cecille Valoria
Susan Erickson
Dabrena Diab
Kimberly Kennedy
Daniel Stolfus
Jolinda Smith
Kim Tricomo
Jennifer Howell
Erica Olmstead
Melody Smith
Danielle Stout
Heather Jones
Julle Opfer
Christian Riley

This invoice was sent using  FRESHBOOKS

Center Joint Unified School District

Dept./Site: Superintendent's Office		AGENDA REQUEST FOR:
To:	Board of Trustees	Action Item <u> X </u>
Date:	October 19, 2016	Information Item <u> </u>
From:	Scott A. Loehr, Superintendent	# Attached Pages <u> </u>
Principal/Administrator Initials: _____		

SUBJECT: Second Reading: Board Policies/Regulations/Exhibits		
Replace BP	3512	Disruptions
Replace AR	3512	Disruptions
Add BP	3515.7	Firearms on School Grounds
Replace AR	4161.1/4361.1	Personal Illness/Injury Leave
Replace AR	4161.2/4261.2/4361.2	Personal Leaves
Replace AR	4261.1	Personal Illness/Injury Leave
Replace BP	6142.7	Physical Education and Activity
Replace AR	6142.7	Physical Education and Activity
Replace BP	6152	Class Assignment
Replace AR	6162.51	State Academic Achievement Tests
Replace BP	6164.2	Guidance/Counseling Services
 <u>Minor Revisions:</u>		
Replace AR	3550	Food Services/Child Nutrition Program
Replace AR	6173.2	Education of Children of Military Families
Replace AR	7111	Evaluating Existing Buildings
 RECOMMENDATION: CJUSD Board of Trustees approve the second reading of presented policies/regulations/exhibits.		

DISRUPTIONS

Note: The following optional Board policy and accompanying administrative regulation address disruption of school activities by nonstudents and may be revised to reflect district practice. In Reeves v. Rocklin Unified School District, a California Court of Appeal held that school officials have legal authority to control access to a school campus in order to prevent disruption to normal school activities and need not wait until an actual disruption occurs before restricting access to school grounds.

Penal Code 626.9 (the Gun Free School Zone Act) prohibits possession of a firearm on school grounds or within 1000 feet of school grounds, with specified exceptions (e.g., law enforcement). SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that the exception for a person holding a valid license to carry a concealed firearm applies only to the area within 1,000 feet of a school, but any such person shall not carry a firearm and/or ammunition onto school grounds unless he/she has written permission of the Superintendent or designee. See BP/E 3515.7 - Firearms on School Grounds for options for the Governing Board to authorize or not authorize the Superintendent or designee to grant such permission and, if so, criteria and conditions for him/her to grant permission.

For language regarding disturbances by students, see BP/AR 5131.4 - Student Disturbances and BP/AR 5144.1 - Suspension and Expulsion/Due Process. Employees who cause a disruption may be subject to disciplinary action in accordance with the district's collective bargaining agreement and/or Board policy; see BP/AR 4118 - Dismissal/Suspension/Disciplinary Action and AR 4218 - Dismissal/Suspension/Disciplinary Action.

The Governing Board is committed to providing a safe and orderly environment for students, staff, and others on district property or while engaged in school activities.

The Superintendent or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal operations at a school campus or any other district facility, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4158/4258/4358 - Employee Security)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5131.4 - Student Disturbances)

Note: Specific strategies for responding to disruptions may be developed as part of the district's comprehensive school safety plan (see BP/AR 0450 - Comprehensive Safety Plan) and/or may be included in the district's emergency and disaster preparedness plan (see BP/AR 3516 - Emergencies and Disaster Preparedness Plan). The U.S. Department of Education's Guide for Developing High-Quality School Emergency Operations Plans recommends that a school emergency plan describe specific courses of action for addressing threats and hazards, including, but not limited to, criminal threats and actions and active shooter situations.

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing or threatening to cause a disruption. The plan shall address, as appropriate, visitor registration procedures; campus security measures;

DISRUPTIONS (continued)

evacuation procedures; lock-down procedures; possible responses to an active shooter situation; communications within the school and with parents/guardians, law enforcement, and the media in the event of an emergency; and crisis counseling or other assistance for students and staff after a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention when necessary.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Note: Education Code 48902 requires the principal or designee to notify law enforcement authorities when anyone possesses a firearm or explosive or sells or furnishes a firearm at school. In addition, pursuant to 20 USC 7151, districts are mandated to develop a policy to notify law enforcement whenever a student brings a firearm to school. For policies implementing this mandate, see BP/AR 5131.7 - Weapons and Dangerous Instruments and AR 5144.1 - Suspension and Expulsion/Due Process.

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

Legal Reference: (see next page)

DISRUPTIONS (continued)

Legal Reference:

EDUCATION CODE

32210 *Willful disturbance of public school or meeting, misdemeanor*
32211 *Threatened disruption or interference with classes; misdemeanor*
35160 *Authority of governing boards*
44810 *Willful interference with classroom conduct*
44811 *Disruption of classwork or extracurricular activities*
48902 *Notification of law enforcement authorities*
51512 *Prohibited use of electronic listening or recording device*

PENAL CODE

243.5 *Assault or battery on school property*
415.5 *Disturbance of peace of school*
626-626.11 *Schools, crimes, especially:*
626.7 *Failure to leave campus or facility; wrongful return; penalties; notice; exceptions*
626.8 *Disruptive presence at schools*
626.81 *Misdemeanor for registered sex offender to come onto school grounds*
626.85 *Misdemeanor for specified drug offender presence on school grounds*
626.9 *Gun Free School Zone Act*
627-627.10 *Access to school premises*
653b *Loitering about schools or public places*
12556 *Imitation firearms*
30310 *Prohibition against ammunition on school grounds*

UNITED STATES CODE, TITLE 20

7151 *Gun-Free Schools Act*

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652
In Re Joseph F., (2000) 85 Cal.App.4th 975
In Re Jimi A., (1989) 209 Cal.App.3d 482
In Re Oscar R., (1984) 161 Cal.App.3d 770

ATTORNEY GENERAL OPINIONS

79 *Ops. Cal. Atty. Gen.* 58 (1996)

Management Resources:

CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guide for Developing High-Quality School Emergency Operations Plans, 2013

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

U.S. Department of Education: <http://www.ed.gov>

Center USD

Board Policy

Disruptions

BP 3515.2

Business and Noninstructional Operations

In order to help maintain an educational environment that provides for student safety, the Governing Board is committed to keeping the schools free from disruptions and to keeping unauthorized persons from entering school grounds. The Superintendent or designee shall provide for the prompt removal of any individual from school grounds who disrupts or threatens to disrupt normal school operations, threatens the health and safety of students or staff, or threatens to cause property damage in accordance with law, Board policy, or administrative regulation.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4158/4258/4358 - Employee Security)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5131.4 - Student Disturbances)

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.3 - District Police/Security Department)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

Safe School Zone

Possession of a firearm within 1000 feet of any district school is prohibited except when authorized by law. (Penal Code 626.9)

Possession of any other unauthorized weapon or dangerous instrument is prohibited on school grounds or buses and at school-related or school-sponsored activities without the written permission of school authorities.

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting, misdemeanor

32211 Threatened disruption or interference with classes; misdemeanor

35160 Authority of governing boards

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

48902 Notification of law enforcement authorities

51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property

415.5 Disturbance of peace of school

626-626.11 Schools, crimes, especially:

626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions

626.8 Disruptive presence at schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

626.85 Misdemeanor for specified drug offender presence on school grounds

626.9 Gun Free School Zone Act

627-627.10 Access to school premises

653b Loitering about schools or public places

12556 Imitation firearms

UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

In Re Joseph F., (2000) 85 Cal.App.4th 975

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ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 58 (1996)

Management Resources:

CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

**U.S. Department of Education, Emergency Planning:
<http://www.ed.gov/admins/lead/safety/emergencyplan>**

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: June 16, 2010 Antelope, California

DISRUPTIONS

Note: The following administrative regulation is optional and may be revised to reflect district practice. Education Code 35160 authorizes the Governing Board to maintain order in schools under its jurisdiction. Therefore, the district, in accordance with law, may authorize school administrators to direct certain individuals, as specified below, to leave school grounds. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor. In addition, Penal Code 653b makes it a misdemeanor for anyone to loiter around a school and enhances penalties for loiterers who are required to register as sex offenders or to register with the local chief of police or sheriff for committing specified street gang offenses. For information regarding visitor registration requirements, see BP/AR 1250 - Visitors/Outsiders.

The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if:

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property. (Education Code 44810, 44811; Penal Code 626.7)
2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction. (Penal Code 415.5)
3. The person, without lawful business for being present, loiters around a school or reenters a school within 72 hours after he/she was asked to leave. (Penal Code 653b)

Note: Penal Code 626.81 prohibits registered sex offenders from school grounds unless they have lawful business and written permission from the principal or designee. However, pursuant to Education Code 49091.10 and 51101, any sex offender who is a parent/guardian of a student must, like other parents/guardians, be allowed to be involved in the education of his/her child. Thus, districts must adopt reasonable measures to maintain the rights of such sex offender parents/guardians to be involved in their children's education, while keeping students safe. See BP 1250 - Visitors/Outsiders.

4. The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. (Penal Code 626.81)

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.5 - Sex Offender Notification)

5. The person is a specified drug offender, as defined in Penal Code 626.85, and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school. (Penal Code 626.85)

DISRUPTIONS (continued)

Note: Item #6 below authorizes the principal or designee to remove from school or a school activity any person who threatens the physical safety of a student at any grade level. Pursuant to Penal Code 626.8, it is a misdemeanor to threaten the physical safety of any student in grades K-8.

6. The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of students, staff, or others while attending, arriving at, or leaving school. (Penal Code 626.8)
7. The person has otherwise established a continued pattern of unauthorized entry on school grounds. (Penal Code 626.8)

(cf. 1240 - Volunteer Assistance)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 6145.2 - Athletic Competition)

The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she: (Education Code 32211; Penal Code 626.7, 626.8, 636.85)

1. Fails to leave or remains after being directed to leave
2. Returns to the campus without following the school's posted registration requirements
3. Returns within seven days after being directed to leave

(cf. 0450 - Comprehensive Safety Plan)

Whenever an individual is causing or threatening to cause a disruption at any district facility other than a school campus, the Superintendent or designee may direct that individual to leave the facility consistent with this regulation and the accompanying Board policy.

Appeal Procedure

Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter

DISRUPTIONS (continued)

with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Governing Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

In any circumstance where a person has been directed to leave a school building or ground where the Superintendent's or Board's office is situated, he/she may nevertheless enter the school building or ground solely for the purpose of making the appeal. (Education Code 32211)

Center USD

Administrative Regulation

Disruptions

AR 3515.2

Business and Noninstructional Operations

The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if:

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property. (Education Code 44810, 44811; Penal Code 626.7)
2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction. (Penal Code 415.5)
3. The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave. (Penal Code 653b)
4. The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. (Penal Code 626.81)

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.5 - Sex Offender Notification)

5. The person is a specified drug offender as defined in Penal Code 626.85 and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school. (Penal Code 626.85)
6. The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any student in grades K-8 while attending, arriving at, or leaving school. (Penal Code 626.8)

7. The person has otherwise established a continued pattern of unauthorized entry on school grounds. (Penal Code 626.8)

(cf. 1240 - Volunteer Assistance)

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 6145.2 - Athletic Competition)

The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she:

1. Fails to leave or remains after being directed to leave (Penal Code 626.7, 626.8, 626.85)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

(cf. 0450 - Comprehensive Safety Plan)

Appeal Procedure

Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Governing Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

Regulation
approved: October 17, 2012

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Add

Business and Noninstructional Operations

BP 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

Cautionary Notice: SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that a person with a concealed weapons license must obtain written permission of the Superintendent or designee in order to possess a firearm and/or ammunition on school grounds. In view of the public interest and safety issues involved, CSBA strongly recommends that the Governing Board adopt a policy either prohibiting or permitting such possession and, if such possession is allowed, establishing conditions and criteria for granting permission to individuals. Because the law now requires an affirmative action on the part of the district to allow or disallow concealed weapons permit holders to possess a firearm and/or ammunition on school grounds, it is possible that district liability could be increased. Thus, in adopting a policy, CSBA recommends that the Board consult with the district's legal counsel and insurance provider and with local law enforcement in order to carefully tailor the following sample policy to reflect the district's local circumstances.

Note: The following optional Board policy should be revised to reflect district practice.

The Governing Board is committed to providing a safe environment for students, staff, and visitors on campus. The Superintendent or designee shall consult with local law enforcement, insurance carriers, and other appropriate individuals and agencies to address the security of school campuses.

(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)

District policy regarding the possession of firearms and/or ammunition on school grounds shall be included in the district's comprehensive safety plan and shall be communicated to district staff, parents/guardians, and the community.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Note: Pursuant to Penal Code 626.9 (the Gun Free School Zone Act), the possession of a firearm on school grounds or within 1,000 feet of a school is prohibited, unless the person obtains the written permission of the Superintendent or designee or meets one of the exceptions specified in law (e.g., is a law enforcement or honorably retired peace officer, a member of the military forces engaged in the performance of his/her duties, a security guard, or participating at an existing shooting range at a school). SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that the exception for a holder of a valid Carry Concealed Weapon (CCW) license applies only to the area within 1,000 feet of a school, not on school grounds. Thus, a holder of a valid CCW license may possess a firearm and/or ammunition on school grounds only if he/she obtains the written permission of the Superintendent or designee.

Pursuant to Education Code 35160 and 35161, the Board is authorized to make rules for the governance of the district. Option 1 below reflects the Board's authority to prohibit the Superintendent or designee from permitting any person who is not specifically listed in Penal Code 626.9 or 30310 from carrying a firearm

FIREARMS ON SCHOOL GROUNDS (continued)

and/or ammunition onto school grounds. Option 2 reflects the Board's authority to allow the Superintendent or designee to grant permission, on a case-by-case basis, to holders of valid CCWs within the parameters set forth in law.

Any person specified in Penal Code 626.9(1)-(o) and 30310 is authorized to possess a firearm and/or ammunition on school grounds. *School grounds* include, but are not limited to, school buildings, fields, storage areas, and parking lots.

OPTION 1:

The Superintendent or designee shall not grant permission to any other individual to carry a firearm or ammunition on school grounds.

Note: The remainder of this policy is for use by districts selecting Option 2, which allows the Superintendent or designee to exercise the authority to grant written permission to carry a firearm and/or ammunition on school grounds. Prior to adopting Option 2, the district should consult with legal counsel, the chief of police or county sheriff, insurance carriers, and other appropriate persons or agencies to assess the district's potential liability and the potential impact on the district's tactical response and comprehensive safety plans.

OPTION 2:

Note: The following paragraph may be revised to reflect district criteria, if any, for establishing eligibility for granting written permission to other persons to carry a firearm and/or ammunition on school grounds. To comply with both state and federal law, individuals need a CCW license without any restrictions regarding carrying a firearm on school grounds. CCW licenses are issued only by a California county sheriff to residents of the county or by the chief of police to residents of the city. Pursuant to Penal Code 26150 and 26155, minimum requirements for the CCW license include proof of "good moral character," good cause for issuance of the license, fulfillment of residency requirements, and completion of a course of training. Some counties also require a psychological evaluation. According to Frequently Asked Questions on the web site of the Office of the Attorney General, California law does not honor or recognize CCW licenses issued outside the state.

In addition, the district may revise the following paragraph to specify the person(s) authorized to grant permission. Pursuant to Penal Code 626.9, the Board could grant such authority to the Superintendent, his/her designee, or "equivalent school authority," which CSBA interprets to mean anyone who is responsible for running a school or program, such as the director of a regional occupational center/program, the principal of a charter school, etc. The paragraph also may be revised to indicate whether the Board will be involved in the review of grants or denials of permission.

In addition, the Board authorizes the Superintendent or designee to grant written permission to a person who holds a valid Carry Concealed Weapon (CCW) license issued in California and who is at least 21 years of age to possess lawful firearms and/or ammunition on school grounds in accordance with law and Board policy.

Note: The following paragraph provides an example of criteria that the district may use in granting permission to its employees, and may be revised to reflect district practice.

FIREARMS ON SCHOOL GROUNDS (continued)

~~Any employee granted permission shall be an employee with no disciplinary record in the previous four years.~~

~~(cf. 4116 – Probationary/Permanent Status)~~

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

~~No staff member shall be required to carry a firearm and/or ammunition while on school grounds.~~

~~Note: It is recommended that the district require any person requesting to carry a firearm and/or ammunition on school grounds to complete an application. See Exhibit (1) for a sample application form.~~

~~Any person requesting to carry a firearm on school grounds shall annually submit an application to the Superintendent or designee. He/she shall also provide a copy of a valid CCW license and meet any other requirement of the insurance provider, such as additional training or insurance coverage.~~

~~(cf. 3580 – District Records)~~

~~Note: It is recommended that any person granted permission to carry a firearm and/or ammunition on school grounds be required to read and sign a firearm and ammunition possession agreement. The agreement should specify all responsibilities and restrictions placed upon the possession of a firearm or ammunition on school grounds. See Exhibit (2) for a sample agreement.~~

~~Any person who is granted permission shall be required to sign the district's firearm and ammunition possession agreement. The signed agreement shall be maintained in the district's records. The principal and other appropriate staff shall be notified regarding persons who have been granted permission.~~

~~Permission shall be granted only if the Superintendent or designee is satisfied that the possession on school grounds shall be for a peaceful and lawful purpose or activity and that the possessor will at all times comply with all terms included in the district's firearm and ammunition possession agreement.~~

~~Permission to carry a firearm and/or ammunition on school grounds may be revoked by the Board or the Superintendent or designee at any time. In addition, when any person granted permission to possess a firearm on campus is directed to leave school grounds for reasons of disruption or other violation of law or district policy, the permission is automatically revoked.~~

FIREARMS ON SCHOOL GROUNDS (continued)

Legal Reference:

EDUCATION CODE

32281 *Comprehensive safety plan*

35160 *Powers and duties of the board*

35161 *Powers and duties of the board; authority to delegate*

38001.5 *District security officers; requirements if carry firearm*

PENAL CODE

626.9 *Gun Free School Zone Act*

830.32 *District police department; district decision to authorize carrying of firearm*

16150 *Definition of ammunition*

16520 *Definition of firearm*

26150-26225 *Concealed weapons permit*

30310 *Prohibition against ammunition on school grounds*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearms and ammunition*

922 *Firearms, unlawful acts*

923 *Firearm licensing*

UNITED STATES CODE, TITLE 20

7151 *Gun-Free Schools Act; student expulsions for possession of firearm*

Management Resources:

WEB SITES

Office of the Attorney General: <https://oag.ca.gov/firearms>

PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

Certificated employees employed five school days a week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave), per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 44978; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact with other persons having a

PERSONAL ILLNESS/INJURY LEAVE (continued)

contagious disease during the employee's performance of his/her duties; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: **Optional** item #4 below may be revised as desired to specify a different minimum increment for sick leave.

4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may be used for the purposes specified in item #6 below.

Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to the illness of their family members as specified in item #6 below. Family members include, but are not limited to, an employee's grandparent, grandchild, and sibling, not just his/her child, parent, spouse, or domestic partner. In addition, the law defines child as a "biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis."

For more details of AB 1522 requirements, see section "Healthy Workplaces, Healthy Families Act Requirements" below. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

6. In any calendar year, an employee may use the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement for the following: (Labor Code 233, 246.5)

PERSONAL ILLNESS/INJURY LEAVE (continued)

- a. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
- b. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Note: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Note: The following optional paragraph may be revised to reflect district practice.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

Note: Pursuant to Education Code 44979-44980, a certificated employee is entitled to have his/her accumulated sick leave transferred with him/her in the circumstances specified in the following optional paragraph.

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

Notification of Absence

Note: The following optional section may be revised to reflect district practice.

PERSONAL ILLNESS/INJURY LEAVE (continued)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 44977, an employee who is absent for up to five months after exhausting all his/her available sick leave must receive his/her regular salary minus the cost of a substitute. Option 1 below reflects this requirement.

However, Education Code 44983 provides that Education Code 44977 does not apply to those districts that adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence. Option 2 below is for use by districts that choose to specify such a level of compensation; these districts are mandated to adopt a rule to this effect.

OPTION 1:

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary.

An employee shall not be provided more than one five-month period per illness or injury. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

Note: Option 2 below is **mandated** for use by districts that choose to provide employees at least 50 percent of their regular salary during the period of absence pursuant to Education Code 44983. The following paragraph specifies a percentage of 50 percent and should be modified by districts that have set a higher percentage.

PERSONAL ILLNESS/INJURY LEAVE (continued)

OPTION 2:

~~After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent for an additional period up to five months, he/she shall receive 50 percent of his/her regular salary during the additional period of absence. (Education Code 44983)~~

Note: The following paragraph is for use by districts that selected either Option 1 or Option 2, and is subject to any conflicting provision in a collective bargaining agreement entered into before January 1, 2016. Pursuant to Education Code 44977.5, as added by AB 375 (Ch. 400, Statutes of 2015), the district is required to provide differential pay to a certificated employee when he/she has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to maternity or paternity leave for the birth of the employee's child or placement of a child with the employee for adoption or foster care (baby bonding), pursuant to Government Code 12945.2 (California Family Rights Act). Such an employee is entitled to receive differential pay for up to 12 weeks. Among the many questions generated by the new law are whether the 12 weeks differential pay for maternity/paternity leave would be in addition to the five months differential leave pay pursuant to Education Code 44977 (Option 1 above) and whether the law applies to districts that provide their employees at least 50 percent of their regular salary instead of differential pay during such period of absence, as permitted by Education Code 44983 (Option 2 above.) The following paragraph reflects CSBA's interpretation of the law. Any district with a question regarding the interpretation to be given to this new law should consult its legal counsel.

In addition, during each school year, any certificated employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of maternity or paternity leave (baby bonding) pursuant to Government Code 12945.2 shall receive, for up to 12 school weeks, his/her regular salary minus the actual cost of a substitute to fill the position or, if no substitute was employed, the amount that would have been paid had a substitute been employed. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such maternity or paternity leave. (Education Code 44977.5)

Note: The following paragraph is for use by districts that selected either Option 1 or Option 2.

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Note: When an employee is absent for a period of more than five months, or is absent for a cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from his/her salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations. **If not covered in the district's negotiated agreement, the district may add provisions here reflecting salary deductions for employees absent longer than five months.**

Verification Requirements

Note: Education Code 44978 mandates the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in negotiated agreements.

Previously, Labor Code 233 authorized a district to apply the same conditions and restrictions placed upon its employees' use of sick leave for their own illness to any use of sick leave for illnesses of an employee's family members. Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), this authorization no longer exists. As amended, Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Since the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be careful in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (item #6 above). Though a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

~~The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.~~ The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued

PERSONAL ILLNESS/INJURY LEAVE (continued)

absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

PERSONAL ILLNESS/INJURY LEAVE (continued)

- a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

- 44964 *Power to grant leave of absence in case of illness, accident, or quarantine*
- 44965 *Granting of leaves of absence for pregnancy and childbirth*
- 44976 *Transfer of leave rights when school is transferred to another district*
- 44977 *Salary deduction during absence from duties up to five months after sick leave is exhausted*
- 44977.5 *Salary deduction during absence from duties for maternity or paternity leave up to 12 weeks after sick leave is exhausted*
- 44978 *Provisions for sick leave of certificated employees*
- 44978.1 *Inability to return to duty; placement in another position or on reemployment list*
- 44979 *Transfer of accumulated sick leave to another district*
- 44980 *Transfer of accumulated sick leave to a county office of education*
- 44981 *Leave of absence for personal necessity*
- 44983 *Exception to sick leave when district adopts specific rule*
- 44984 *Industrial accident or illness*
- 44986 *Leave of absence for disability allowance applicant*

LABOR CODE

- 220 *Sections inapplicable to public employees*
- 230 *Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off*
- 230.1 *Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off*
- 233 *Illness of child, parent, spouse or domestic partner*
- 234 *Absence control policy*
- 245-249 *Healthy Workplaces, Healthy Families Act of 2014*

CODE OF REGULATIONS, TITLE 5

- 5601 *Transfer of accumulated sick leave*

UNITED STATES CODE, TITLE 42

- 2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

CODE OF FEDERAL REGULATIONS, TITLE 29

- 1635.1-1635.12 *Genetic Information Nondiscrimination Act of 2008*

COURT DECISIONS

- Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406*

Center USD

Administrative Regulation

Personal Illness/Injury Leave

AR 4161.1, 4361.1
Certificated Personnel

Certificated employees working five school days per week are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246. (Education Code 44978)

(cf. 4161/4261/4361 - Leaves)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Certificated employees may use sick leave for absences due to:

1. Temporary inability to perform assigned duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233)

PERSONAL ILLNESS/INJURY LEAVE (continued)

7. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5 (Labor Code 246.5)
8. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 246.5)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year in accordance with applicable law. (Education Code 44978)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

Notification of Absence

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If

PERSONAL ILLNESS/INJURY LEAVE (continued)

the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or injury. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a

PERSONAL ILLNESS/INJURY LEAVE (continued)

pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

PERSONAL ILLNESS/INJURY LEAVE (continued)

- a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident, or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties up to five months after sick leave is exhausted

44978 Provisions for sick leave of certificated employees

44978.1 Inability to return to duty; placement in another position or on reemployment list

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44984 Industrial accident or illness

44986 Leave of absence for disability allowance applicant

LABOR CODE

220 Sections inapplicable to public employees

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

Regulation
approved: October 21, 2015

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

All Personnel

AR 4161.2(a)

4261.2

PERSONAL LEAVES

4361.2

Note: The following administrative regulation is subject to collective bargaining agreements.

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

Note: As provided in the following paragraph, Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state codes (e.g., Education Code, Military and Veterans Code). Districts should consult legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Note: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below and enlarge the benefits provided by law. The following two paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

AR 4161.2(b)
4261.2
4361.2

PERSONAL LEAVES (continued)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Note: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in their collective bargaining agreement or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

Employees may use a maximum of seven days of their accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or his/her property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

Note: Education Code 44981 provides that a certificated employee may use personal necessity leave for the serious illness of a member of his/her immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult legal counsel regarding any interaction of Education Code provisions with Labor Code 233, 245.5, and 246.5, as amended by AB 1522 (Ch. 319, Statutes of 2014), which allow the use of sick leave for the need of the employee or his/her family member for the diagnosis, care, or treatment of an existing health condition or for preventive care and which expand the definition of "family member" to include a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

AR 4161.2(c)
4261.2
4361.2

PERSONAL LEAVES (continued)

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, or spouse/registered domestic partner; or the employee's own serious health condition.

- ~~Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5) A serious illness of a member of the certificated employee's immediate family (Education Code 44981)~~

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

Note: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Legal Duties" below.

- A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

Note: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

- Fire, flood, or other immediate danger to the home of the employee
- Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether or not a request reflects personal necessity.

Note: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified employees for the reasons specified in items #1-2 above and by certificated employees for the reasons specified in items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or the California Family Rights Act (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

AR 4161.2(d)
4261.2
4361.2

PERSONAL LEAVES (continued)

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or where the need for leave is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

Note: Education Code 44981 and 45207 mandate the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

Note: Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that he/she seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of his/her service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in items #1-2 below.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees. (Education Code 44037)

PERSONAL LEAVES (continued)

Note: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between his/her regular earnings and any jury fees he/she received.

Note: The following paragraph is optional. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between his/her regular earnings and any witness fees he/she received.

Leaves for Crime Victims

Note: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

Note: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

AR 4161.2(f)
4261.2
4361.2

PERSONAL LEAVES (continued)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

Note: Labor Code 230 and 230.1 allow employees to use their available vacation, personal leave, or compensatory time off for the purposes described in items #1-5 below and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes.

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child
2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee

AR 4161.2(g)
4261.2
4361.2

PERSONAL LEAVES (continued)

shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for Child-Related Activities

Note: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion. SB 579 (Ch. 802, Statutes of 2015) amended Labor Code 230.8 to expand the purposes of leave for child-related activities to include enrolling or reenrolling a child in a school or with a licensed child care provider and addressing a school or child care emergency, as defined.

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll his/her child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

AR 4161.2(h)
4261.2
4361.2

PERSONAL LEAVES (continued)

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

(cf. 5148 - Child Care and Development)

Note: SB 579 (Ch. 802, Statutes of 2015) amended Labor Code 230.8 to expand the definition of "parent" to add a stepparent, foster parent, or person who stands in loco parentis to the child.

For purposes of this leave, *parent/guardian* includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

Note: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parent/guardian of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that he/she engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

AR 4161.2(i)
4261.2
4361.2

PERSONAL LEAVES (continued)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Note: The following **optional** section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that certificated and classified employees may take time off without loss of compensation to serve as elected officers of their local, statewide, or national employee organization. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations)

Note: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions.

AR 4161.2(j)
4261.2
4361.2

PERSONAL LEAVES (continued)

The employee will continue to earn full service credit during the leave and must pay member contributions as specified. The maximum amount of service credit an employee may earn cannot exceed 12 years. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

Note: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

Note: The following optional paragraph reflects the California Supreme Court's interpretation of Article I, Section 8 of the California Constitution as stated in Rankin v. Commission on Professional Competence.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

Note: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer

AR 4161.2(k)
4261.2
4361.2

PERSONAL LEAVES (continued)

than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

Note: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Note: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

Note: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with

AR 4161.2(l)
4261.2
4361.2

PERSONAL LEAVES (continued)

the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Legal Reference:

EDUCATION CODE

- 44036-44037 *Leaves of absence for judicial and official appearances*
- 44963 *Power to grant leaves of absence (certificated)*
- 44981 *Leave of absence for personal necessity (certificated)*
- 44985 *Leave of absence due to death in immediate family (certificated)*
- 44987 *Service as officer of employee organization (certificated)*
- 44987.3 *Leave of absence to serve on certain boards, commissions, etc.*
- 45190 *Leaves of absence and vacations (classified)*
- 45194 *Bereavement leave of absence (classified)*
- 45198 *Effect of provisions authorizing leaves of absence*
- 45207 *Personal necessity (classified)*
- 45210 *Service as officer of employee organization (classified)*
- 45240-45320 *Merit system, classified employees*

EVIDENCE CODE

- 1035.2 *Sex assault counselor; definition*
- 1037.1 *Domestic violence counselor; definition*

FAMILY CODE

- 297-297.5 *Registered domestic partner rights, protections, and benefits*

GOVERNMENT CODE

- 3543.1 *Release time for representatives of employee organizations*
- 12945.1-12945.2 *California Family Rights Act*

Legal Reference continued: (see next page)

PERSONAL LEAVES (continued)

Legal Reference: (continued)

LABOR CODE

230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse, domestic partner or domestic partner's child

234 Absence control policy

246.5 Paid sick days, purposes for use

1500-1507 Civil Air Patrol leave

MILITARY AND VETERANS CODE

395.10 Leave when spouse on leave from military deployment

PENAL CODE

667.5 Violent felony, defined

1192.7 Serious felony, defined

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954

Management Resources:

WEB SITES

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

Center USD

Administrative Regulation

Personal Leaves

AR 4161.2, 4261.2, 4361.2

All Personnel

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of their accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

AR
4161.2(b)
4261.2
4361.2

PERSONAL LEAVES (continued)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. A serious illness of a member of the certificated employee's immediate family (Education Code 44981)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether or not a request reflects personal necessity.

Advance permission shall not be required of any employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the serious illness of a member of the employee's immediate family. (Education Code 44981, 45207)

AR
4161.2(c)
4261.2
4361.2

PERSONAL LEAVES (continued)

However, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee also shall be granted leave for jury duty with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.

Employees shall be granted leave to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (Labor Code 230.2)

AR
4161.2(d)
4261.2
4361.2

PERSONAL LEAVES (continued)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child
2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking

AR
4161.2(e)
4261.2
4361.2

PERSONAL LEAVES (continued)

4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children enrolled in grades K-12 or who attend a licensed day care facility may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year. The employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

AR
4161.2(f)
4261.2
4361.2

PERSONAL LEAVES (continued)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies. Simultaneous absence by the second parent/guardian may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

(cf. 4140/4240/4340 - Bargaining Units)

AR
4161.2(g)
4261.2
4361.2

PERSONAL LEAVES (continued)

(cf. 4143/4243 - Negotiations)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation

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4161.2(h)
4261.2
4361.2

PERSONAL LEAVES (continued)

certifying that his/her spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Legal Reference: (see next page)

AR
4161.2(i)
4261.2
4361.2

PERSONAL LEAVES (continued)

Legal Reference:

EDUCATION CODE

- 44036-44037 Leaves of absence for judicial and official appearances
- 44963 Power to grant leaves of absence (certificated)
- 44981 Leave of absence for personal necessity (certificated)
- 44985 Leave of absence due to death in immediate family (certificated)
- 44987 Service as officer of employee organization (certificated)
- 44987.3 Leave of absence to serve on certain boards, commissions, etc.
- 45190 Leaves of absence and vacations (classified)
- 45194 Bereavement leave of absence (classified)
- 45198 Effect of provisions authorizing leaves of absence
- 45207 Personal necessity (classified)
- 45210 Service as officer of employee organization (classified)
- 45240-45320 Merit system, classified employees

EVIDENCE CODE

- 1035.2 Sex assault counselor; definition
- 1037.1 Domestic violence counselor; definition

FAMILY CODE

- 297-297.5 Registered domestic partner rights, protections, and benefits

GOVERNMENT CODE

- 3543.1 Release time for representatives of employee organizations
- 12945.1-12945.2 California Family Rights Act

LABOR CODE

- 230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies
- 230.3 Leave for emergency personnel
- 230.4 Leave for volunteer firefighters
- 230.8 Leave to visit child's school
- 233 Illness of child, parent, spouse, domestic partner or domestic partner's child
- 234 Absence control policy
- 246.5 Paid sick days, purposes for use
- 1500-1507 Civil Air Patrol leave

MILITARY AND VETERANS CODE

- 395.10 Leave when spouse on leave from military deployment

PENAL CODE

- 667.5 Violent felony, defined
- 1192.7 Serious felony, defined

CALIFORNIA CONSTITUTION

- Article 1, Section 8 Religious discrimination

Legal Reference continued: (see next page)

AR
4161.2(j)
4261.2
4361.2

PERSONAL LEAVES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

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Public Employment Relations Board: <http://www.perb.ca.gov>

Regulation
approved: October 21, 2015

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

PERSONAL ILLNESS/INJURY LEAVE

Note: The following administrative regulation is subject to collective bargaining. Twelve days of paid personal illness or injury leave (sick leave) per year is the minimum prescribed by Education Code 45191 for classified employees employed five days a week in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Pursuant to Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years.

The provisions of Labor Code 245-249 are very broad and **only** district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

See sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below for more details of AB 1522 requirements. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)

PERSONAL ILLNESS/INJURY LEAVE (continued)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: Optional item #4 below may be revised to specify a different minimum increment.

4. Medical or dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may also be used for the purposes specified in item #6 below.

Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to the illness of their family members as specified in item #6 below. Family members include, but are not limited to, an employee's grandparent, grandchild, and sibling, not just his/her child, parent, spouse, or domestic partner. In addition, the law defines child as a "biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis."

For more details of AB 1522 requirements, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

6. In any calendar year, an employee may use the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement for the following: (Labor Code 233, 245.5, 246.5)
- a. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
 - b. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

PERSONAL ILLNESS/INJURY LEAVE (continued)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

Note: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

Note: Pursuant to Education Code 45202, a classified employee who is terminated after at least one year of employment for any reason unrelated to discipline is entitled to have his/her accumulated sick leave transferred with him/her in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may be revised to reflect district practice.

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Notification of Absence

Note: The following optional section may be revised to reflect district practice.

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee

PERSONAL ILLNESS/INJURY LEAVE (continued)

shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 45196, a district is authorized to pay any employee who has exhausted his/her paid leaves his/her salary minus the actual pay received by a substitute for the remainder of a five-month absence to which the employee is entitled (Option 1 below). Alternatively, such an employee may be compensated at 50 percent or more of his/her salary for up to 100 working days, regardless of whether or not a substitute is hired (Option 2 below).

Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1:

Note: In 53 Ops.Cal.Atty.Gen. 111 (1970), the Attorney General clarified that a classified employee is entitled to a total period of five months, commencing with the first day of illness, during which the amount deducted from his/her salary may not exceed the sum which is actually paid a substitute. This five-month period runs concurrently with any other paid leave. After the employee has exhausted all paid leaves, he/she is entitled to differential pay for the balance of the five-month period.

In California School Employees Association v. Tustin Unified School District, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes.

~~A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code 45196)~~

~~The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.~~

OPTION 2:

Note: Education Code 45196 authorizes, but does not require, a district to annually credit regular classified employees with at least 100 working days of paid sick leave, and to compensate any such employee at 50 percent or more of the employee's regular salary for the remainder of the 100 working days after the employee has exhausted all leaves for which he/she would be entitled to a full salary. Any district that

PERSONAL ILLNESS/INJURY LEAVE (continued)

chooses this option is **mandated** to adopt a rule to that effect. Such districts should note that this option is exclusive of other paid leave, holidays, or vacation. In California School Employees Association v. Colton Joint Unified School District, the court ruled that the district's practice of coordinating or combining vacation with the 100 days differential leave contradicts the express provision of Education Code 45196.

The following paragraph may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Extension of Leave

Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

Note: Education Code 45191 mandates the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations

PERSONAL ILLNESS/INJURY LEAVE (continued)

shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in negotiated agreements.

Previously, Labor Code 233 authorized a district to apply the same conditions and restrictions placed upon its employees' use of sick leave for their own illness to any use of sick leave for illnesses of an employee's family members. Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), this authorization no longer exists. As amended, Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Since the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be careful in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (item #6 above). Though a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

~~The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.~~ The Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

PERSONAL ILLNESS/INJURY LEAVE (continued)

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Short-Term and Substitute Employees

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of his/her employment. In implementing this requirement, Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of his/her employment. Option 3 is for any district that credits employees with 24 hours of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, as amended by AB 304, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.

See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional details of AB 1522 requirements.

OPTION 1:

~~Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)~~

OPTION 2:

~~Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of his/her employment or each calendar year or 12-month period. Accrued paid sick days shall~~

PERSONAL ILLNESS/INJURY LEAVE (continued)

~~carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)~~

OPTION 3:

~~Except for a retired annuitant who is not reinstated to the retirement system, any short term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)~~

~~Note: The following paragraph applies to all the above options.~~

~~Any short term or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)~~

~~Note: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, as amended by AB 304 (Ch. 67, Statutes of 2015), a district is not required to inquire into the purposes for which an employee uses paid leave.~~

~~A short term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)~~

- ~~1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care~~
- ~~2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(e) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking~~

Healthy Workplaces, Healthy Families Act Requirements

~~Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.~~

PERSONAL ILLNESS/INJURY LEAVE (continued)

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

45103 *Substitute employees*

45190 *Leaves of absence and vacations*

45191 *Leaves of absence for illness and injury*

45193 *Leave of absence for pregnancy (re use of sick leave under certain circumstances)*

45195 *Additional leave for nonindustrial accident or illness; reemployment preference*

45196 *Salary; deductions during sick leave*

45202 *Transfer of accumulated sick leave and other benefits*

LABOR CODE

230 *Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off*

230.1 *Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off*

233 *Illness of child, parent, spouse or domestic partner*

245-249 *Healthy Workplaces, Healthy Families Act of 2014*

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 *Ops.Cal.Atty.Gen. 111 (1970)*

Center USD

Administrative Regulation

Personal Illness/Injury Leave

AR 4261.1
Classified Personnel

Classified employees employed five days per week are entitled to 12 days leave of absence, with full pay, for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work, except when the sick leave will be less than the district grants short-term or substitute employees pursuant to Labor Code 246. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

Classified employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical or dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of leave that would be accrued during six months for personal illness or injury (Labor Code 233)

7. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5 (Labor Code 246.5)

PERSONAL ILLNESS/INJURY LEAVE (continued)

8. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 246.5)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall accumulate in accordance with applicable law. (Education Code 45191)

At the beginning of each school year, each classified employee shall be notified of the amount of sick leave which he/she has accumulated.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

The Superintendent or designee shall notify any classified employee who leaves the district after at least one school year of employment that if the employee accepts employment in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 45202)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to

PERSONAL ILLNESS/INJURY LEAVE (continued)

notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

PERSONAL ILLNESS/INJURY LEAVE (continued)

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

PERSONAL ILLNESS/INJURY LEAVE (continued)

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Short-Term and Substitute Employees

Any short-term or substitute employee that works thirty (30) days or more in a calendar year during the current school year shall be entitled to three (3) days of personal leave with full pay in that school year. All such days may be used for sick leave. However, a new short-term or substitute employee shall not be eligible to take personal leave until the first day of the calendar month after completion of ninety (90) days of active service with the District. A "Day" for purposes of computing personal leave shall be equal to two (2) or three (3) hours depending on the individual employee's school assignment. Unused leave may be carried over to the following school year not to exceed a maximum of six (6) days in a given school year (e.g. 3 carried over + 3 earned = 6).

A short-term or substitute employee may use accrued sick leave for absences due any condition specified in item #7 or #8 above. (Labor Code 246.5)

Legal Reference: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops. Cal. Atty. Gen. 111 (1970)

PHYSICAL EDUCATION AND ACTIVITY

Note: The following **optional** policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also may incorporate goals for physical activity.

Education Code 33352 requires the CDE, as part of the Federal Program Monitoring process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation.

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. The CDE's 2009 Physical Education Framework for California Public Schools describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: The following two **optional** paragraphs are for use by districts that maintain high schools.

According to the CDE's Physical Education Framework for California Public Schools, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. The CDE's Physical Education FAQs add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

PHYSICAL EDUCATION AND ACTIVITY (continued)

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: The following optional paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Healthy People 2020 recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)
(cf. 5141.7 - Sun Safety)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: The following paragraph is optional. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on Maximizing Opportunities for Physical Activity During the School Day.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - Joint Use Agreements)
(cf. 5142.2 - Safe Routes to School Program)
(cf. 5148 - Child Care and Development Program)
(cf. 5148.2 - Before/After School Programs)
(cf. 6145 - Extracurricular and Cocurricular Activities)

Staffing

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. The holder of a multiple subject credential may teach a departmentalized class in grades K-9 in the subject of his/her major or minor pursuant to 5 CCR 80020. In addition, Education Code 44256 authorizes the Board to assign a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if he/she has 20 hours of coursework or 10 hours of upper division coursework in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if he/she has "adequate knowledge" of the subject to be taught based on specific district-adopted criteria and standards. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

The CDE's Physical Education FAQs clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.

For further information about staffing of physical education classes, see the CTC's web site and its Administrator's Assignment Manual.

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 4131 - Staff Development)

(cf. 5121 - Grades/Evaluation of Student Achievement)

Physical Fitness Testing

Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated the FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

Note: The following section is optional and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below.

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

Note: The following optional section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to "satisfactorily" meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is optional.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

Permanent Exemptions

Note: The following section is optional and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than he/she would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

Note: The following optional section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

PHYSICAL EDUCATION AND ACTIVITY (continued)

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - Regional Occupational Center/Program)

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Program Evaluation

Note: The following optional section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)*Legal Reference:*EDUCATION CODE

33126 School accountability report card
 33350-33354 CDE responsibilities re: physical education
 35256 School accountability report card
 44250-44277 Credential types
 49066 Grades; physical education class
 51210 Course of study, grades 1-6
 51220 Course of study, grades 7-12
 51222 Physical education
 51223 Physical education, elementary schools
 51241 Temporary, two-year or permanent exemption from physical education
 51242 Exemption from physical education for athletic program participants
 52316 Excuse from attending physical education classes
 60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test
 3051.5 Adapted physical education for individuals with exceptional needs
 4600-4687 Uniform complaint procedures
 10060 Criteria for high school physical education programs
 80020 Additional assignment authorizations for specific credentials
 80037 Designated subjects teaching credential; special teaching authorization in physical education
 80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

ATTORNEY GENERAL OPINIONS

53 *Ops. Cal. Atty. Gen.*, 230 (1970)

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Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
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Management Resources continued: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Management Resources: (continued)

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Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): Self-Assessment and Planning Guide 2014

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2007

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

Center USD

Board Policy

Physical Education And Activity

BP 6142.7

Instruction

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework. The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

The overall course of study for grades 9-12 shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)
(cf. 5141.7 - Sun Safety)

Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - Staff Development)
(cf. 5121 - Grades/Evaluation of Student Achievement)

Physical Fitness Testing

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the state's physical fitness test in grade 9. (Education Code 51241)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the physical fitness test to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Permanent Exemptions

The Superintendent or designee may grant a permanent exemption from physical education to an individual student under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training. (Education Code 51222)
2. The student in grades 10-12 attends a regional occupational center or program and attendance in physical education courses results in hardship because of the travel time involved. (Education Code 52316)
3. The student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Additional Opportunities for Physical Activity

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

- (cf. 1330.1 - Joint Use Agreements)
- (cf. 5142.2 - Safe Routes to School Program)
- (cf. 5148 - Child Care and Development Program)
- (cf. 5148.2 - Before/After School Program)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.5 - Student Organizations and Equal Access)

Program Evaluation

The Superintendent or designee shall annually report to the Board the results of the state physical fitness testing for each school and applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

- (cf. 0500 - Accountability)
- (cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

- 33126 School accountability report card
- 33350-33354 CDE responsibilities re: physical education
- 35256 School accountability report card
- 49066 Grades; physical education class
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51222 Physical education
- 51223 Physical education, elementary schools
- 51241 Temporary, two-year or permanent exemption from physical education
- 51242 Exemption from physical education for athletic program participants
- 52316 Excuse from attending physical education classes
- 60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

- 1040-1048 Physical performance test
- 3051.5 Adapted physical education for individuals with exceptional needs
- 10060 Criteria for high school physical education programs

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42
1751 Note Local wellness policy
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53 Ops.Cal.Atty.Gen. 230 (1970)

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Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

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Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

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California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Educational Data System, California physical fitness:

<http://www.eddata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

The California Endowment: <http://www.calendow.org>
U.S. Department of Health and Human Services: <http://www.health.gov>

Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: June 16, 2010 Antelope, California

PHYSICAL EDUCATION AND ACTIVITY**Definitions**

Note: The following optional section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Note: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 must provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education. In addition, a number of recent legal actions (e.g., Doe v. Albany Unified School District, Cal200 v. San Francisco Unified School District, Cal200 v. Oakland Unified School District) have examined districts' compliance with the instructional time requirements.

PHYSICAL EDUCATION AND ACTIVITY (continued)

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following **optional** paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the methods of documentation it will use and ensure consistent implementation. For examples of such methods, see the CDE's FPM instrument and CSBA's Legal Alert Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement.

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Note: The following paragraph is for use by districts maintaining elementary schools. As amended by AB 1391 (Ch. 706, Statutes of 2015), Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4687) for any complaint that an elementary school has not complied with the instructional minute requirement. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging noncompliance with the instructional minute requirement for elementary schools may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may

PHYSICAL EDUCATION AND ACTIVITY (continued)

appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51223; 5 CCF 4600-4687)

(cf. 1312.3 - Uniform Complaint Procedures)

Monitoring Moderate to Vigorous Physical Activity

Note: The following optional section may be revised to reflect district practice. See the accompanying Board policy for language establishing an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time.

To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity or the number of students who are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

(cf. 6162.5 - Student Assessment)

PHYSICAL EDUCATION AND ACTIVITY (continued)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is optional. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, his/her duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(cf. 5125 - Student Records)

Note: The following paragraph is optional.

Each student's test results shall also be provided to his/her parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Testing Variations

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment

PHYSICAL EDUCATION AND ACTIVITY (continued)

2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

<p>Note: The following optional section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.</p>
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The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

PHYSICAL EDUCATION AND ACTIVITY (continued)

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity

(cf. 1240 - Volunteer Assistance)

(cf. 4231 - Staff Development)

(cf. 5030 - Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom

3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

(cf. 5148 - Child Care and Development Program)

(cf. 5148.2 - Before/After School Programs)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 - Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

(cf. 1700 - Relations Between Private Industry and the Schools)

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

(cf. 5142.2 - Safe Routes to School Program)

Center USD

Administrative Regulation

Physical Education And Activity

AR 6142.7

Instruction

Definitions

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetimes, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1-6 and not less than 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

Students in grades 10-12 who have been granted a two-year exemption pursuant to Education Code 51241(b) shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Students in grades 10-12 who have been granted a two-year or permanent exemption from physical education pursuant to Education Code 51241(b)(1) or (c) shall not be permitted to attend fewer total hours of courses and classes than they would have

attended if enrolled in a physical education course. (Education Code 51241)

Students in a regional occupational program or center who are exempted from physical education pursuant to Education Code 52316 shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - Regional Occupational Center/Program)

Monitoring Moderate to Vigorous Physical Activity

To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity or the number of students who are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education. (Education Code 60800; 5 CCR 1041)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

Students shall be provided with their individual results after completing the physical performance testing. The test results may be provided in writing or orally as the student

completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(cf. 5125 - Student Records)

Each student's test results shall also be provided to his/her parents/guardians.

The Superintendent or designee shall report the aggregate results of the physical fitness testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Testing Variations

All students may be administered the state's physical fitness test with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner

2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity

(cf. 1240 - Volunteer Assistance)

(cf. 4231 - Staff Development)

(cf. 5030 - Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom

3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

(cf. 5148 - Child Care and Development Program)

(cf. 5148.2 - Before/After School Program)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 - Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

(cf. 1700 - Relations Between Private Industry and the Schools)

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

(cf. 5142.2 - Safe Routes to School Program)

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: June 16, 2010 Antelope, California

CLASS ASSIGNMENT

Note: The following **optional** policy may be revised to reflect district practice.

Pursuant to Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), the Governing Board of any district which serves students in grade 9 is mandated to adopt a mathematics placement policy with specified components before the 2016-17 school year. See BP 6152.1 - Placement in Mathematics Courses for language fulfilling this mandate.

The Governing Board believes students should be assigned to classes and/or grouped in a manner that provides the most effective learning environment for all students.

When assigning students to specific courses and classes, the principal or designee may consider the following criteria as appropriate for the grade level and course:

1. Staff recommendation, including, but not limited to, the recommendations of teachers and counselors
2. Skills and classroom management style of individual teachers
3. Student skill level as indicated by multiple objective academic measures, such as student assessment results, grade point average, and grades in prerequisite courses

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6152.1 - Placement in Mathematics Courses)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

4. Balance of high, medium, and low academic achievers
5. Student interests, readiness, behavior, and motivation
6. Student/teacher ratios and, if relevant, class size reduction considerations

(cf. 6151 - Class Size)

The principal or designee may accept from parents/guardians any information which would be helpful in making placement decisions. However, a parent/guardian who provides such information shall be informed that a request for a specific teacher shall be one of many factors which may be taken into account when determining his/her child's placement.

During the school year, the principal or designee may make any adjustments in class placement which he/she considers beneficial to the student or the educational program.

Additional Requirements for Grades 9-12

Except for a student enrolled in an alternative school, community day school, continuation high school, or opportunity school, or as otherwise specified below, no student enrolled in grades 9-12 shall be assigned:

CLASS ASSIGNMENT (continued)

Note: Beginning with the 2016-17 school year, Education Code 51228.1, as added by AB 1012 (Ch. 703, Statutes of 2015), prohibits districts from assigning a student in grades 9-12 to any course period "without educational content," as defined, for more than one week in any semester. Exceptions are permitted under certain conditions, as specified below.

1. To any course without educational content for more than one week in any semester, including any of the following situations: (Education Code 51228.1)
 - a. The student is sent home or released from campus before the conclusion of the designated school day.
 - b. The student is assigned to a service, instructional work experience, or other course in which he/she is assigned to assist a certificated employee, but is not expected to complete curricular assignments, in a course the certificated employee is teaching during that period and where the ratio of certificated employees to students assigned to the course for curricular purposes is less than one to one.
 - c. The student is not assigned to any course for the relevant course period.

Note: Education Code 51228.2, as added by AB 1012 (Ch. 703, Statutes of 2015), prohibits assigning a student in grades 9-12 to any course that he/she previously completed with a grade that satisfies minimum requirements for high school graduation and admission to California public postsecondary institutions. For this purpose, the district must identify the grade that the student must have achieved in that course. The district may modify item #2 below to specify the grade that will be used to establish satisfactory completion of the course.

2. To a course that he/she has previously completed and received a grade determined by the district to be sufficient to satisfy minimum high school graduation requirements and the requirements and prerequisites for admission to California public postsecondary institutions, unless the course has been designed to be taken more than once because students are exposed to a new curriculum year to year and are therefore expected to derive educational value from taking the course again (Education Code 51228.2)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

An exception to item #1 or #2 above may be made only if all of the following conditions are satisfied: (Education Code 51228.1, 51228.2)

1. The student, or the student's parent/guardian if he/she is younger than age 18 years, has consented in writing to the assignment.

CLASS ASSIGNMENT (continued)

2. A school official has determined that the student will benefit from being assigned to the course period.
3. The principal or assistant principal has stated in a written document maintained at the school that, for the relevant school year, no students are assigned to those classes unless the school has obtained the student's or parent/guardian's consent and determined that the student will benefit from the assignment.

In addition, under no circumstances shall a student be assigned to a course period without educational content or a course he/she has already satisfactorily completed because there are insufficient curricular course offerings for the student to take during the relevant period of the school day. (Education Code 51228.1, 51228.2)

Note: The following paragraph may be revised to reflect programs offered by the district. Education Code 51228.1 does not limit the authority of districts to offer independent study, dual enrollment in community college, evening high school programs, work-based learning or work experience education, or any class or course authorized under Education Code 51700-51879.9.

The above limitations on class assignments shall not affect the authority of the Superintendent or designee to permit the enrollment of a student in a dual enrollment, independent study, evening high school program, or other class or course authorized by law. (Education Code 51228.1, 51228.2)

(cf. 6158 - Independent Study)

(cf. 6172.1 - Concurrent Enrollment in College Courses)

Note: Pursuant to Education Code 51228.3, as added by AB 1012 (Ch. 703, Statutes of 2015), complaints regarding the district's noncompliance with Education Code 51228.1 or 51228.2 may be addressed through uniform complaint procedures (5 CCR 4600-4687); also see AR 1312.3 - Uniform Complaint Procedures.

Any complaint that the district has not complied with the requirements in this section regarding assignments in grades 9-12 may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 51228.3; 5 CCR 4600-4687)

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: (see next page)

CLASS ASSIGNMENT (continued)

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35160 Authority of the board

51224.7 California Mathematics Placement Act of 2015

51228.1 Assignment to courses without educational content, grades 9-12

51228.2 Assignment to courses previously completed, grades 9-12

51228.3 Uniform complaint procedures; noncompliance with assignment limitations for grades 9-12

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

Management Resources:

WEB SITES

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

National Association for the Education of Young Children: <http://www.naeyc.org>

Center USD

Board Policy

Class Assignment

BP 6152

Instruction

The Governing Board believes students should be assigned to classes and/or grouped in a manner that provides the most effective learning environment for all students.

When assigning students to specific classes, the principal or designee may consider the following criteria:

1. Staff recommendation, including, but not limited to, the recommendations of teachers and counselors
2. Skills and classroom management style of individual teachers
3. Student skill level as indicated by achievement and testing data

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6162.51 - Standardized Testing and Reporting Program)

4. Balance of high, medium, and low academic achievers
5. Student interests, readiness, behavior, and motivation
6. Student/teacher ratios and, if relevant, class size reduction considerations

(cf. 6151 - Class Size)

The principal or designee may accept from parents/guardians any information which would be helpful in making placement decisions. However, a parent/guardian who provides such information shall be informed that a request for a specific teacher shall be one of many factors which may be taken into account when determining his/her child's placement.

During the school year, the principal or designee may make any adjustments in class placement which he/she considers beneficial to the student or the educational program.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35160 Authority of the board

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Elementary Makes the Grade!, 2000

WEB SITES

California Department of Education, Curriculum and Instruction:

<http://www.cde.ca.gov/ci>

National Association for the Education of Young Children: <http://www.naeyc.org>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: October 18, 2006 Antelope, California

STATE ACADEMIC ACHIEVEMENT TESTS

Note: The following administrative regulation reflects requirements of the California Assessment of Student Performance and Progress (CAASPP) (Education Code 60600-60649) and should be revised to reflect the grade levels offered by the district.

The Superintendent or designee shall administer the California Assessment of Student Performance and Progress (CAASPP) to all district students at applicable grade levels, except those students exempted by law.

Note: The following paragraph may be revised to reflect programs offered by the district.

5 CCR 851 clarifies responsibility for the testing of charter school students who attend locally funded charter schools. Pursuant to Education Code 47651, a locally funded charter school is one that receives the state aid portion of its local control funding formula allocation through the district that either authorized the charter or was designated by the State Board of Education (SBE) as the oversight agency, rather than directly from the state.

The students of any charter school that receives its state funding allocation through the district shall be tested in coordination with the testing of district students. In addition, the Superintendent or designee shall arrange for the testing of students in any alternative education program or program conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic, nonsectarian schools. No test shall be administered in a home or hospital except by a test administrator or test examiner. (5 CCR 851)

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 6158 - Independent Study)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Note: The following paragraph is optional. Pursuant to 5 CCR 853, if the district identifies students who are unable to access the computer-based assessments, as required by 5 CCR 857, the district may use a paper and pencil version of the assessment, if available.

On or before July 1 of each year, the Superintendent or designee shall identify any district school(s) with students who are unable to access the computer-based assessment of a CAASPP test and shall report the number of such students to the test contractor. If available, a paper and pencil version of the assessment may be administered to such students. (5 CCR 853, 857)

Note: 5 CCR 857, as amended by Register 2015, No. 48, establishes a deadline of July 1 of each year for designating a district test coordinator.

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

On or before July 1 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education (CDE). The Superintendent or designee shall also designate a coordinator for each test site. The duties of the district and site test coordinators shall include those specified in 5 CCR 857-858. (5 CCR 857-858)

Note: 5 CCR 850, as amended by Register 2015, No. 48, defines "test administrator" as an employee trained to administer the CAASPP achievement tests and "test examiner" as a certificated or licensed employee of a local educational agency trained to administer the California Alternate Assessments (CAA) for students with significant cognitive disabilities.

The Superintendent or designee also shall appoint trained test administrator(s) to administer the CAASPP achievement tests and test examiner(s) to administer the California Alternate Assessments. A test examiner shall be a certificated or licensed employee of the district or county office of education. (5 CCR 850)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

Note: Pursuant to 5 CCR 850, as amended by Register 2015, No. 48, a student's sibling is prohibited from serving as his/her translator or scribe during test administration.

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian or sibling shall not be eligible to be that student's translator or scribe. (5 CCR 850)

All test administrators, test examiners, proctors, translators, scribes, district and site test coordinators, and other persons having access to any of the CAASPP achievement tests and corresponding test materials, assessment technology platform, or tests administered pursuant to Education Code 60640 shall acknowledge the limited purpose of their access to the achievement tests by signing a test security affidavit. In addition, all district and site test coordinators shall sign a test security agreement before receiving any CAASPP achievement tests and corresponding test materials. The test security affidavit and test security agreement shall be those set forth in 5 CCR 859. (5 CCR 850, 859)

Tests Included in the State Assessment System

Note: Pursuant to Education Code 60640 and 5 CCR 851.5, as added by Register 2015, No. 48, the CAASPP consists of the required assessments listed in items #1-3 below and optional use of a primary language assessment.

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Pursuant to Education Code 60640 and 99300-99301, the CAASPP also includes the Early Assessment Program (EAP) designed to assess the college readiness of students in grade 11 in English language arts and/or mathematics. The EAP is included within the summative assessments listed in item #1 below.

The district shall administer the following CAASPP assessments: (Education Code 60640; 5 CCR 851.5)

1. The CAASPP achievement tests for English language arts and mathematics in grades 3-8 and 11, except that:

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

- a. Recently arrived English learners, defined pursuant to Education Code 60603 as English learners who are in their first 12 months of attending a school in the United States, shall be exempted from taking the English language arts assessment to the extent allowed by federal law. A recently arrived English learner may be administered the test upon request by his/her parent/guardian.

(cf. 6174 - Education for English Language Learners)

- b. Students with disabilities who are unable to participate in the English language arts and mathematics assessments, even with the resources described in the section "Testing Variations" below, shall be provided an alternate test when designated in their individualized education program (IEP), as provided in item #3 below.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Note: Education Code 60640 provides that the California Standards Tests will be administered in science at grades 5, 8, and 10. When available, the SBE shall adopt an assessment that is aligned with the Next Generation Science Standards, which were adopted by the SBE in September 2013.

2. Science assessments at grades 5, 8, and 10

However, students with disabilities who are unable to participate in the science assessments, even with the resources described in the "Testing Variations" section below, shall be provided an alternate test when designated in their IEP, as provided in item #3 below.

(cf. 6142.93 - Science Instruction)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Note: Pursuant to 20 USC 1412 and Education Code 60640, students with disabilities must be included in the CAASPP program with accommodations where necessary (see section on "Testing Variations" below), unless they are exempted by their parents/guardians or are eligible to take an alternate assessment.

For the English language arts and mathematics assessments, students with significant cognitive disabilities may be administered the CAA. For the science assessment, students with disabilities may take the CAPA or the California Modified Assessment, in accordance with their individualized education program (IEP).

3. For students with disabilities who are unable to take the tests specified in items #1-2 above, even with appropriate accommodations or other testing resources, and who have an IEP that designates the use of alternate tests at the applicable grade levels:
 - a. California Alternate Assessment in English language arts and mathematics for students with significant cognitive disabilities
 - b. For the science assessment, either the California Modified Assessment or, for students with significant cognitive disabilities, the California Alternate Performance Assessment

Note: The following paragraph is **optional**. In addition to administering the CAASPP achievement tests described in items #1-3 above to English learners, Education Code 60640 authorizes the district to administer a primary language assessment to English learners in grades 2-11. Education Code 60640 provides that districts may use the Standards-Based Test in Spanish (STS) for this purpose until a test is available that is aligned with the Common Core State Standards in English language arts. The SBE is required to adopt such an assessment to be used no later than the 2016-17 school year. Pursuant to 5 CCR 851.5, as amended by Register 2015, No. 48, the successor primary language assessment will be available for students in grade 3-8 and 11.

Pursuant to Education Code 60640, the district will receive a per pupil apportionment from the state for administration of the primary language assessment to English learners.

In addition, the Superintendent or designee may administer a primary language assessment to English learners. Administration of this test shall not replace the administration of the above tests, administered in English, to English learners. (Education Code 60640)

Note: The following paragraph is **optional**. Pursuant to Education Code 60640, the district may, at its own expense, administer the STS or successor state assessment to students in a dual immersion program who are not limited English proficient or who are redesignated fluent English proficient. If the district chooses to use the primary language assessment for this purpose, it must enter into an agreement with the state testing contractor, subject to the approval of the CDE.

The primary language assessment also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient, subject to approval by the California Department of Education (CDE) of an agreement between the district and the state testing contractor. (Education Code 60640)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)**Exemptions**

Note: In addition to the exemption of recently arrived English learners from the English language arts assessment (see item #1a in the section "Tests Included in the State Assessment System" above), Education Code 60615 allows students to be exempted from the CAASPP upon written request from their parents/guardians. 5 CCR 852 requires the district to notify parents/guardians regarding this exemption and provides that any exemption will be granted only for the current school year.

Districts should be aware of the need to maintain a high student participation level on state assessments. Pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (P.L. 114-95), states must annually measure the achievement of not less than 95 percent of all students. The state legislature will need to determine how to factor the participation requirement into the state's school accountability system.

Each year the Superintendent or designee shall notify parents/guardians of their child's participation in the CAASPP and of the provisions of Education Code 60615 related to exemptions from testing. (5 CCR 852)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually submit to the school a written request to excuse his/her child from any or all parts of the CAASPP assessments for the school year, and such a request shall be granted by the Superintendent or designee. However, district employees shall not solicit or encourage any exemption request on behalf of any student or group of students. (Education Code 60615; 5 CCR 852)

If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)

Testing Period

Note: Education Code 60640 requires the SBE to establish a testing window that allows all schools to administer the CAASPP tests at approximately the same time during the instructional year and takes into account the need to provide make-up days for students who were absent during testing. 5 CCR 855, as amended by Register 2015, No. 48, establishes the testing windows specified below beginning in the 2015-16 school year. Within these testing windows, the district may establish its own testing dates.

The following section should be revised to reflect grade levels offered by the district. In addition, districts that do not maintain any schools on a year-round schedule may revise the following section to delete references to schedules based on tracks.

The Superintendent or designee shall establish testing days for district students within the following available testing windows: (5 CCR 855)

1. Assessments in English language arts and mathematics shall be administered between the date on which at least 66 percent of the school's or track's annual instructional

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

days for grades 3-8, or at least 80 percent of the annual instructional days for grade 11, have been completed and the last day of instruction for the regular annual calendar of the school or track.

2. All science assessments, including CAPA and CMA, shall be administered during an available testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's or track's annual instructional days.

Note: Item #3 below reflects the available testing window for the CAA effective beginning in the 2016-17 school year, pursuant to 5 CCR 855, as amended by Register 2015, No. 48.

3. Beginning in the 2016-17 school year, the CAA shall be administered during the available testing windows specified in item #1.

Note: **Optional** item 4 below is for use by districts that have chosen to administer the primary language assessment to English learners as authorized by Education Code 60640; see section "Tests Included in the State Assessment System" above.

4. The primary language assessment shall be administered to English learners within the testing window specified in item #2.

Note: Within the available testing windows specified above, the district may designate specific testing dates that will be used within the district. 5 CCR 855, as amended by Register 2015, No. 48, allows the district to designate one selected testing period for each school or track subject to the conditions specified below. If the district does not designate a selected testing period for a school or track, then the available testing windows specified in item #1 below shall be the selected testing period for that school or track.

Within the above testing windows, the Superintendent or designee may designate one testing period for each school or track or, if a school has multiple tracks, a selected testing period for each track. The district shall not exceed six selected testing periods within the available testing window. The testing period shall be no fewer than 25 consecutive instructional days and may be extended up to an additional 10 consecutive instructional days if still within the available testing window set forth in items #1-4 above. (5 CCR 855)

Students who are absent during testing shall be provided an opportunity to take the tests within the testing window.

Note: The following section describes allowable testing resources that may be used during test administration pursuant to 5 CCR 853.5-853.8, as amended by Register 2015, No. 48. For further information, see the CDE's matrix of allowable testing variations, available on its web site.

CAASPP achievement tests and the primary language test shall be administered in accordance with the manuals or other instructions provided by the test contractor or CDE except that, as appropriate, the following testing variations may be used: (5 CCR 850, 853-853.8)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)**Testing Variations**

1. Universal tools specified in 5 CCR 853.5 may be used with any student.
2. Designated supports specified in 5 CCR 853.5 and, if an English learner, in 5 CCR 853.7, may be used with a student for whom the need has been indicated by an educator or team of educators, with parent/guardian and student input as appropriate, or for whom the need is specified in the student's IEP or Section 504 plan.
3. Accommodations specified in 5 CCR 853.5 may be used with a student with disabilities when included in the student's IEP or Section 504 plan as resources that are regularly used in the classroom for the student's instruction and/or assessment(s). Such accommodations shall be either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment.

Note: 5 CCR 853.8, as added by Register 2015, No. 48, authorizes the use of "unlisted resources" (i.e., resources that have not been identified as a universal tool, designated support, or accommodation) with students with disabilities, provided that the resource is designated in the student's IEP or Section 504 plan and the CDE has approved the use of the resource. Pursuant to 5 CCR 853.8, the district must electronically submit a request to the CDE at least 10 business days prior to the first day of CAASPP testing, and the district will receive a response from the CDE within four business days of submitting the request. The CDE will not approve the use of an unlisted resource that threatens the security of the test or changes the construct being measured, including, but not limited to, those resources specified in 5 CCR 853.8. The district may nevertheless use a disapproved unlisted resource that changes the construct being measured, but the student will not be counted in the participation rate for state and federal accountability measures.

4. An unlisted resource that has not been specifically identified as an approved universal tool, designated support, or accommodation may be used with a student who has an IEP or Section 504 plan provided that the resource is one that is regularly used in the classroom for instruction and/or assessment and the CDE has approved its use. At least 10 business days prior to the student's first day of CAASPP testing, the district or school site test coordinator may electronically submit a request to the CDE for approval to use that unlisted resource during that year. If the CDE determines that the unlisted resource changes the construct being measured, the unlisted resource may nevertheless be used with the student in order to generate an individual score report even though the student shall not be counted in the participation rate for accountability measures. (5 CCR 853.8)

Note: 5 CCR 853.8, as amended by Register 2015, No. 48, authorizes the use of "instructional supports" (i.e., all supports that may be used in daily instruction or assessment, including language and physical supports) during administration of the CAA, as described in the following paragraph.

In the administration of the CAA to a student with significant cognitive disabilities, the student may have all instructional supports that may be used in daily instruction or assessment, including language and physical supports, with the exception of any inappropriate test practices listed in test administration manuals. (5 CCR 850, 853.6)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Report of Test Results

Note: Education Code 60641 requires that valid test results for individual students, when available, be reported to the student's parents/guardians, school, and teacher(s). Pursuant to Education Code 60641, it is the Legislature's intent that districts are not precluded from using electronic media formats to provide this report, provided that the format secures the confidentiality of the student and the student's results. In addition, district personnel are not required to prepare individualized explanations of each student's test scores as part of the report described in the following paragraph.

For any state assessments that produce valid individual student results, the Superintendent or designee shall forward or transmit the student's test results to his/her parents/guardians within 20 working days from receipt of the results from the test contractor or, if the district receives the results from the contractor after the last day of instruction for the school year, then within the first 20 working days of the next school year. The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

(cf. 5125 - Student Records)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

Center USD

Administrative Regulation

State Academic Achievement Tests

AR 6162.51
Instruction

The Superintendent or designee shall administer the California Assessment of Student Performance and Progress (CAASPP) to all district students at applicable grade levels, except those students exempted by law.

The district shall permit any locally funded charter school to administer the CAASPP to its students in coordination with the testing of district students. In addition, the Superintendent or designee shall arrange for the testing of students in any alternative education program or program conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic, nonsectarian schools. No test shall be administered in a home or hospital except by a test examiner. (5 CCR 851)

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 6158 - Independent Study)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

On or before September 30 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education (CDE). The Superintendent or designee shall also designate a coordinator for each test site. The duties of the district and site test coordinators shall include those specified in 5 CRR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for an alternate assessment for students with disabilities, shall be a certificated or licensed employee of the school, district, or county office of education. (5 CCR 850)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 859)

Tests Included in the State Assessment System

The district shall administer the following CAASPP assessments: (Education Code 60640)

1. The Smarter Balanced Assessment Consortium assessments for English language arts and mathematics in grades 3-8 and 11, except that:

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

- a. Recently arrived English learners, defined pursuant to Education Code 60603 as English learners who are in their first 12 months of attending a school in the United States, shall be exempted from taking the English language arts assessment to the extent allowed by federal law.

(cf. 6174 - Education for English Language Learners)

- b. Students with disabilities who are unable to participate in these assessments, even with the resources described in the section "Testing Variations" below, may be provided an alternate test in accordance with their individualized education program (IEP), as provided in item #3 below.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

2. Science assessments at grades 5, 8, and 10

(cf. 6142.93 - Science Instruction)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

3. For students with disabilities who are unable to take the tests specified in items #1-2 above even with appropriate accommodations or other testing resources:
 - a. California Alternate Assessment in English language arts and mathematics
 - b. For the science assessment, either the California Alternate Performance Assessment or California Modified Assessment, in accordance with the student's IEP

In addition, the Superintendent or designee may administer a primary language assessment to English learners in grades 2-11. Administration of this test shall not replace the administration of the above tests, administered in English, to English learners. (Education Code 60640)

The primary language assessment also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient, subject to the approval of the California Department of Education (CDE) of an agreement between the district and the state testing contractor. (Education Code 60640)

Exemptions

Each year the Superintendent or designee shall notify parents/guardians of their child's participation in the CAASPP and of the provisions of Education Code 60615 related to exemptions from testing. (5 CCR 852)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually submit to the school a written request to excuse his/her child from any or all parts of the CAASPP assessments for the school year, and such a request shall be granted by the Superintendent or designee. However, district employees shall not solicit or encourage any exemption request on behalf of any student or group of students. (Education Code 60615; 5 CCR 852)

If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)

Testing Period

The Superintendent or designee shall establish testing days for district students within the following testing windows: (5 CCR 855)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

1. Assessments in English language arts and mathematics shall not be administered until at least 66 percent of the school's annual instructional days have been completed for grades 3-8, or at least 80 percent of the annual instructional days for grade 11, and may continue up to and including the last day of instruction for the regular school calendar.
2. Alternate assessments for students with disabilities and science assessments for all students shall be administered during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days.
3. The primary language assessment shall be administered to English learners within the testing window specified in item #2.

Students who are absent during testing shall be provided an opportunity to take the tests within the testing window.

Testing Variations

Assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor and CDE, except that, as appropriate, students may be provided universal tools, designated supports, and/or accommodations during testing that are specifically allowed pursuant to 5 CCR 853.5 or 853.7. (5 CCR 850, 853.5, 853.7)

Designated supports or accommodations provided to students with disabilities shall be those specified in their IEP or Section 504 plan. (5 CCR 850, 853.5)

If a resource has not been specifically identified in 5 CCR 853.5 or 853.7 but is regularly used by a student in the classroom for instruction and/or assessment, the district or school site test coordinator may submit a written request to the CDE for approval to use that individualized aid. He/she shall submit the request at least 10 business days prior to the student's first day of CAASPP testing. (5 CCR 853.5)

Report of Test Results

For any state assessments that produce valid individual student results, the Superintendent or designee shall forward or transmit the student's test results to his/her parents/guardians within 20 working days from receipt of the results from the test contractor or, if the district receives the results from the contractor after the last day of instruction for the school year, then within the first 20 working days of the next school

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

year. The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

(cf. 5125 - Student Records)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

GUIDANCE/COUNSELING SERVICES

Note: The following optional Board policy should be revised to reflect district practice. Education Code 49600 authorizes districts to offer a structured, coherent, and comprehensive educational counseling program implemented by credentialed school counselors. Pursuant to Education Code 49600, if the district chooses to offer an educational counseling program, that program must include academic counseling, as defined, and may include other specified components.

The Governing Board recognizes that a structured, coherent and comprehensive counseling program promotes academic achievement and serves the diverse needs of all district students. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

Note: Pursuant to Education Code 44266 and 5 CCR 80049-80049.1, persons authorized to provide services in school counseling, school psychology, or school social work must possess a pupil personnel services credential, with the appropriate specialization, issued by the Commission on Teacher Credentialing.

The Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

(cf. 4112.2 - Certification)

Note: The following optional list may be revised to reflect district practice. Education Code 49600, as amended by SB 451 (Ch. 539, Statutes of 2015), expresses the Legislature's intent that school counselors fulfill the following responsibilities.

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing support for all students with respect to learning and achievement
2. Planning, implementing, and evaluating programs to promote the academic, career, personal, and social development of all students, including students from low-income families, foster youth, homeless youth, undocumented youth, and students at all levels of academic, social, and emotional abilities
3. Using multiple sources of information to monitor and improve student behavior and achievement
4. Collaborating and coordinating with school and community resources
5. Promoting and maintaining a safe learning environment for all students by providing restorative justice practices, positive behavior interventions, and support services

GUIDANCE/COUNSELING SERVICES (continued)

(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)

6. Intervening to ameliorate school-related problems, including issues related to chronic absences

(cf. 5113.1 - Chronic Absence and Truancy)

7. Using research-based strategies to reduce stigma, conflict, and student-to-student mistreatment and bullying

8. Improving school climate and student well-being

(cf. 5137 - Positive School Climate)

9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural legacy, and commitment to lifelong learning and the pursuit of high-quality educational programs

(cf. 6142.4 - Service Learning/Community Service Classes)

10. Providing counseling interventions and support services for students classified as English learners, eligible for free or reduced-priced meals, or foster youth, including enhancing equity and access to the education system and community services

(cf. 0460 - Local Control and Accountability Plan)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)

11. Engaging in continued development as a professional school counselor

(cf. 4131 - Staff Development)

Educational Counseling

Note: The following optional section is for use by districts that maintain any of grades 7-12 and may be revised to reflect district practice and the grade levels offered by the district.

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

(cf. 5145.6 - Parental Notifications)

GUIDANCE/COUNSELING SERVICES (continued)

Note: Items #1-5 below reflect required components of educational counseling programs specified in Education Code 49600, as amended by SB 451 (Ch. 539, Statutes of 2015).

The educational counseling program shall include academic counseling in the following areas: (Education Code 49600)

1. Development and implementation, with parent/guardian involvement, of the student's immediate and long-range educational plans
2. Optimizing progress towards achievement of proficiency standards
3. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes
4. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid

Note: Pursuant to Education Code 49600, educational counseling must include career and vocational counseling as described in item #5 below. As amended by SB 451 (Ch. 539, Statutes of 2015), Education Code 49600 requires that professional development related to career and vocational counseling include strategies for counseling students pursuing postsecondary education, career technical education, multiple pathways, college, and global career opportunities.

5. Career and vocational counseling, in which students are assisted in doing all of the following:
 - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition
 - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
 - c. Developing realistic perceptions of work, the changing work environment, and the effect of work on lifestyle
 - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
 - e. Understanding the value of participating in career technical education and work-based learning activities and programs, including, but not limited to, service learning, regional occupational centers and programs, partnership programs, job shadowing, and mentoring experiences

GUIDANCE/COUNSELING SERVICES (continued)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

- f. Understanding the need to develop essential employable skills and work habits
- g. Understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures

Note: In addition to the required components listed above, Education Code 49600, as amended by SB 451 (Ch. 539, Statutes of 2015), includes a list of optional components of the educational counseling program. At its discretion, the district may expand the following paragraph to reflect any of those optional components it chooses to include in its educational counseling program.

The district's educational counseling program also may include, but not be limited to, identification of students who are at risk of not graduating with the rest of their class, development of a list of coursework and experience necessary to assist students to satisfy the curricular requirements for college admission and successfully transition to postsecondary education or employment, and counseling regarding available options for a student to continue his/her education if he/she fails to meet graduation requirements.

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

(cf. 6184 - Continuation Education)

Note: Education Code 221.5 prohibits school counselors from offering vocational or school program guidance to a student of one sex that is different from that offered to a student of the opposite sex. In addition, 5 CCR 4930 prohibits discrimination in counseling programs to the same extent that discrimination is prohibited in all other district programs and activities. Prohibited bases for discrimination in district programs are specified in BP 0410 - Nondiscrimination in District Programs and Activities.

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

GUIDANCE/COUNSELING SERVICES (continued)

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Note: 20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with the same access to students as is provided to colleges and prospective employers. Districts that do not grant similar access may lose those funds and may be subject to specific interventions, such as notification to the Governor and Congress, so that public officials can work with the district. Districts that do not receive ESEA funds and that choose to grant access to college and employment recruiters should do so on a nondiscriminatory basis. Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers. For information regarding military recruiter access to student directory information, see BP/AR 5125.1 - Release of Directory Information.

Option 1 below is for use by districts that choose to adopt a policy that permits college and employment recruiters, including military recruiters, access to students. Option 2 is for districts that choose to adopt a policy that does not permit such access.

OPTION 1:

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

OPTION 2:

~~Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (Education Code 49603; 10 USC 503)~~

(cf. 5125.1 - Release of Directory Information)

Personal or Mental Health Counseling

Note: The following optional section may be revised to reflect district practice. A school counselor, school psychologist, or school social worker may offer personal or family counseling in accordance with the authorizations on his/her credentials. In addition, districts may provide mental health services through school-based health centers (see BP 5141.6 - School Health Services) and/or may collaborate with community agencies, organizations, and health care providers to ensure that services are available.

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

(cf. 1020 - Youth Services)

GUIDANCE/COUNSELING SERVICES (continued)

(cf. 5113 - Absences and Excuses)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.6 - School Health Services)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5147 - Dropout Prevention)
(cf. 6164.5 - Student Success Teams)

Note: If a minor is 11 years old or younger, consent by a parent/guardian is required before providing the minor with outpatient mental health counseling or treatment services. Family Code 6920-6929 and Health and Safety Code 124260 allow a minor age 12 or older to consent to outpatient mental health counseling or treatment services without parent/guardian consent if, in the opinion of a school psychologist or other professional person, as defined, the minor is mature enough to participate intelligently in the services. However, the child's parent/guardian must still be involved unless the professional person determines it would be inappropriate.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

GUIDANCE/COUNSELING SERVICES (continued)

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

(cf. 5136 - Gangs)

(cf. 5141.52 - Suicide Prevention)

Teacher-Based Advisory Program

Note: The following optional section is for use by districts that choose to provide a teacher-based advisory program as authorized by Education Code 49600. The following section may be revised to reflect district practice, including the grade levels at which the program will operate. It should be deleted by districts in which all student counseling is provided by credentialed school counselors.

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

(cf. 4131 - Staff Development)

Legal Reference: (see next page)

GUIDANCE/COUNSELING SERVICES (continued)

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

44266 Pupil personnel services credential

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250-51251 School age military dependents

51513 Personal beliefs

FAMILY CODE

6920-6929 Consent by minor for treatment or counseling

HEALTH AND SAFETY CODE

124260 Mental health services; consent by minors age 12 and older

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

WELFARE AND INSTITUTIONS CODE

5850-5883 Mental Health Services Act

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

80049-80049.1 Pupil personnel services credential

80632-80632.5 Preparation programs for pupil personnel services

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family educational rights and privacy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Results-Based School Counseling and Student Support Guidelines, 2007

WEB SITES

American School Counselor Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

California Department of Education: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

U.S. Department of Education, access to military recruiters:
<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

Center USD

Board Policy

Guidance/Counseling Services

BP 6164.2

Instruction

The Governing Board recognizes that a comprehensive counseling program promotes academic achievement and serves the diverse needs of all district students. Counseling staff shall be available to meet with students regarding their educational progress toward academic and/or career goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

(cf. 4112.2 - Certification)

Academic and Career Counseling

The district's academic counseling program shall be designed to assist students to establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

(cf. 6011 - Academic Standards)

(cf. 6020 - Parent Involvement)

(cf. 6174 - Education for English Language Learners)

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

(cf. 5145.6 - Parental Notifications)

The counseling program for high school students may include, at appropriate grade levels:

1. Information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships

(cf. 6141.5 - Advanced Placement)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

2. An opportunity for each student and, if practicable, his/her parent/guardian to meet with a counselor to discuss the student's career goals, available educational and career technical education options, and community and workplace experiences to support the student's goals

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

3. Monitoring of each student's fulfillment of required coursework and progress toward promotion and graduation, and notification of the student and his/her parent/guardian of remaining academic requirements

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6162.52 - High School Exit Examination)

4. Additional specialized counseling services for students identified as at risk of not graduating with their class

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

(cf. 6184 - Continuation Education)

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

(cf. 5125.1 - Release of Directory Information)

Personal or Mental Health Counseling

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

(cf. 1020 - Youth Services)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5141.6 - School Health Services)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5136 - Gangs)

(cf. 5141.52 - Suicide Prevention)

Teacher-Based Advisory Program

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

(cf. 4131 - Staff Development)

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination
41505-41508 Pupil Retention Block Grant
44266 Pupil personnel services credential
48431 Establishing and maintaining high school guidance and placement program
49600-49604 Educational counseling
51250-51251 School age military dependents
51513 Personal beliefs
52378-52380 Supplemental School Counseling Program

FAMILY CODE

6920-6929 Consent by minor for treatment or counseling

HEALTH AND SAFETY CODE

124260 Mental health services; consent by minors age 12 and older

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

WELFARE AND INSTITUTIONS CODE

5850-5883 Mental Health Services Act

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

80049-80049.1 Pupil personnel services credential

80632-80632.5 Preparation programs for pupil personnel services

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family educational rights and privacy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Results-Based School Counseling and Student Support Guidelines, 2007

WEB SITES

American School Counselor Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

California Department of Education: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

U.S. Department of Education, access to military recruiters:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

Policy
adopted: April 23, 2014

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Center USD

Administrative Regulation

Food Service/Child Nutrition Program

AR 3550

Business and Noninstructional Operations

Nutrition Standards for School Meals

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49531, 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10; ~~or~~ 220.8, ~~or 220.23~~ as applicable
2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Drinking Water

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

Special Milk Program

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.1)

Food Safety

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national

Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

(cf. 4231 - Staff Development)

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

Inspection of Food Facilities

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

Center USD

Administrative Regulation

Education Of Children Of Military Families

AR 6173.2

Instruction

Children of military families are school-aged children in the household of: (Education Code 49701)

1. Members who are in full-time duty status in the active uniformed service of the United States, including any member of the National Guard and Reserve on active duty order pursuant to 10 USC 1209 or 1211
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired
3. Members of the uniformed services who have died while on active duty or as a result of injuries sustained

Enrollment

The Superintendent or designee shall facilitate the enrollment of children of military families and ensure that they are not placed at a disadvantage due to difficulty in the transfer of their records from previous school districts and/or variations in entrance or age requirements. (Education Code 49701)

When a child of a military family is transferring into the district, the Superintendent or designee may enroll the child based on the child's placement in the previous district, pending receipt of the child's records. Upon enrollment, the Superintendent or designee shall immediately request the student's records from the student's previous district. The Superintendent or designee shall allow the student 30 days from the date of enrollment to obtain all required immunizations. (Education Code 49701)

- (cf. 5111 - Admission)
- (cf. 5125 - Student Records)
- (cf. 5141- Health Care and Emergencies)
- (cf. 5141.31- Immunizations)

When a child of a military family is transferring out of the district, the Superintendent or designee shall provide the student's parents/guardians with a complete set of the student's records or, if the official student record cannot be released, an unofficial or "hand-carried" record. Upon request from the new district, the Superintendent or designee shall provide a copy of the student's record to the new district within 10 days. (Education Code 49701)

- (cf. 5117 - Interdistrict Attendance)

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to any district that has declared itself to be a "school

district of choice" pursuant to Education Code 48300-48316 if the other school district approves the application for transfer. (Education Code 48301)

Placement and Attendance

The Superintendent or designee shall initially honor the placement of any child of a military family in educational courses and programs based on the child's enrollment and/or assessment in his/her previous school. The Superintendent or designee may, to the extent permitted by Board policy, waive course or program prerequisites, preconditions, and/or application deadlines when making decisions regarding placement of children of military families and their eligibility for extracurricular academic, athletic, and social activities. (Education Code 49701)

- (cf. 6141.5 - Advanced Placement)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6146.3 - Reciprocity of Academic Credit)
- (cf. 6172 - Gifted and Talented Student Program)
- (cf. 6174 - Education for English Language Learners)

When a child of a military family transferring into the district has been identified as an individual with a disability pursuant to 20 USC 1400-1482, the Superintendent or designee shall provide comparable services to the student based on his/her current individualized education program. In addition, when the child of a military family transferring into the district is eligible for services under Section 504 of the federal Rehabilitation Act, the Superintendent or designee shall make reasonable accommodations and modifications to address the needs of the student subject to the student's existing Section 504 plan. The district may authorize subsequent evaluations of the student to ensure appropriate placement. (Education Code 49701)

- (cf. 6159 - Individualized Education Program)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

When a student's parent/guardian is an active duty member and is called to duty, is on leave from, or is immediately returned from deployment to a combat zone or to combat support posting, the Superintendent or designee may grant additional excused absences to the student to visit with his/her parent/guardian. (Education Code 49701)

- (cf. 5113 - Absences and Excuses)

Graduation

The Superintendent or designee shall facilitate the on-time graduation of children of military families by providing supplemental instruction to incoming students as necessary to enable them to meet the district's graduation requirements. (Education Code 49701)

The Superintendent or designee may also waive specific district course requirements for graduation if similar coursework has been satisfactorily completed by the student in his/her

previous school. (Education Code 49701)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6179 - Supplemental Instruction)

If after considering all alternatives, the Superintendent or designee believes that a student who has transferred into the district in grade 12 will not be able to satisfy the district's graduation requirements in time to graduate with his/her class, the Superintendent or designee shall work with the sending district to have the sending district issue the student its diploma, provided the student satisfies that sending district's graduation requirements. (Education Code 49701)

Upon request of a school district to which a former district student has transferred, the Superintendent or designee shall issue the district's diploma of graduation to the former student, provided the student has satisfactorily completed the district's graduation requirements, including the passage of the high school exit examination.

Regulation

approved: February 17, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Center USD

Administrative Regulation

Evaluating Existing Buildings

AR 7111
Facilities

The Superintendent or designee shall periodically evaluate the adequacy, design, and conditions of existing district facilities to determine whether they meet the needs of the instructional program and provide a healthful and pleasing environment for students and staff. He/she also shall determine whether district facilities fulfill legal requirements for safety and structural soundness, access for the disabled, and energy conservation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3511 - Energy and Water Conservation)
(cf. 3514 - Environmental Safety)
(cf. 3515 - Campus Security)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3517 - Facilities Inspection)

In addition, the Superintendent or designee shall regularly calculate the capacity of existing school buildings to adequately house the district's current students and projected enrollments.

Any identified needs for repair, modernization, or construction shall be incorporated into the district's facilities planning process.

(cf. 7110 - Facilities Master Plan)

Structural Safety

In the event that the Department of General Services or any licensed structural engineer or licensed architect finds and reports to the Governing Board that a district building is unsafe for use, the Superintendent or designee shall immediately obtain an estimate of the cost of repairs or reconstruction necessary to bring the building up to legal standards for structural safety. The Board shall establish a system of priorities for the repair, reconstruction, or replacement of unsafe school buildings. (Education Code 17367)

A relocatable school building or structure shall meet the requirements of Education Code 17280-17317 and 17365-17374 pertaining to structural safety. ~~However, a relocatable building that does not meet the requirements of Education Code 17280 may be used as a school building until September 30, 2015, if all the conditions specified in Education Code 17292 are met and the Board so certifies to the Department of General Services.~~ (Education Code 17291, 17292)

Energy Efficiency

To the extent that services are available, the Superintendent or designee shall arrange for the

energy audit of school buildings to identify the type and amount of work necessary to retrofit buildings and obtain an estimate of projected energy savings. The district may contract with qualified businesses capable of retrofitting these buildings and may borrow funds which do not exceed the amount of energy savings to be accumulated from the improvement of the buildings. (Education Code 17651-17653)

Legal Reference:

EDUCATION CODE

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998 especially:

17071.10-17071.40 Existing school building capacity

17280-17316 Building approvals

17365-17374 Fitness for occupancy

17650-17653 Retrofitting school facilities for energy conservation

GOVERNMENT CODE

53097 Compliance with city or county ordinances

53097.5 Inspection of schools by city or county

CODE OF REGULATIONS, TITLE 2

1859-1859.106 Regulations relating to the Leroy F. Greene School Facilities Act of 1998

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: School Facilities Management

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, School Facilities Division: <http://www.cde.ca.gov/ls/fa>

California Energy Commission, Bright Schools Program:

<http://www.energy.ca.gov/efficiency/brightschoools>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Department of General Services, Office of Public School Construction:

<http://www.opsc.dgs.ca.gov>

Regulation

approved: June 20, 2007

CENTER UNIFIED SCHOOL DISTRICT

Antelope, California

Center Joint Unified School District

		AGENDA REQUEST FOR:
Dept./Site:	Superintendent's Office	Action Item <u> X </u>
To:	Board of Trustees	Information Item <u> </u>
Date:	October 19, 2016	# Attached Pages <u> </u>
From:	Scott A. Loehr, Superintendent	
Principal/Administrator Initials:	<u> </u>	

SUBJECT: First Reading: Board Policies/Regulations/Exhibits		
Replace	E	0420.41 Charter School Oversight
Replace	BP/AR	0450 Comprehensive Safety Plan
Replace	BP/AR	0520.2 Title I Program Improvement Schools
Delete	E(1), E(2)	0520.2 Title I Program Improvement Schools
Replace	BP	0520.3 Title I Program Improvement Districts
Delete	AR	0520.3 Title I Program Improvement Districts
Replace	BP/AR	1230 School-Connected Organizations
Replace	BP/AR	1312.3 Uniform Complaint Procedures
Replace	BP	2121 Superintendent's Contract
Replace	BP	3230 Federal Grant Funds
Add	AR	3230 Federal Grant Funds
Replace	BP/AR	3270 Sale and Disposal, Equipment and Supplies
Replace	BP/AR	3311 Bids
Replace	AR	3440 Inventories
Replace	AR	3460 Financial Reports and Accountability
Replace	AR	3512 Equipment
Replace	BP/AR	3513.3 Tobacco-Free Schools
Replace	AR	3516.3 Earthquake Emergency Procedure System
Replace	BP	3541.2 Transportation for Student with Disabilities
Delete	AR	3541.2 Transportation for Student with Disabilities
Replace	BP/AR	3553 Free and Reduced Price Meals
Replace	BP	3555 Nutrition Program Compliance
Replace	BP	3580 District Records
Replace	BP	4112.2 Certification
Delete	BP/AR/E	4112.24 Teacher Qualifications Under the No Child Left Behind Act
Replace	E	4112.9/4212.9/4312.9 Employee Notifications
Replace	BP	4113 Assignment
Replace	AR	4115 Evaluation/Supervision
Replace	AR	4222 Teacher Aides/Paraprofessionals
Delete	E	4222 Teacher Aides/Paraprofessionals
Replace	BP/AR	5116.1 Intradistrict Open Enrollment
Replace	BP/AR	5121 Grades/Evaluation of Student Achievement

(continued on next page)

Replace	BP	5131.62	Tobacco
Replace	BP/AR	5145.3	Nondiscrimination/Harassment
Replace	E	5145.6	Parental Notifications
Replace	BP/AR	5145.7	Sexual Harassment
Replace	AR	6158	Independent Study
Replace	AR	6164.41	Children with Disabilities Enrolled by Their Parents in Private School
Replace	BP	6179	Supplemental Instruction
Replace	BP/AR	6200	Adult Education
Add	BB	9222	Resignation
Replace	BB/E	9270	Conflict of Interest
Replace	BB	9321	Closed Session Purposes and Agendas

Minor Revisions:

Replace	AR	3314	Payment for Goods and Services
Replace	AR	3515.5	Sex Offender Notification
Replace	BP	4030	Nondiscrimination in Employment
Replace	AR	4112	Appointment and Conditions of Employment
Replace	BP	4112.21	Interns
Replace	AR	4112.23	Special Education Staff
Replace	E	4112.9/4212.9/4312.9	Employee Notifications
Replace	BP	4117.13/4317.13	Early Retirement Option
Replace	AR	5141.4	Child Abuse Prevention and Reporting
Replace	AR	6158	Independent Study
Replace	AR	6171	Title I Programs
Replace	E(1)	9323.2	Actions by the Board

RECOMMENDATION: CJUSD Board of Trustees approve the first reading of presented policies/regulations/exhibits.

AGENDA ITEM: _____

CSBA Sample Exhibit

Philosophy, Goals, Objectives, and Comprehensive Plans

E 0420.41(a)

CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

Note: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by the district to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

~~Charter schools are exempt from provisions of the Education Code unless they are expressly included in the law. However,~~ Charter schools **are shall be** subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements **that expressly include charter schools**, including, but not limited to, requirements that each charter school:

- ~~3.1.~~ Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
- ~~4.2.~~ Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
- ~~5.3.~~ Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article IX, Section 5, applies to charter schools. Charter schools may only charge fees authorized by law that have been made explicitly applicable to charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts. In addition, Education Code 49011 prohibits all public schools from requiring services or donations as a condition of enrollment or continued enrollment.

- ~~6.4.~~ Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
- ~~7.5.~~ Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
- ~~8.6.~~ Serve students who are California residents and who, if over 19 years of age, are

CHARTER SCHOOL OVERSIGHT (continued)

continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district and is not its own local educational agency for special education purposes receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the district on behalf of disabled students in the charter school.

If a charter school is operating as a public school of the district for purposes of providing special education, the district retains responsibility and must determine how best to ensure that all special education students receive a free appropriate public education (FAPE). However, the California Office of Administrative Hearings has ruled (Student v. Horizon Instructional Systems Charter School) that a charter school operating as its own local educational agency for purposes of special education, including a charter school offering an independent study program, is solely responsible for providing special education students with FAPE.

9.7. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

10.8. Admit all students who wish to attend the school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
- c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law. (Education Code 47605)

CHARTER SCHOOL OVERSIGHT (continued)

- ~~11.9.~~ Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)

Note: Education Code 48859, as amended by SB 445 (Ch. 289, Statutes of 2015), requires all charter schools to comply with state law regarding the enrollment and placement of foster youth.

- ~~12.10.~~ ~~If the school participates as a member of a special education local plan area (SELPA),~~ Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

- ~~13.11.~~ If the school offers a kindergarten program: (Education Code 48000)

- a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2

~~Note: Pursuant to Education Code 48000, as amended by SB 876 (Ch. 687, Statutes of 2014), as a condition of receiving apportionments for transitional kindergarten (TK) students, charter schools must ensure that credentialed teachers who are first assigned to a TK class after July 1, 2015 possess certain qualifications by August 1, 2020. These requirements include at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the Commission on Teacher Credentialing (CTC).~~

- b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020

Note: The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6319 to eliminate the requirement that teachers who teach core academic subjects meet requirements for "highly qualified" teachers, as defined. Guidance from the U.S. Department of Education (USDOE), Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, clarifies that local educational agencies, including charter schools, will not be required to comply with "highly qualified" teacher requirements beginning in the 2016-17 school year. Thus, hiring practices should be based solely upon state licensure requirements.

- ~~14.12.~~ Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

~~Note: According to U.S. Department of Education (USDOE) nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirements for "highly qualified" teachers pursuant to 20 USC 6319; see BP/AR/E 4112.24 Teacher Qualifications Under the No Child Left Behind Act. 34 CFR 300.18 clarifies that, with regard to special education teachers in a charter school, "highly qualified" means that the teacher meets the certification requirements set forth in the state's charter school law.~~

CHARTER SCHOOL OVERSIGHT (continued)

- ~~15. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)~~

~~Note: Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), adds the following requirement for charter schools:~~

- ~~16.13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)~~

~~Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4212.5/4312.5 - Criminal Record Check.~~

- ~~17.14. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)~~

~~Note: Education Code 44030.5 requires charter schools to report to the CTC any change in employment status due to an allegation of misconduct. See AR 4117.7/4317.7 - Employment Status Reports for further information about these reports.~~

- ~~18.15. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)~~

- ~~19.16. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)~~

- ~~20.17. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)~~

~~Note: According to USDOE nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have paraprofessionals working in programs supported by Title I funds must comply with requirements of 20 USC 6319 regarding paraprofessional qualifications; see BP/AR/E 4222 Teacher Aides/Paraprofessionals.~~

- ~~21. If the school receives Title I funds, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)~~

CHARTER SCHOOL OVERSIGHT (continued)

Note: Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), requires charter schools that serve students in grade 9 to adopt a mathematics placement policy with specified components.

- 18. If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy, with specified components (Education Code 51224.7)**

Note: Education Code 47605 requires charter schools to conduct statewide assessments, including, but not limited to, the California High School Exit Examination (Education Code 60850-60859). However, Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), suspends the administration of the exit examination through the 2017-18 school year.

- 22-19. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605, 60850-60859)**

Note: Education Code 60851.6, as added by SB 172 (Ch. 572, Statutes of 2015), requires charter schools to retroactively grant diplomas to students who met all graduation requirements except for passage of the high school exit examination, as provided in item #20 below.

- 20. Until July 31, 2018, grant a high school diploma to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and who has met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 60851.6)**

Note: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet the requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

- 23-21. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 46201.2, 47612.5)**

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

- 24-22. If the school provides independent study, meet the requirements of Education Code**

CHARTER SCHOOL OVERSIGHT (continued)

51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

- 25.23.** Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

Note: Education Code 221.9, as added by SB 1349 (Ch. 258, Statutes of 2014), adds the following requirement for charter schools beginning in the 2015-16 school year.

- 26.24.** If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

- 27.25.** If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity. (Education Code 49475)

- 28.26.** On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

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

- 29.27.** Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

- 30.28.** Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

CHARTER SCHOOL OVERSIGHT (continued)

31.29. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

~~Note: Education Code 69432.9, as amended by AB 2160 (Ch. 679, Statutes of 2014), adds the following requirement for charter schools that offer grade 12:~~

32.30. Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days (Education Code 69432.9)

33.31. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
- b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

~~Note: Education Code 222, as added by AB 302 (Ch. 690, Statutes of 2015), requires charter schools to provide reasonable lactation accommodations to students as provided in item #32 below.~~

32. **Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding (Education Code 222)**

~~Note: Education Code 49414, as amended by SB 1266 (Ch. 321, Statutes of 2014), adds the following requirement for charter schools. For further information, see AR 5141.21 Administering Medication and Monitoring Health Conditions.~~

34.33. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)

- a. Providing school nurses or other voluntary, trained personnel with at least one

CHARTER SCHOOL OVERSIGHT (continued)

regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device

- b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
 - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration
- 35.34.** Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
- 36.35.** Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the **SBE local control and accountability plan** template in accordance with ~~Education Code 47606.5~~ **5 CCR 15497.5**. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5; **5 CCR 15497.5**)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)
 - c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)

CHARTER SCHOOL OVERSIGHT (continued)

- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)

Note: Pursuant to 5 CCR 4600, direct-funded charter schools are subject to state requirements to adopt uniform complaint procedures for investigating and resolving specified types of complaints in accordance with 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures for further information about types of complaints addressed through these procedures, required notifications, timelines, and other requirements.

36. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

37. Annually adopt a school accountability report card containing the information specified in state law, and notify parents/guardians that a hard copy will be provided upon request (Education Code 33126-33126.15, 35256-33258, 41409.3, 47612; California Constitution, Article XVI, Section 8.5)

Note: Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

In addition, charter schools shall comply with the state and federal constitutions, applicable federal laws, and state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963 and the conflict of interest laws in Government Code 1090-1099 and 87100-91014.

CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

Charter schools are exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Comply with the state and federal constitution and applicable state and federal laws
2. Comply with state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963
3. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
4. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
5. Not charge tuition (Education Code 47605)
6. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
7. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
8. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
9. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)
10. Admit all students who wish to attend the school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

CHARTER SCHOOL OVERSIGHT (continued)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
 - c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law. (Education Code 47605)
- 11. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
 - 12. If the school participates as a member of a special education local plan area (SELPA), comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
 - 13. If the school offers a kindergarten program: (Education Code 48000)
 - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2
 - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020
 - 14. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)
 - 15. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)

CHARTER SCHOOL OVERSIGHT (continued)

16. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
17. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)
18. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
19. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
20. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
21. If the school receives Title I funds, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)
22. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or assessments applicable to noncharter public schools (Education Code 47605, 47612.5)
23. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 46201.2, 47612.5)
24. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
25. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

CHARTER SCHOOL OVERSIGHT (continued)

26. If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
27. If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity. (Education Code 49475)
28. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)
29. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)
30. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
31. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
32. Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days (Education Code 69432.9)
33. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

CHARTER SCHOOL OVERSIGHT (continued)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
34. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)
- a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device
 - b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
 - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration
35. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
36. Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the SBE template in accordance with Education Code 47606.5. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5)

CHARTER SCHOOL OVERSIGHT (continued)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)

- c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)

CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0450(a)

COMPREHENSIVE SAFETY PLAN

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

Note: Pursuant to Education Code 32281 and 32286, each school is required to adopt a comprehensive school safety plan (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

OPTION 1: (Districts with more than 2,500 ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

COMPREHENSIVE SAFETY PLAN (continued)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

~~Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)~~

OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)

~~The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)~~

Note: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the comprehensive safety plan by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

Pursuant to Education Code 32288, the updated plan(s) must be submitted to the district for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year **and forwarded to the Board for approval.** (Education Code 32286, **32288**)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

Note: Education Code 32288 requires that districts notify the California Department of Education if a school has not complied with the safety plan requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to \$2,000.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

COMPREHENSIVE SAFETY PLAN (continued)

Tactical Response Plan

Note: The following section is optional. Pursuant to Education Code 32281, ~~as amended by AB 680 (Ch. 438, Statutes of 2011)~~; the Governing Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

Note: The following paragraph is optional. Pursuant to Education Code 32281, ~~as amended by AB 680 (Ch. 438, Statutes of 2011)~~; the Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference: (see next page)

COMPREHENSIVE SAFETY PLAN (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32260-32262 Interagency School Safety Demonstration Act of 1985
32270 School safety cadre
32280-32289 School safety plans
32290 Safety devices
35147 School site councils and advisory committees
35183 School dress code; uniforms
35291 Rules
35291.5 School-adopted discipline rules
35294.10-35294.15 School Safety and Violence Prevention Act
48900-48927 Suspension and expulsion
48950 Speech and other communication
49079 Notification to teacher; student act constituting grounds for suspension or expulsion
67381 Violent crime

PENAL CODE

422.55 Definition of hate crime
626.8 Disruptions
11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements
11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

~~7101-7165 Safe and Drug-Free Schools and Communities~~
7111-7122 Student Support and Academic Enrichment Grants
7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for ~~All Students~~ Transgender and Gender-Nonconforming Students, Policy Brief, ~~April 2010~~ February 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS

Uniform Crime Reporting Handbook, 2004

COMPREHENSIVE SAFETY PLAN (continued)

Management Resources: (continued)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov/ViolencePrevention>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

U.S. Secret Service, National Threat Assessment Center:

http://www.secretservice.gov/ntac_ssi.shtmlprotection/ntac

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Center USD

Board Policy

Comprehensive Safety Plan

BP 0450

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

(cf. 5131 - Conduct)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(Districts with more than 2,500 ADA and districts with 2,500 or less ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)
(cf. 9320 - Meetings and Notices)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32260-32262 *Interagency School Safety Demonstration Act of 1985*

32270 *School safety cadre*

32280-32289 *School safety plans*

32290 *Safety devices*

35147 *School site councils and advisory committees*

35183 *School dress code; uniforms*

35291 *Rules*

35291.5 *School-adopted discipline rules*

35294.10-35294.15 *School Safety and Violence Prevention Act*

41510-41514 *School Safety Consolidated Competitive Grant Program*

48900-48927 *Suspension and expulsion*

48930 *Speech and other communication*

49079 *Notification to teacher; student act constituting grounds for suspension or expulsion*

67381 *Violent crime*

PENAL CODE

422.55 *Definition of hate crime*

626.8 *Disruptions*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 *School Community Violence Prevention Program requirements*

11992-11993 *Definition, persistently dangerous schools*

UNITED STATES CODE, TITLE 20

7101-7165 *Safe and Drug Free Schools and Communities*

7912 *Transfers from persistently dangerous schools*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

Management Resources: (see next page)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov/ViolencePrevention>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

U.S. Secret Service, National Threat Assessment Center: http://www.secretservice.gov/ntac_ssi.shtml

CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0450(a)

COMPREHENSIVE SAFETY PLAN

Note: The following optional administrative regulation should be revised to reflect district practice.

Pursuant to Education Code 234.5, the California Department of Education has posted on its web site a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Development and Review of Comprehensive School Safety Plan

Note: The following section reflects requirements for the development of site-level comprehensive safety plans ~~required by~~ pursuant to Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance (ADA) of 2,500 or less that selected ~~only~~ Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

Pursuant to Education Code 32281, ~~as amended by AB 680 (Ch. 438, Statutes of 2011)~~, the Governing Board may elect to have district administrators, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury; see the accompanying Board policy.

The school site council shall consult with local law enforcement in ~~the~~ writing and development of the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. ~~This committee shall be~~ composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization

COMPREHENSIVE SAFETY PLAN (continued)

Note: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Before adopting ~~its~~ **the** comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

(cf. 1700 - Relations Between Private Industry and the Schools)

COMPREHENSIVE SAFETY PLAN (continued)

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of ~~school~~ **any** crime committed on campus and at school-related functions. (Education Code 32282)

Note: The following **optional** paragraph may be revised to reflect district practice. In assessing the current status of school crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the California Healthy Kids Survey or the Centers for Disease Control and Prevention's Youth Risk Behavior Survey.

The assessment may include, but not be limited to, ~~data on~~ reports of ~~school~~ crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

Note: Education Code 32282 requires that the following components be included in the districtwide and/or school site safety plan. The district may expand this list to require other components at its discretion.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

Note: Education Code 32282 requires districts to incorporate earthquake emergency procedures and disaster policies into the comprehensive school safety plan, as specified in items #2b and #2c below. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System for further details about required components of these procedures.

- b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

COMPREHENSIVE SAFETY PLAN (continued)

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)
(cf. 3516.1 - Fire Drills and Fires)
(cf. 3516.2 - Bomb Threats)
(cf. 3516.5 - Emergency Schedules)
(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

Note: Education Code 234.1, ~~as amended by AB 9 (Ch. 723, Statutes of 2011)~~, requires the Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so; see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. In addition, the district's complaint process must include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

COMPREHENSIVE SAFETY PLAN (continued)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

Note: Although Education Code 32282 requires that the safety plan include hate crime reporting procedures pursuant to Penal Code 628-628.6, those sections of the Penal Code were repealed in 2005.

- ~~10. Hate crime reporting procedures~~

~~*(cf. 5145.9 - Hate Motivated Behavior)*~~

Note: The following components are optional and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

Note: AB 1156 (Ch. 732, Statutes of 2011) amended Education Code 32282 and 32261 to encourage, but do not require, all comprehensive safety plans to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

~~*(cf. 5136 - Gangs)*~~

COMPREHENSIVE SAFETY PLAN (continued)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. **District policy related to possession of firearms and ammunition on school grounds**

(cf. 3515.7 - Firearms on School Grounds)

8. **Measures to prevent or minimize the influence of gangs on campus**

(cf. 5136 - Gangs)

COMPREHENSIVE SAFETY PLAN (continued)

Note: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled or crimes listed in Education Code 67381, including homicide, rape, robbery, and aggravated assault, as defined in the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. Education Code 32281 encourages that the notice be sent no later than the second work day after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

- 8.9.** Procedures for receiving verification from law enforcement ~~that~~ **when** a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

- 9.10.** Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for ~~the~~ closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism and Graffiti)

Note: Education Code 32282.1 does not require, but encourages, that comprehensive safety plans include the strategies described in item #11 below, to the extent the district uses the listed professionals.

- 11.** Guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:

- a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement
- b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

COMPREHENSIVE SAFETY PLAN (continued)

- c. **Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity**

12. Strategies for suicide prevention and intervention

(cf. 5141.52 - Suicide Prevention)

Note: Penal Code 626.8 provides that a person may be guilty of a misdemeanor if he/she interferes with or disrupts a school activity, ~~or remains on campus after having been asked to leave, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school.;~~ see BP/AR 3515.2 - Disruptions. ~~AB 123 (Ch. 161, Statutes of 2011) amended Penal Code 626.8 to expand the definition of a misdemeanor to also include willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school.~~

- 13. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff**

(cf. 3515.2 - Disruptions)

10.14. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

COMPREHENSIVE SAFETY PLAN (continued)

- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

(cf. 1112 - Media Relations)
(cf. 9010 - Public Statements)

- f. Development of a method for the reporting of violent incidents
- g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11.15. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Note: ~~Education Code 32281 provides that the district's comprehensive safety plan may include the following optional procedures.~~ Pursuant to Education Code 32284, the comprehensive safety plan may, at the discretion of the Board, include procedures for release of a pesticide or other toxic substance on properties located within one-quarter mile of a school. No state funds may be used for this purpose.

7.16. ~~Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school.~~ Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

(cf. 3510 - Green School Operations)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)

Center USD

Administrative Regulation

Comprehensive Safety Plan

AR 0450

Philosophy, Goals, Objectives and Comprehensive Plans

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

(cf. 1700 - Relations Between Private Industry and the Schools)

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

- b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism and Graffiti)

10. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.2 - Disruptions)

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

(cf. 1112 - Media Relations)
(cf. 9010 - Public Statements)

- f. Development of a method for the reporting of violent incidents
- g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

- 11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.2(a)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following ~~optional policy and accompanying administrative regulation are~~ **is** for use by districts that receive federal Title I funds to improve the academic achievement of students from economically disadvantaged families; ~~see BP/AR 6171 - Title I Programs. Pursuant to the No Child Left Behind Act of 2001 (NCLB) (20 USC 6316), schools receiving Title I funds are identified for "program improvement" (PI) if they fail to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive years. See the definition of AYP in the accompanying administrative regulation. According to the state criteria, a school is identified for PI if, for each of two consecutive years, it either (1) does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or (2) does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. The assessment scores of small schools that have too few students to generate a school-level report are aggregated into a district accountability measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) Adequate Yearly Progress Report Information Guide. As amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), 20 USC 6311 provides for a new system of school support and improvement activities for Title I schools beginning in the 2017-18 school year. Using a methodology to be established in the state plan, the California Department of Education (CDE) will be required to identify and notify districts regarding schools that need "comprehensive support and improvement," including schools in the lowest performing five percent of Title I schools, all high schools failing to graduate one third or more of their students, and schools in which a subgroup of students, considered on its own, would lead to identification among the lowest performing five percent of schools. The CDE will also be required to notify districts of schools that have a consistently underperforming subgroup of students and therefore need "targeted support and improvement." Until the new school improvement system is in place, schools that were previously identified for program improvement (PI) for failure to make "adequate yearly progress" (AYP) for two or more consecutive years must continue to implement their improvement plans and are subject to the requirements of this policy and the accompanying administrative regulation.~~

For requirements pertaining to districts identified for PI, ~~pursuant to 20 USC 6316~~ see BP/AR 0520.3 - Title I Program Improvement Districts.

~~The following paragraph reflects the goals of the PI program pursuant to 20 USC 6311 and may be revised to reflect district practice.~~

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education. **district shall provide support and assistance to increase student achievement in any school that receives federal Title I funding and has been identified by the California Department of Education as a program improvement (PI) school.**

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

~~(cf. 6011 - Academic Standards)~~

~~(cf. 6162.5 - Student Assessment)~~

~~(cf. 6162.51 - State Academic Achievement Tests)~~

~~(cf. 6171 - Title I Programs)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), The Superintendent or designee shall ensure that school improvement efforts are coordinated, and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.~~

~~Note: Pursuant to 20 USC 6316, whenever a school is identified for PI, the district must allow, in Year 1 of PI and in subsequent years, all students in that school to transfer to another district school or charter school that has not been identified for PI. In addition to the transfer option, 20 USC 6316 requires the district to arrange for supplemental educational services for eligible students in schools that are in Year 2 of PI and beyond. For schools in Year 3 of PI and beyond, other corrective actions and/or restructuring must also be implemented. See the accompanying administrative regulation.~~

~~20 USC 6316 and 34 CFR 200.48 require that the district set aside an amount equal to at least 20 percent of district Title I funds to pay for costs related to supplemental educational services and transportation for student transfers. Districts have some discretion as to how much is spent on each purpose, provided that at least 5 percent of the district's total Title I allocation is allotted to each purpose. The district may spend less if the demand is met. The district may, but is not required to, use non-Title I funds or additional federal, state, or local sources of funding for these purposes if the demand for services exceeds 20 percent.~~

~~Administrative costs cannot be counted in these amounts. However, pursuant to 34 CFR 200.48, as amended by 73 Fed. Reg. 210, the cost of determining outreach and assistance to parents/guardians concerning their choice to transfer their child or to request supplemental services may be included within specified limits. 73 Fed. Reg. 210 also amended 34 CFR 200.48 to provide that, if a district does not meet its 20 percent spending obligation in a given school year, it must spend the unexpended amount on these purposes in the subsequent school year, unless it meets specified criteria; see the accompanying administrative regulation.~~

~~Although school improvement plans are still in effect for PI schools, districts are no longer required, because of the repeal of 20 USC 6316 by P.L. 114-95, to (1) offer intradistrict transfers to all students in Title I schools identified for Year 1 PI or beyond or (2) provide supplemental educational services from an approved service provider to eligible students in schools identified for Year 2 PI or beyond.~~

~~At their discretion, districts may choose to continue to offer intradistrict transfers to students in PI schools. If the Governing Board elects to continue to offer the option to transfer, it may revise the paragraph below to reflect that option. 20 USC 6311, as amended by P.L. 114-95, requires that any student who was previously granted a transfer out of a PI school be allowed to remain at the school to which he/she transferred until the highest grade maintained at that school; see BP/AR 5116.1 - Intradistrict Open Enrollment.~~

~~In addition, although the requirement to provide supplemental educational services was repealed, the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year; see the accompanying administrative regulation. Also see BP 6179 - Supplemental Instruction and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016).~~

~~Depending on the length of time a district school has been identified for PI, The district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

The Superintendent or designee shall ensure that school improvement ~~efforts~~ **strategies developed for any PI school are coordinated, and aligned, and effectively implemented in accordance with administrative regulation and the Board-approved school improvement plan.**

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6179 - Supplemental Instruction)

Note: When a school enters Year 3 PI, the Board is required to select corrective action(s) to be applied to the school. The Board also must select a restructuring option for any school that enters Year 4 PI. See the accompanying administrative regulation for allowable options.

As necessary, the Board shall determine corrective actions for schools in Year 3 of PI and/or restructuring options for schools in Year 4 of PI or beyond.

Note: Pursuant to Education Code 53300-53303 (the Parent Empowerment Act) and 5 CCR 4800-4808, when a school is identified for Year 3 PI (corrective action) enters Year 4 PI, and meets other specified criteria continues to fail to make AYP, has a state Academic Performance Index (API) of less than 800, and is not identified by the CDE as a "persistently lowest achieving school," the parents/guardians of that school may petition the district to implement one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as these models are described in 5 CCR 4803-4807. However, both the AYP and API measures are currently suspended and the CDE's last identification of "persistently lowest achieving schools" was in 2015 based on 2013-14 data. Thus, districts should consult with legal counsel if they have questions about their eligibility to receive a parent/guardian petition under the Parent Empowerment Act. The district must notify the Superintendent of Public Instruction and the State Board of Education when it receives such a petition and when it takes action on the petition. This option is limited to 75 schools statewide.

Whenever a school is identified for Year 3 4 PI, ~~continues to fail to make AYP, has an API of less than 800, and~~ but is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the ~~district~~ Board to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Program Evaluation

~~Note: The following optional section may be revised to reflect indicators of program effectiveness agreed upon by the Governing Board and Superintendent and/or required by the state plan for NCLB adopted pursuant to 20 USC 6311. Pursuant to 20 USC 6311, any district receiving Title I, Part A funds must prepare and disseminate an annual report card which includes specified information. As amended by P.L. 114-95, 20 USC 6311 expands the required content of the report card but no longer requires that it include annual measurable objectives, AYP, or teacher quality information regarding student achievement on statewide academic assessments, indicators of AYP, whether the district or district schools have been identified for PI, graduation rates, and teacher qualifications. 34 CFR 200.11, as amended by 73 Fed. Reg. 210, adds a requirement that districts report the most recent available academic achievement results in grades 4 and 8 on the National Assessment of Educational Progress reading and mathematics assessments. The report cards must include the percentage of students at each achievement level, for the total student population and for each numerically significant subgroup, and participation rates for students with disabilities and English learners.~~

Rather than issuing a district-level report card, districts are allowed by 20 USC 6311 to incorporate the information into the school accountability report card required by Education Code 35256; see BP 0510 - School Accountability Report Card.

~~The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC 6316)~~

The Superintendent or designee shall develop an annual report card that includes the information specified in 20 USC 6311 for each district school and for the district as a whole. The required information may be incorporated into each school's school accountability report card. (20 USC 6311)

(cf. 0510 - School Accountability Report Card)
(cf. 6190 - Evaluation of the Instructional Program)

~~The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC 6316)~~

~~*(cf. 4131 - Staff Development)*~~
~~*(cf. 6020 - Parent Involvement)*~~

Note: 20 USC 6311 requires that the report card be accessible to the public by posting it on the district's web site or, if the district does not have its own web site, then in a manner determined by the district. A district that does not have a web site should revise the following paragraph to reflect the method it will use to disseminate the report card.

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

The report card shall be concise, presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand. It shall be made accessible to the public on the district's web site. (20 USC 6311)

(cf. 1113 - District and School Web Sites)

As necessary based on the results of ~~these~~ ~~this~~ evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

35256 School accountability report card

53200-53203 Persistently lowest achieving schools

53300-53303 Parent Empowerment Act

~~*60642.5 California Standards Tests*~~

~~*60850-60856 High School Exit Examination*~~

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

~~*13075-13075.9 Supplemental educational services*~~

4800-4808 Parent Empowerment petitions

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

~~*6311 Adequate yearly progress-State plan; state and local educational agency report cards*~~

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

~~*6316 School improvement*~~

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

~~*200.13-200.20 Adequate yearly progress*~~

~~*200.30-200.35 Identification of program improvement schools*~~

~~*200.36-200.38 Notification requirements*~~

~~*200.39-200.43 Requirements for program improvement, corrective action, and restructuring*~~

~~*200.44 School choice option*~~

~~*200.45-200.47 Supplemental educational services*~~

~~*200.48 Funding for transportation and supplemental services*~~

200.49-200.51 State responsibilities

200.52-200.53 District improvement

Management Resources: (see next page)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

~~2008 Adequate Yearly Progress Report Information Guide, August 2008~~

~~California's Accountability Workbook~~

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION GUIDANCE PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

~~Public School Choice, January 14, 2009~~

~~Supplemental Educational Services, January 14, 2009~~

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education: <http://www.ed.gov>

(7/04 3/09) 7/16

Center USD

Board Policy

Title I Program Improvement Schools

BP 0520.2

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education.

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6171 - Title I Programs)

Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), the Superintendent or designee shall ensure that school improvement efforts are coordinated and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0520.1 - High Priority Schools Grant Program)

(cf. 0520.4 - Quality Education Investment Schools)

Depending on the length of time a district school has been identified for PI, the district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6179 - Supplemental Instruction)

Program Evaluation

The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC 6316)

(cf. 0510 - School Accountability Report Card)

(cf. 6190 - Evaluation of the Instructional Program)

The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC 6316)

(cf. 4131 - Staff Development)

(cf. 6020 - Parent Involvement)

As necessary based on the results of these evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

35256 School accountability report card

60642.5 California Standards Tests

60850-60856 High School Exit Examination

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

13075-13075.4 Supplemental educational services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6316 School improvement

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.39-200.43 Requirements for program improvement, corrective action, and restructuring

200.44 School choice option

200.45-200.47 Supplemental educational services

200.48 Funding for transportation and supplemental services

200.49-200.51 State responsibilities

200.52-200.53 District improvement

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008 Adequate Yearly Progress Report Information Guide, August 2008

California's Accountability Workbook

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages
64436-64513

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, January 14, 2009

Supplemental Educational Services, January 14, 2009

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0520.2(a)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following administrative regulation reflects the requirements of federal and state law for Title I schools that were identified by the California Department of Education (CDE) for program improvement (PI) for failing to make "adequate yearly progress" for two or more consecutive school years. Until a new system of school support and improvement is implemented beginning in the 2017-18 school year pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), PI schools are required to implement the same interventions in the 2016-17 school year as were required in the 2015-16 school year, with specified exceptions. Districts are no longer required to offer intradistrict transfers to students in schools in Year 1 PI and beyond, to provide supplemental educational services by an approved provider in schools in Year 2 PI and beyond, or to issue certain notifications. See the U.S. Department of Education's [Transitioning to the Every Student Succeeds Act \(ESSA\): Frequently Asked Questions](#) (May 2016) and the CDE's [Every Student Succeeds Act 2016-17 School Year Transition Plan](#) (April 2016).

Definitions

Note: 20 USC 6311 requires each state to identify measurable objectives to be included in its definition of AYP, based primarily on academic assessments but also graduation rate and, at the state's discretion, other valid and reliable indicators. Specific indicators used by the State Board of Education (SBE) to define AYP are described in the state's federally approved [Accountability Workbook](#) and are subject to change. The SBE has also defined the minimum number of students required for a report of subgroup results as either 100 students with valid test results or 50 students in those cases where the subgroup constitutes at least 15 percent of the students at the school with valid test scores!

~~Adequate yearly progress (AYP) refers to a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API). AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)~~

~~(cf. 0500—Accountability)~~

~~(cf. 6162.51—State Academic Achievement Tests)~~

~~(cf. 6162.52—High School Exit Examination)~~

~~Program improvement (PI) school refers to a school that is receiving federal Title I funds and has failed to make AYP for each of two consecutive school years. (20 USC 6316)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Note: The following paragraph reflects state criteria for identifying schools that have failed to make AYP for two or more consecutive years. If the district does not have any schools that are too small to generate a school level report, the district may revise the paragraph to delete language regarding the aggregation of the results of small schools into a district accountability measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) Adequate Yearly Progress Report Information Guide.~~

~~A school shall be identified for PI by the California Department of Education (CDE) whenever, for each of two consecutive years, it either does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. If a small school has too few students to generate a school-level report, its results shall be aggregated into a district accountability measure.~~

Year 1 Program Improvement**When any Title I school is initially identified for PI: (20 USC 6316)**

~~Note: 20 USC 6316 allows students to transfer out of a PI school into another school, which may include a charter school, served by the district. See the section "Student Transfers" below for requirements related to such transfers. If all district schools are identified for PI, the district is required, when practicable, to develop an interdistrict transfer agreement to allow for the transfer of such students to a school outside the district. Districts whose schools are all identified for PI may revise item #1 below accordingly.~~

- ~~1. The Superintendent or designee shall provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.~~

~~(cf. 0420.4 Charter School Authorization)
(cf. 5116.1 Intradistrict Open Enrollment)~~

- ~~2. Not later than three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two-year period and address the components specified in 20 USC 6316.~~

~~(cf. 6020 Parent Involvement)
(cf. 6171 Title I Programs)~~

~~Note: The following paragraph is optional. Information on the CDE's web site indicates that a school could fulfill the requirement for a two-year school improvement plan by revising its Single Plan for Student Achievement, developed pursuant to Education Code 64000-64001, to reflect the requirements of 20 USC 6316.~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.~~

~~(cf. 0420 - School Plans/Site Councils)~~

~~3. Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with its review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.~~

~~4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.~~

For any district school in its first year of program improvement (PI), the Superintendent or designee shall implement a school improvement plan that was approved by the Governing Board.

~~(cf. 6171 - Title I Programs)~~

~~5. As the school develops and implements the school plan,~~

The Superintendent or designee shall ensure that the school receives technical assistance from the district, **California Department of Education (CDE)**, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in:

a.1. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan

b.2. Identifying and implementing professional development, instructional strategies, and methods of instruction that are derived from scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI

e.3. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

~~(cf. 3100 - Budget)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Year 2 Program Improvement

~~For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall take all of the following actions: (20 USC 6316)~~

- ~~1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers"~~
- ~~2. Arrange for the provision of supplemental educational services (SES) to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below in the section "Supplemental Educational Services"~~
- ~~3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above~~

~~For any district school in its second year of PI, the Superintendent or designee shall continue to implement the school improvement plan and to provide for technical assistance in accordance with the section "Year 1 Program Improvement" above.~~

~~In addition, the Superintendent or designee shall arrange for the provision of alternative supports to eligible students from low-income families, as described below in the section "Alternative Supports."~~

Year 3 Program Improvement: Corrective Action

~~When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI specified above. In addition, the Board shall take one or more of the following corrective actions: (20 USC 6316)~~

~~After the second full school year after identification for PI, the Superintendent or designee shall continue to implement all elements of Year 1 and Year 2 PI specified above, as well as the corrective action(s) determined by the Board, which may include:~~

- ~~1. Replacing school staff relevant to the failure~~

~~(cf. 4113 - Assignment)~~

~~(cf. 4114 - Transfers)~~

~~(cf. 4314 - Transfers)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

2. Implementing a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6141 - Curriculum Development and Evaluation)

3. Significantly decreasing management authority at the school level

4. Appointing an outside expert to advise the school

5. Extending the school year or school day for the school

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

6. Restructuring the internal organization of the school

Year 4 Program Improvement and Beyond: Restructuring

~~For any school that continues to fail to make AYP after one full year of corrective action in Year 4 of PI or beyond, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school implement all elements of Year 1 and Year 2 PI specified above, as well as one of the following options for alternative governance and restructuring, as determined by the Board: In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)~~

1. Reopening the school as a charter school
2. Replacing all or most of the school staff relevant to the failure
3. Entering into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turning the operation of the school over to the CDE
5. Instituting any other major restructuring of the school's governance arrangements that makes fundamental reforms

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Alternative Supports

Note: The following section should be revised to reflect district practice. P.L. 114-95 repealed 20 USC 6316 which had required Title I schools identified for Year 2 PI, corrective action, or restructuring to provide eligible students with supplemental educational services from an approved service provider. In accordance with the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. The following section is consistent with the CDE's transition plan. Also see BP 6179 - Supplemental Instruction.

In any school identified for Year 2 PI or beyond, eligible students from low-income families shall be offered district-selected alternative supports designed to improve their academic achievement. Alternative supports may include, but are not limited to, any of the following:

1. Academic support offered during school hours, before school, after school, during intercession, and/or during summer learning programs

(cf. 5148.2 - Before/After School Programs)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

2. Small group instruction and/or pull-out interventions offered during the regular school day
3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs
4. High quality academic tutoring
5. Provision of supplemental materials that support alternative support services
6. Provision of a crisis, intervention, and/or academic counselor to meet with eligible students
7. Services and programs that remove barriers to promote academic achievement of eligible students

The types of alternative supports and the criteria used to identify eligible students may be included in the district's local control and accountability plan and shall be consistent and aligned with local priorities.

(cf. 0460 - Local Control and Accountability Plan)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

If the district contracts with outside entities or community partners to provide alternative supports to eligible students, the Superintendent or designee shall ensure that no electronic device or other items of value are given, retained, or used as an incentive or achievement award and that funds are expended only on direct services to eligible students.

The district shall set aside a reasonable amount of Title I, Part A funds for alternative supports. Whenever the district does not have sufficient funds to serve all eligible students, it may give priority to the lowest achieving PI schools or the lowest achieving eligible students attending a PI school. The Superintendent or designee may identify the lowest achieving eligible students based on assessment scores, grades, teacher evaluations, or another locally defined measure.

Notifications

Note: 20 USC 6316 and 34 CFR 200.37 require the following notification to parents/guardians. Templates that can be used by the district to develop the notification for any year of PI, as well as translations in many languages, are available on the CDE's web site.

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI

Note: Specific requirements for the notifications described in items #6 and 7 are addressed below in the sections "Student Transfers" and "Supplemental Educational Services," respectively. If all the district's schools are PI schools, the district may revise item #6 below to reflect interdistrict attendance agreements, if any, that the district has established with other district(s) pursuant to 20 USC 6316.

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~6. An explanation of the option to transfer to another school within the district, as described below in the section "Student Transfers"~~

~~7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain SES for their child as described below in the section "Supplemental Educational Services"~~

~~(cf. 5145.6 - Parental Notifications)~~

~~The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)~~

~~The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)~~

~~(cf. 4112.9/4212.9/4312.9 - Employee Notifications)~~

~~All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316; 34 CFR 200.36)~~

Note: 20 USC 6316 and 34 CFR 200.48 require districts to spend at least 20 percent of district Title I funds for costs related to SES, transportation for student transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 authorizes districts to spend less than 20 percent if they provide timely, accurate notifications as described above and partner with outside groups to inform students and families, as provided below. The following paragraph is optional:

~~To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES. (34 CFR 200.48)~~

Student Transfers

Note: As noted above, 20 USC 6316 requires any school in Year 1 of PI or beyond to provide all students in that school with an opportunity to transfer to another school, which may include a charter school, served by the district.

34 CFR 200.44 provides that a district subject to a desegregation plan, whether voluntary, court-ordered, or required by a federal or state administrative agency, is not exempt from the requirement to allow such transfers. However, the district may take into account the requirements of the desegregation plan in determining how to provide students with the option to transfer to another school.

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Because the district is required to offer intradistrict transfers to all students in PI schools, it is recommended that the district give priority to such students in its intradistrict open enrollment policy; see BP 5116.1—Intradistrict Open Enrollment.~~

~~Pursuant to 20 USC 6316, if all district schools are identified for PI, the district is required to develop an interdistrict transfer agreement when practicable. Such districts may revise the following section accordingly.~~

~~All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another school, which may include a charter school, served by the district provided that the school: (20 USC 6316; 34 CFR 200.44)~~

~~1. Has not been identified for PI, corrective action, or restructuring~~

~~In the event that all district schools are identified for PI, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for interdistrict transfers.~~

~~(cf. 5117—Interdistrict Attendance)~~

~~Note: Districts must offer students attending a school identified as "persistently dangerous" by the CDE the opportunity to transfer to another district school. See BP/AR 5116.1—Intradistrict Open Enrollment for a definition of "persistently dangerous" and other conditions regarding this type of transfer.~~

~~2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994~~

~~(cf. 0450—Comprehensive Safety Plan)~~

~~Note: U.S. Department of Education (USDOE) nonregulatory guidance (Public School Choice) clarifies that, although all students in PI schools must be given an option to transfer, 20 USC 6316 and 34 CFR 200.44 give priority to the lowest achieving students from low income families. This could mean giving those students their first choice of schools and/or first priority for transportation services if funds are limited. For these purposes, the district must determine family income on the same basis that the district uses to make Title I allocations to schools.~~

~~Among the students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)~~

~~If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Note: 34 CFR 200.44 indicates that lack of capacity is not a permissible reason to deny transfer opportunities to students. The USDOE guidance reiterates that districts must either create additional capacity or provide choices of other schools. Thus, districts must ensure that nothing in their parental notification letter or transfer application implies that choice may be limited due to a lack of capacity. When capacity is an issue, the district might consider portable classrooms, reassignment of teachers, distance learning programs, the establishment of new charter schools, or other options.

The Superintendent or designee may consider school capacity in selecting schools that will be offered as alternatives for school choice, but shall not use the lack of school capacity to deny transfer opportunities to students. The district may increase capacity in eligible district schools to accommodate all students who wish to transfer.

Note: 34 CFR 200.37 and 200.44 require that districts notify parents/guardians of their transfer option no later than 14 calendar days before the start of the school year. However, it is sometimes difficult for districts to meet this deadline because of the timing of California's assessment results and of the identification of PI schools. When necessary, the CDE will notify PI schools of an alternate date by which they must send this notification. Pursuant to 34 CFR 200.32, under no circumstances may a district wait an additional school year (until the second school year following the one in which assessments that led to the failure to make AYP were administered) before offering the transfer option to eligible students.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year or on a date otherwise determined necessary by the CDE. (34 CFR 200.37, 200.44)

Note: 34 CFR 200.37 contains requirements for the content of the notice that must be provided to parents/guardians whenever a school is identified for PI, corrective action, or restructuring, which include the content described in items #5-6 below related to school choice. The USDOE guidance describes additional requirements that the notice should contain (items #1-4 below). These requirements are incorporated into the sample parental notification available on the CDE's web site.

Notice of the transfer option shall:

1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another school, including a charter school, served by the district
2. Identify each school that the parent/guardian may select
3. Explain why the choices made available to the parents/guardians may have been limited

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Note: According to the USDOE guidance, parents/guardians do not necessarily need to be guaranteed their first choice of schools. Item #4 reflects language in the guidance that authorizes, but does not require, districts to develop a system of rank ordering preferences. See E(1) 0520.2 for a sample form that may be used for parent/guardian requests for student transfers.

4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank order their preferences of eligible schools as appropriate

5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)

Note: 34 CFR 200.37 requires that the notice explain the provision of transportation, as provided in item #6 below. According to the USDOE guidance, the notice should include a discussion of how transportation will be provided or paid for and, if the district anticipates that it will not have sufficient funds to provide transportation to all eligible students requesting a transfer, information on how the district will set priorities to determine which students will receive transportation.

6. Explain the provision of transportation to the new school (34 CFR 200.37)

Note: 34 CFR 200.37 describes additional content that may be included in the notice at the district's discretion. The following optional paragraph may be revised as desired.

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before and after school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

(cf. 1112.24 Teacher Qualifications Under the No Child Left Behind Act)

(cf. 5148.2 Before/After School Programs)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

(cf. 1100 Communication with the Public)

(cf. 1113 District and School Web Sites)

(cf. 1114 District Sponsored Social Media)

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~The district shall prominently display on its web site, in a timely manner each school year, a list of available schools to which eligible students may transfer in the current school year. The district shall also display data on the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)~~

~~Note: The following optional paragraph may be revised to reflect district practice. According to the USDOE guidance, the district may set a reasonable deadline by which parents/guardians must respond to the offered school assignment, as long as parents/guardians have sufficient time and information to make an informed decision.~~

~~In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.~~

~~Note: If a student exercises the option to transfer to another school within the district, 20 USC 6316 and 34 CFR 200.44 require the district to provide or pay for the student's transportation to that school. The USDOE guidance clarifies that, if the district does not offer transportation services to its students, it will be required to reimburse parents/guardians for the costs of providing transportation or for using public transportation. This requirement is an exception to state and federal law for other types of intradistrict transfers for which the district is not obligated to provide or pay for transportation; see BP 5116.1 Intradistrict Open Enrollment.~~

~~In cases where all district schools are identified for PI and the district has developed an interdistrict transfer agreement pursuant to 20 USC 6316, the provision of transportation to transfer students must be determined by an agreement between the cooperating districts. Such districts may revise the remainder of this section accordingly.~~

~~The district shall provide, or shall pay for the provision of, transportation to the district school which the student chooses to attend. (20 USC 6316; 34 CFR 200.44)~~

~~(cf. 3540—Transportation)~~

~~Note: The USDOE guidance states that districts have flexibility to establish transportation zones based on geographic location. The following optional paragraph is based on the authority in the USDOE guidance and may be revised to reflect district practice.~~

~~To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location within the district. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.~~

~~(cf. 3541—Transportation Routes and Services)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Any student who transfers to another district school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)~~

Supplemental Educational Services

~~Note: As described above, 20 USC 6316 and 34 CFR 200.45 require the district to make SES available to students from low-income families whenever a school is in Year 2 of PI or beyond. For these purposes, the district must determine family income on the same basis that it uses to make Title I allocations to schools. Parents/guardians are allowed to select SES within the district or in neighboring local educational agencies from a list of entities approved by the SBE. USDOE nonregulatory guidance (Supplemental Educational Services) indicates that parents/guardians also may select a provider that is accessible through technology, such as e-learning, online, or distance learning technology.~~

~~When required by law, SES shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)~~

~~(cf. 6011 Academic Standards)
(cf. 6179 Supplemental Instruction)~~

~~Note: 20 USC 6316 and 34 CFR 200.37 address the content of the notification that must be issued when a school is required to provide SES. These requirements are incorporated into the sample parental notification letters available on the CDE's web site.~~

~~When a school is required to provide SES, the Superintendent or designee shall provide annual notice to parents/guardians that includes: (20 USC 6316; 34 CFR 200.37)~~

- ~~1. The availability of SES~~
- ~~2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies~~
- ~~3. The identity of approved providers of technology based or distance learning services~~
- ~~4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency~~
- ~~5. The benefits of receiving SES~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Note: The USDOE guidance suggests that the notification also include procedures and timelines for selecting a provider. The following paragraph is optional.~~

~~In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.~~

~~This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)~~

~~Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.~~

~~The district shall prominently display on its web site, in a timely manner each school year, a list of state approved providers serving the district in the current year and the location where services are provided. The district shall also display the number of students who were eligible for and who participated in SES, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)~~

~~Note: 20 USC 6316 requires the district to spend 20 percent of its Title I funds on costs related to SES, transportation for transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 specifies that, in order to spend less than 20 percent, a district must distribute sign-up forms for SES, establish at least two enrollment windows, and make school facilities available to eligible providers, as provided below. The following three paragraphs are optional.~~

~~See E(2) for a sample service request form.~~

~~The Superintendent or designee shall distribute sign-up forms for SES directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)~~

~~The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable the parents/guardians of eligible students to make informed decisions about requesting SES and selecting a provider. (34 CFR 200.48)~~

~~Note: The USDOE guidance advises that the district may establish a reasonable deadline by which parents/guardians must request services, as long they are given sufficient time and information to make an informed decision. The following paragraph may be revised to include any such deadline established by the district.~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a SES provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)~~

~~The district shall not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. (5 CCR 13075.9)~~

~~Note: A district may apply to become a SES provider as long as it meets the qualifications specified in 5 CCR 13075.1 and is approved by the SBE in accordance with the procedure described in 5 CCR 13075.2. 5 CCR 13075.5 lists conditions under which a provider's status may be terminated by the SBE. The following optional paragraph is for use by districts that have been approved as service providers:~~

~~When the district is an approved SES provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.~~

~~No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)~~

~~(cf. 9270—Conflict of Interest)~~

~~The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate SES with any necessary accommodations or language assistance. (34 CFR 200.46)~~

~~Note: The USDOE guidance clarifies that, if SES providers are unable to provide necessary accommodations or language assistance to students with disabilities, students covered under Section 504, or students who are English learners, districts are obligated to provide or contract for such services with accommodations or language assistance, as provided below:~~

~~If no provider is able to make the services available to such students, the district shall provide the services with necessary accommodations or language assistance, either directly or through a contract. Services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan, as applicable.~~

~~If available funds are insufficient to provide SES to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Note: The USDOE guidance notes that districts should establish fair and equitable procedures for selecting students to receive services if a particular provider does not have the capacity to serve all students who have selected that provider. The guidance encourages districts to consider allocating available spaces consistent with the priority to serve the lowest achieving eligible students. The following paragraph is optional.~~

~~If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.~~

~~Once a SES provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)~~

- ~~1. Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.~~
- ~~2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.~~
- ~~3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.~~
- ~~4. Contain provisions with respect to the district making payments to the provider.~~

~~Note: USDOE correspondence dated August 10, 2007, clarifies that, although providers are prohibited from disclosing student information to third parties without consent, the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.9) does not prohibit providers from using contact information they obtain from the district to notify parents/guardians regarding their services.~~

- ~~5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving SES.~~

~~In developing the student learning plan as required by item #1 above, the Superintendent or designee shall consult with the parent/guardian of each student to, at a minimum, provide the parent/guardian an opportunity to express his/her views and have them considered. Consultation may include, but is not limited to, communication by telephone, email, home visits, parent/guardian meetings, and/or parent/guardian signature(s). Evidence of this consultation shall be included in the student learning plan. In the event that a consultation does not take place but the parent/guardian has selected an approved SES provider, the Superintendent or designee, or the provider acting on the district's behalf, shall show evidence of at least three separate attempts to contact the parent/guardian using at least two different means of communication. If the parent/guardian elects not to participate in the consultation, the Superintendent or designee, or approved provider acting on the district's behalf, must develop a student learning plan for the student. (5 CCR 13075.7)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~The Superintendent or designee may request, but not require, that the SES provider develop the student learning plan on behalf of the district for each student served by the provider as indicated in the agreement. In such cases, the Superintendent or designee shall make available to the provider pertinent student academic achievement data with parent/guardian permission and other technical assistance that will facilitate the development of the plan. The Superintendent or designee shall maintain responsibility to review and approve the student learning plan to ensure that it is developed in consultation with the parent/guardian and contains all required information. (5 CCR 13075.7)~~

~~Eligible SES providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)~~

~~(cf. 1330 Use of School Facilities)~~

(3/09 8/13) 7/16

Center USD

Administrative Regulation

Title I Program Improvement Schools

AR 0520.2

Philosophy, Goals, Objectives and Comprehensive Plans

Definitions

Adequate yearly progress (AYP) is a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API).

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Numerically significant subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

Program improvement (PI) school is a school receiving federal Title I funds that has failed to make AYP for each of two consecutive school years in the same content area (i.e., English-language arts or mathematics) schoolwide or for any numerically significant subgroup, or has failed to make AYP on the same additional indicator (i.e., API for all schools or, for high schools, graduation rate) schoolwide.

Year 1 Program Improvement

When any Title I school is identified for Year 1 PI: (20 USC 6316)

1. The Superintendent or designee shall provide students enrolled in the school the option of transferring to another district school or charter school that has not been identified for PI, as described below under "Student Transfers."

(cf. 0420.4 - Charter Schools)

2. The principal and school community shall revise the school's Single Plan for Student Achievement in accordance with 20 USC 6316, and present it for approval by the Governing Board.

(cf. 0420 - School Plans/Site Councils)

(cf. 6171 - Title I Programs)

3. Within 45 days of receiving the plan, the Board shall establish a peer review process

to assist with the review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law. (20 USC 6316)

4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan. (20 USC 6316)

5. As the school develops and implements the school plan, the Superintendent or designee shall ensure that the school receives technical assistance either from the district, the California Department of Education (CDE), an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in: (20 USC 6316)

a. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan

b. Identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI

c. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

(cf. 3100 - Budget)

Year 2 Program Improvement

For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall: (20 USC 6316)

1. Continue to provide all students enrolled in the school the option of transferring to another district school or charter school that has not been identified for PI, as described below under "Student Transfers"

2. Arrange for the provision of supplemental educational services to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below under "Supplemental Educational Services"

3. Continue to provide for technical assistance

Year 3 Program Improvement: Corrective Action

When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI. In addition, the

Board shall take at least one of the following corrective actions: (20 USC 6316)

1. Replace school staff relevant to the failure

(cf. 4113 - Assignment)

2. Implement a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Significantly decrease management authority at the school level

4. Appoint an outside expert to advise the school

5. Extend the school year or school day for the school

(cf. 6111 - School Calendar)

6. Restructure the internal organization of the school

Year 4 Program Improvement and Beyond: Restructuring

For any school that continues to fail to make AYP after one full year of corrective action, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another district school or charter school and continue to make supplemental educational services available to eligible students who remain in the school. In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)

1. Reopen the school as a charter school

2. Replace all or most of the school staff relevant to the failure

3. Enter into a contract with an entity with a demonstrated record of effectiveness to operate the school

4. Turn the operation of the school over to the CDE

5. Institute any other major restructuring of the school's governance arrangements that makes fundamental reforms

Notifications

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI
6. An explanation of the option to transfer to another district school or charter school as described below under "Student Transfers"
7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain supplemental educational services for their child as described below under "Supplemental Educational Services"

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)

All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive supplemental educational services. (34 CFR 200.48)

Student Transfers

All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another district school or charter school that: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for PI, corrective action, or restructuring

2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5116.1 - Intradistrict Open Enrollment)

Among these students, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

School capacity shall not be used to deny transfer opportunities to students. However, the Superintendent or designee may consider capacity in selecting schools that will be offered as alternatives for school choice. The Board may increase capacity in eligible district schools to accommodate all students who wish to transfer.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year. (34 CFR 200.37, 200.44)

Notice of the transfer option shall:

1. Inform parents/guardians that their child is eligible to attend another public school due to the identification of the current school as in need of improvement
2. Identify each public school or public charter school that the parent/guardian can select
3. Explain why the choices made available to the parents/guardians may have been limited
4. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)
5. Explain the provision of transportation to the new school (34 CFR 200.37)

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

(cf. 5148.2 - Before/After School Programs)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter, and a list of available schools to which eligible students may transfer in the current school year. (34 CFR 200.39)

The Superintendent or designee may establish reasonable timelines for parents/guardians to indicate their intent to transfer their child and for the district to notify parents/guardians of the school assignment.

The Superintendent or designee may require parents/guardians to rank-order their preferences from among schools that are eligible to receive transfer students. Parents/guardians may decline their assigned school and remain in their school of origin.

The district shall provide, or shall pay for the provision of, transportation for the student to the public school that student chooses to attend. (20 USC 6316; 34 CFR 200.44)

(cf. 3540 - Transportation)

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

Any student who transfers to another school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)

In the event that all district schools are identified for PI, corrective action, or restructuring, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for an interdistrict transfer. (20 USC 6316; 34 CFR 200.44)

(cf. 5117 - Interdistrict Attendance)

Supplemental Educational Services

When required by law, supplemental educational services shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)

(cf. 6011 - Academic Standards)

(cf. 6179 - Supplemental Instruction)

When a school is required to provide supplemental educational services, the Superintendent or designee shall annually notify parents/guardians of: (20 USC 6316; 34 CFR 200.37)

1. The availability of supplemental educational services
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies
3. The identity of approved providers of technology-based or distance learning supplemental educational services
4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency
5. The benefits of receiving supplemental educational services

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)

To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who

were eligible for and who participated in supplemental educational services, beginning with data from the 2007-08 school year and each subsequent year thereafter, a list of state-approved providers serving the district in the current year, and the location where services are provided. (34 CFR 200.39)

The Superintendent or designee shall distribute sign-up forms for supplemental educational services directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable parents/guardians of eligible students to make informed decisions about requesting supplemental educational services and selecting a provider. (34 CFR 200.48)

Eligible supplemental services providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)

(cf. 1330 - Use of School Facilities)

Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a service provider from among those approved by the SBE.

Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)

When the district is an approved service provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate supplemental educational services with any necessary accommodations or language assistance. (34 CFR 200.46)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

(cf. 6174 - Education for English Language Learners)

If no provider is able to make the services available to such students, the district shall provide these services with necessary accommodations or language assistance, either directly or through a contract. Supplemental educational services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan.

If available funds are insufficient to provide supplemental educational services to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)

1. Require the district to develop, in consultation with the parents/guardians and the provider, a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the statement shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.

4. Contain provisions with respect to the district making payments to the provider.
5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving supplemental educational services.

(cf. 5125.1 - Release of Directory Information)

Delete

Center USD

Exhibit

Title I Program Improvement Schools

E 0520.2 (1)

Philosophy, Goals, Objectives and Comprehensive Plans

PARENT/GUARDIAN TRANSFER REQUEST BASED ON SCHOOL'S PROGRAM IMPROVEMENT STATUS

Instructions: To request a transfer for your child out of a school that has been identified for [program improvement, corrective action or restructuring], please complete the following form and return it by [date] to [the district office or to the principal at your child's school]. You will be notified by [date] regarding your child's school assignment for the next school year and your options if you decide to decline the school assignment at that time.

Child's Name: _____

Parent/Guardian's Name: _____ Signature: _____

School Child Currently Attends: _____

Please write numbers in the boxes below to rank your top [number] choices of available schools:

[] _____ [school name] _____

[] _____ [school name] _____

[] _____ [school name] _____

If you have any questions, please contact the [district office or principal] at [phone number].

Delete

E 0520.2 (2)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

PARENT/GUARDIAN SELECTION OF SUPPLEMENTAL EDUCATIONAL SERVICES

Instructions: To select supplemental educational services for your child, please complete the following form and mail, fax, or deliver it to the principal of your child's school or to the district office by [date].

Student's Name: _____ School: _____

Parent/Guardian's Name: _____ Signature: _____

Please write numbers in the boxes below to indicate your top [number] choices of service providers:

[] _____ [name of service provider] _____

[] _____ [name of service provider] _____

[] _____ [name of service provider] _____

[] _____ [name of service provider] _____

Once a service provider has been determined for your child, the district will enter into a formal contract with the provider in accordance with law.

If you have any questions or need assistance selecting a provider, please contact [name] at [phone number].

CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.3(a)

TITLE I PROGRAM IMPROVEMENT DISTRICTS

Note: The following optional policy is for use by districts that receive federal Title I funds and have been identified for districtwide program improvement (PI) by the California Department of Education (CDE) for failure to make "adequate yearly progress" for two or more consecutive years. Pursuant to the No Child Left Behind Act of 2001 (20 USC 6316), districts receiving Title I funds are identified for "program improvement" (PI) if they fail to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive school years. According to the criteria, a district is identified for PI if, for each of two consecutive years, it either (1) does not make AYP in the same content area (English language arts or mathematics) and does not meet annual measurable objectives in the same content area in each grade span (grades 2-5, 6-8, and 10), or (2) does not make AYP on the same indicator (Academic Performance Index or graduation rate) districtwide. Certain districts may be exempt for one year based on "safe harbor" criteria developed by the SBE. If the district believes that the identification is in error, it may appeal to the California Department of Education (CDE).

As amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), 20 USC 6311 provides for a new system of support and improvement activities for Title I schools and districts beginning in the 2017-18 school year. Until the new system is in place, the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) requires that districts previously identified for PI must continue to implement their improvement plans and fulfill the requirements described in this policy.

See BP/AR 0520.2 - Title I Program Improvement Schools for requirements pertaining to individual schools identified for PI or for single school districts.

The Governing Board desires to continuously improve educational programs and district operations to enable all students to achieve proficiency. The Superintendent or designee shall ensure the implementation and coordination of all district improvement plans and shall annually review and analyze report to the Board regarding the district's performance in making adequate yearly progress (AYP) toward student achievement standards in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6011 - Academic Standards)

(cf. 6162.51 - State Academic Achievement Tests)

Early Warning Program

Note: Education Code 52055.57 establishes the voluntary Early Warning Program described below, which is applicable to districts at risk of being identified for PI within two years.

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

~~In the event that the district is provided notice by the California Department of Education (CDE) that it is in danger of being identified for program improvement (PI) within two years under the federal No Child Left Behind Act, the Board shall determine whether to participate in the voluntary Early Warning Program. If the Board elects to have the district participate in the program, the district shall conduct a voluntary self-assessment using research-based criteria provided by the CDE and may revise its Title I local educational agency (LEA) plan based on the results of that assessment. (Education Code 52055.57)~~

~~Year 1-2 PI: Revision and Implementation of LEA Plan~~

~~Note: 20 USC 6316 and Education Code 52055.57 establish requirements for districts that are identified as PI districts. See the accompanying administrative regulation for related requirements.~~

~~In the event that the district is identified for PI by the CDE, the Superintendent or designee shall, in accordance with law and administrative regulation, notify parents/guardians, administer a district self-assessment process, and revise the LEA plan. (20 USC 6316; Education Code 52055.57)~~

The district shall implement all actions required for Title I program improvement (PI) as required by law and the California Department of Education (CDE).

Note: Education Code 52055.57 requires districts in **Year 1 of PI** to conduct a self-assessment using materials and criteria provided by the CDE. Among the tools required by the CDE is the District Assistance Survey, which assesses how the district supports its schools in the areas of standards-based curriculum, instruction, and assessment; professional development; human resources; data systems, data analysis, and ongoing monitoring; parent and community involvement; fiscal operations; and governance and leadership. PI districts are also required to complete the English Learner Subgroup Self Assessment and ~~Least Restrictive Environment Self Assessment~~ **the Inventory of Services and Supports for Students with Disabilities** to analyze the needs of English learners and students with disabilities. **The CDE's Academic Program Survey may be used to provide school-level information on the extent to which the school is providing a coherent instructional program to support student achievement. These tools are available on the CDE's web site.**

The development of district improvement strategies shall be based upon the results of a self-assessment conducted with state program assessment tools that identify specific problems contributing to low student achievement.

Each year that the district is in PI status, it shall:

Note: Requirements for districts in any year of PI include review and revision of the district's Title I local educational agency (LEA) plan. The CDE recommends that districts develop an addendum to the LEA plan rather than revising the entire plan and has developed a template for this purpose, **available on the CDE's web site; see the accompanying administrative regulation.** The template indicates that the addendum must be approved by the Governing Board and sent to the CDE.

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

According to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the separate LEA plan will be transitioned out at the end of the 2016-17 school year and, beginning in the 2017-18 school year, state and federal planning requirements will need to be met through the district's local control and accountability plan and the consolidated application reporting system.

1. **Review the Title I local educational agency (LEA) plan and, as needed, revise the plan. Revisions may be made in an addendum to the existing plan.** The revised LEA plan or plan addendum shall be approved by the Board and electronically submitted to the CDE.

(cf. 6171 - Title I Programs)

2. **Reserve and spend at least 10 percent of its Title I, Part A allocation to provide high-quality professional development for instructional staff**

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

Year 3 PI: Corrective Action

Note: Districts in Year 3 of PI or beyond are subject to corrective actions as recommended by the Superintendent of Public Instruction and approved by the State Board of Education (SBE). Pursuant to Education Code 52055.57, the SBE must choose at least one of the following sanctions: (1) replacement of district staff who are relevant to the district's inability to make adequate progress; (2) removal of individual schools from the district's jurisdiction; (3) appointment of a trustee to administer the district; (4) abolishment or restructuring of the district; (5) implementation of a new curriculum based on state content and achievement standards, including provision of research-based professional development for all relevant staff; (6) deferment of programmatic funds or reduction of administrative funds; and (7) in conjunction with any of items #1-6, authorization for students to transfer to a higher performing school in another district and to be provided transportation. In addition, the SBE may require the district to contract with a district assistance and intervention team.

~~If the district does not make AYP after two years of receiving program funding,~~ In addition, during Year 3 of PI or beyond, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) in the identification and implementation of appropriate corrective actions. As applicable, the district shall implement the recommendations of the district assistance and intervention team (DAIT) that has been assigned to assist the district pursuant to Education Code 52055.57.

The Superintendent or designee shall submit to the CDE an annual report regarding the district's evidence of progress, including a summary description of the district's progress toward implementing the strategies in the LEA plan, an analysis of the district's progress toward student achievement goals in the LEA plan based on state or local assessment data, and documentation that the Board has been notified of the report.

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

~~If the SBE takes any corrective action other than, or in addition to, the appointment of a DAIT, the Superintendent or designee shall~~ **In the event that the district is required to appear before the SBE within Year 3 of PI to review the district's progress, the Superintendent or designee, the DAIT, and/or the County Superintendent of Schools shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)**

~~Note: Pursuant to Education Code 52055.57, one of the possible state actions is to require the district to contract with a district assistance and intervention team (DAIT) with the duties specified in Education Code 52059. As amended by AB 519 (Ch. 757, Statutes of 2008), Education Code 52059 requires the district to reserve funding from its program grant to cover the entire cost of the team before using that funding for other reform activities. Education Code 52059, as amended, also requires the DAIT to complete a needs assessment and a report of recommendations not later than 120 days after being assigned to the district or by the next regularly scheduled SBE meeting after the expiration of the 120 days.~~

~~The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT:~~ **(Education Code 52055.57, 52059)**

- ~~1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.~~
- ~~2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.~~

~~Note: The CDE's Blueprint for District Assistance and Intervention provides information about the DAIT process, including the role of DAIT team members and the district's leadership team.~~

~~The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.~~

~~The Board and the Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.~~

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

Legal Reference:

EDUCATION CODE

~~52055.57-52055.59 Districts identified or at risk of identification for program improvement~~

~~52059 Statewide system of school support~~

UNITED STATES CODE, TITLE 20

~~6301 Title I program purpose~~

~~6311 Adequate yearly progress-State plan~~

~~6312 Local educational agency plan~~

~~6316 School and district improvement~~

~~6321 Fiscal responsibilities~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.13-200.20 Adequate yearly progress~~

~~200.30-200.35 Identification of program improvement schools~~

~~200.36-200.38 Notification requirements~~

~~200.52-200.53 District improvement~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016~~

~~Local Educational Agency Program Improvement Plan Addendum Template, rev. April 2016~~

~~Blueprint for District Assistance and Intervention, 2008~~

~~2007 Adequate Yearly Progress Report Information Guide, August 2007~~

~~A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006~~

U.S. DEPARTMENT OF EDUCATION GUIDANCE

~~LEA and School Improvement Non-Regulatory Guidance, rev. July 21, 2006~~

WEB SITES

~~CSBA: <http://www.csba.org>~~

~~California Department of Education, Program Improvement:~~

~~<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>~~

~~U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>; <http://www.ed.gov>~~

Center USD

Board Policy

Title I Program Improvement Districts

BP 0520.3

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board shall annually review and analyze the district's performance in making adequate yearly progress (AYP) toward student achievement standards, in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.

(cf. 0500 - Accountability)

(cf. 6011 - Academic Standards)

(cf. 6162.51 - Standardized Testing and Reporting Program)

Early Warning Program

In the event that the district is provided notice by the California Department of Education (CDE) that it is in danger of being identified for program improvement (PI) within two years under the federal No Child Left Behind Act, the Board shall determine whether to participate in the voluntary Early Warning Program. If the Board elects to have the district participate in the program, the district shall conduct a voluntary self-assessment using research-based criteria provided by the CDE and may revise its Title I local educational agency (LEA) plan based on the results of that assessment. (Education Code 52055.57)

(cf. 6171 - Title I Programs)

Year 1-2 PI: Revision and Implementation of LEA Plan

In the event that the district is identified for PI by the CDE, the Superintendent or designee shall, in accordance with law and administrative regulation, notify parents/guardians, administer a district self-assessment process, and revise the LEA plan. (20 USC 6316; Education Code 52055.57)

The revised LEA plan or plan addendum shall be approved by the Board and submitted to the CDE. The Superintendent or designee shall regularly report to the Board regarding the implementation of the plan during Years 1 and 2 of the program.

The Superintendent or designee shall utilize available state and local resources to identify specific problems contributing to low student achievement and provide technical assistance and support to resolve those problems. He/she also shall work closely with individual school sites to raise student achievement in accordance with school plans.

(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)

Year 3 PI: Corrective Action

If the district does not make AYP after two years of receiving program funding, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the SBE in the identification and implementation of appropriate corrective actions.

The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT: (Education Code 52055.57, 52059)

1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.
2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.

The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high-priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.

The Board and the Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.

Legal Reference:

EDUCATION CODE

52055.57-52055.59 Districts identified or at risk of identification for program improvement

52059 Statewide system of school support

UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6316 School and district improvement

6321 Fiscal responsibilities

CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.52-200.53 District improvement

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Blueprint for District Assistance and Intervention, 2008

2007 Adequate Yearly Progress Report Information Guide, August 2007

A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

Delete

Center USD

Administrative Regulation

Title I Program Improvement Districts

AR 0520.3

Philosophy, Goals, Objectives and Comprehensive Plans

Year 1-2 Program Improvement (PI): Revision and Implementation of LEA Plan

Whenever the district is notified that it has been identified for PI under the federal No Child Left Behind Act, the district shall complete all of the following actions:

1. Promptly notify parents/guardians of each district student regarding the district's PI status, the reasons for the identification, and how parents/guardians can participate in upgrading the quality of the district's programs. The notification shall be in a format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

(cf. 5145.6 - Parental Notifications)

2. Conduct a self-assessment using materials and criteria based on current research and provided by the California Department of Education. (Education Code 52055.57)

3. Contingent upon state funding, contract with a county office of education or another external entity, no later than 90 days after the district is identified for PI and after working with the County Superintendent of Schools, for both of the following purposes: (Education Code 52055.57)

a. Verifying the fundamental teaching and learning needs in district schools as determined by the self-assessment and identifying the specific academic problems of low-achieving students, including a determination as to why the prior Title I local educational agency (LEA) plan failed to increase student academic achievement

b. Ensuring that the district receives intensive support and expertise to implement reform initiatives in the LEA plan

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

4. Within three months after the district's identification for PI, develop or revise the LEA plan in consultation with parents/guardians, school staff, and others. This plan shall reflect the findings of the self-assessment and shall: (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)

a. Incorporate scientifically based research strategies that will strengthen the core academic program in district schools

b. Identify actions that have the greatest likelihood of improving student achievement in

meeting the state's academic achievement standards

c. Address the professional development needs of the instructional staff by committing to spending at least 10 percent of the district's allocation of Title I, Part A, funds for professional development

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

d. Include specific measurable achievement goals and targets for each of the student subgroups identified pursuant to 20 USC 6311, especially those that did not make adequate yearly progress (AYP)

e. Address the fundamental teaching and learning needs in the district's schools and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring about increased student academic achievement

f. Incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year

(cf. 5148.2 - Before/After School Programs)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

g. Specify the responsibilities of the district and the state under the plan, including the district's fiscal responsibilities under 20 USC 6321 and the technical assistance to be provided by the state

h. Include strategies to promote effective parent/guardian involvement in district schools

(cf. 6020 - Parent Involvement)

5. Contingent upon state funding, after working with the County Superintendent or an external verifier, contract with an external provider to provide support and implement recommendations to assist the district in resolving shortcomings identified in the verified self-assessment (Education Code 52055.57)

6. Implement the LEA plan expeditiously, but not later than the beginning of the next school year after the school year in which the district administered the assessments that resulted in its PI identification (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)

The district shall exit PI status when it makes AYP for two consecutive years. (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)

Year 3 PI: Corrective Action

If the district fails to make AYP by the end of the second year in PI, it shall be subject to corrective actions determined by the State Board of Education (SBE). (20 USC 6316; 34

CFR 200.53; Education Code 52055.57)

If the SBE takes any corrective action other than, or in addition to, the appointment of a district assistance and intervention team (DAIT), the Superintendent or designee shall appear before the SBE within Year 3 of PI to review the district's progress. The Superintendent or designee, the DAIT, and/or the County Superintendent shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)

Regulation
approved: April 1, 2009

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Policy

Community Relations

BP 1230(a)

SCHOOL-CONNECTED ORGANIZATIONS

Note: The following optional policy should be revised to reflect district practice.

For purposes of this Board policy, the term "school-connected organization" includes booster clubs, parent-teacher associations aligned with the California State PTA, or other parent-teacher organizations. These organizations generally raise ~~money-funds~~ for classroom activities or activities at specific schools. For ~~policy language about a district's relationship with a foundation regarding educational foundations~~, see BP 1260 - Educational Foundation. For policy regarding associated student body organizations, see BP 3452 - Student Activity Funds.

~~Generally, the funds raised by school-connected organizations benefit a single school.~~ In some districts, there may be legal or equity concerns that result from the benefit provided to a particular school while other schools in the district do not receive the benefit from the additional resources. For example, pursuant to state and federal law (Education Code 200-262.4; 5 CCR 4900-4965; 20 USC 1681-1688), the Governing Board is responsible for ensuring that the district's athletic program provides equivalent opportunities for both males and females. Booster club activities must be included in the district's analysis of the equivalent opportunities provided by each school. See BP/AR 6145.2 - Athletic Competition. Because school-connected organizations are generally separate legal entities, if a concern arises regarding the equitable distribution of funds, the Superintendent or designee should consult with the leadership of such organizations and district legal counsel. For language regarding acceptance of gifts and grants, see BP 3290 - Gifts, Grants, and Bequests.

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting the district's educational and extracurricular programs, ~~such as athletic teams, debate teams, or musical groups~~. The Board appreciates the contributions made by such organizations and ~~encourages their interest and participation in supporting district activities and helping to achieve the district's toward the Board's vision for student learning and for providing all district students with high-quality educational opportunities.~~

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

Note: The following optional paragraph may be revised to reflect district practice. See the accompanying administrative regulation for details regarding the types of information that the district might require to be included in a school-connected organization's request to operate within the district or school.

Persons proposing to establish a school-connected organization shall submit a request to the Board for authorization to operate **within the district or at the-a district school.**

Note: Generally, booster and parent clubs are separate legal entities from the district and thus are not under the control or the responsibility of district personnel. **The district should consult legal counsel if it has any questions about its appropriate relationship with school-connected organizations.**

SCHOOL-CONNECTED ORGANIZATIONS (continued)

Certain tax-exempt organizations may be required to register with the state Attorney General's Registry of Charitable Trusts. As part of this registration, the organization may also be required to file copies of the organization's articles of incorporation and other documents governing its operations.

~~The Board recognizes that school-connected organizations are separate legal entities, independent of the district. A school-connected organization, including a booster club, parent-teacher association or organization, or other organization that does not include an associated student body or other student organization, shall be established and maintained as a separate entity from the school or district. Each school-connected organization shall be subject to its own bylaws and operational procedures or to the rules or bylaws of its affiliated state or national organization, as applicable.~~

Note: ~~School-connected organizations are required to comply with law. For example, pursuant to Education Code 51520,~~ food sales by outside organizations ~~may~~ must not compete with the district's school nutrition program and must comply with ~~the state and/or federal nutritional standards specified in (Education Code 49431-49431.2 49431.7; 5 CCR 15500-15501, 15575-15578; 7 CFR 210.11, 220.12).~~ See BP/AR 3554 - Other Food Sales.

~~The Board encourages school-connected organizations to consider the impact of fund-raising activities on the overall school and district program. In addition,~~ activities by school-connected organizations shall ~~not conflict~~ be conducted in accordance with law, Board policies, administrative regulations, ~~or~~ and any rules of the sponsoring school.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Note: The following optional paragraph may be revised to reflect district practice. The Fiscal Crisis and Management Assistance Team (FCMAT), in its 2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference, suggests rules governing the relationship between the district and booster clubs and other school-connected organizations. For examples of such rules, see the accompanying administrative regulation.

~~In addition,~~ The Superintendent or designee shall establish appropriate ~~internal controls~~ rules for the relationship between school-connected organizations and the district.

Note: Education Code 51521 requires that any fundraising activity ~~by a school-connected organization,~~ designed to raise money to benefit a school or its students receive approval from the Board ~~or the Board's designee.~~ The following paragraph delegates this authority to the Superintendent or designee and may be revised to reflect district practice.

~~However, in order to help the Board fulfill its legal and fiduciary responsibility to manage~~

SCHOOL-CONNECTED ORGANIZATIONS (continued)

~~district operations, any school-connected organization that desires to raise money to benefit any district students shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation. A school-connected organization shall obtain the written approval of the Superintendent or designee prior to soliciting funds upon the representation that the funds will be used wholly or in part for the benefit of a district school or the students at that school. (Education Code 51521)~~

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

A school-connected organization may consult with the principal to determine school needs and priorities.

Note: Pursuant to Education Code 49011, the district is permitted to solicit voluntary donations, participate in fundraising activities, or provide prizes or other recognition for participants in fundraising activities. However, the district must not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student. See BP 3260 - Fees and Charges.

Any participation in fundraising activities by students and their parents/guardians and/or any donation of funds or property shall be voluntary. (Education Code 49011)

(cf. 3260 - Fees and Charges)

Legal Reference: (see next page)

SCHOOL-CONNECTED ORGANIZATIONS (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex
35160 Authority of governing boards
38130-38138 Civic Center Act, use of school property for public purposes
48931 Authorization for sale of food by student organization
48932 Authorization for fund-raising activities by student organization
49011 Student fees
~~49431 Sale of food to elementary students during the school day~~
~~49431.2 Sale of food to middle, junior, or high school students~~
~~49431.5 Sale of beverages at elementary, middle, or junior high schools~~
49431-49431.7 Nutritional standards
51520 Prohibited solicitation on school premises
51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs
15500 Food sales in elementary schools
15501 Food sales in high schools and junior high schools

15575-15578 Requirements for foods and beverages outside the federal meals program

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 7

210.11 Competitive food services

220.12 Competitive food services

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

~~1101.89 School District Liability and "Hold Harmless" Agreements, LO-4-89~~

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference

WEB SITES

CSBA: <http://www.csba.org>

California Office of the Attorney General, charitable trust registry: <http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

Fiscal Crisis and Management Assistance Team (FCMAT); <http://www.fcmat.org>

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Center USD

Board Policy

School-Connected Organizations

BP 1230

Community Relations

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting district and extracurricular programs, such as athletic teams, debate teams, or musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities and helping to achieve the district's vision for student learning.

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

The Board recognizes that school-connected organizations are separate legal entities, independent of the district. However, in order to help the Board fulfill its legal and fiduciary responsibility to manage district operations, any school-connected organization that desires to raise money to benefit any district student shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation. In addition, the Superintendent or designee shall establish appropriate internal controls for the relationship between school-connected organizations and the district.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

The Board encourages school-connected organizations to consider the impact of fund-raising activities on the overall school and district program. School-connected organizations may consult with the principal to determine school needs and priorities. Activities by school-connected organizations shall not conflict with law, Board policies, administrative regulations, or any rules of the sponsoring school.

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35160 Authority of governing boards

38130-38138 Civic Center Act, use of school property for public purposes
48931 Authorization for sale of food by student organization
48932 Authorization for fund-raising activities by student organization
49431 Sale of food to elementary students during the school day
49431.2 Sale of food to middle, junior, or high school students
49431.5 Sale of beverages at elementary, middle, or junior high schools
51520 Prohibited solicitation on school premises
51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

15500 Food sales in elementary schools

15501 Food sales in high schools and junior high schools

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES

CSBA: <http://www.csba.org>

California Office of the Attorney General, charitable trust registry:

<http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

Policy
adopted: October 17, 2007

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Administrative Regulation

Community Relations

AR 1230(a)

SCHOOL-CONNECTED ORGANIZATIONS

Note: The following optional administrative regulation should be modified to reflect district practice.

Although school-connected organizations are generally separate legal entities and in some cases may be subject to the financial policies and bylaws of a state or national organization, districts have the authority to approve the ability of a school-connected organization to operate within the district or a district school. ~~Items #1-10 below are based on internal control procedures for booster clubs, foundations, and other parent-teacher associations developed by The Fiscal Crisis and Management Assistance Team (FCMAT), in its 2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference, recommends that persons be required to complete an application, containing at least the information reflected in items #1-10 below, in order to form a school-connected organization. A sample application form is available in the FCMAT manual. However, districts may consider establishing different procedures for different types of entities depending on an entity's fiscal controls and organizational structure. For example, local units of the PTA that are chartered by the state PTA are subject to the internal financial policies and bylaws of the statewide PTA; therefore a different level of district oversight may be sufficient.~~

~~Persons proposing to establish a school-connected organization shall submit a request to the Governing Board for authorization to operate at the school. The A school-connected organization's request for authorization to operate within the district or at a district school shall contain, as appropriate:~~

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination

(cf. 0410 - Nondiscrimination in District Programs and Activities)

4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records ~~at any time~~, either by district personnel or a certified public accountant, **whenever any concern is raised regarding the use of the funds**
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school

SCHOOL-CONNECTED ORGANIZATIONS (continued)

9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future

Note: Education Code 38134 requires school-connected organizations to insure against any liability resulting from the organization's negligence during an organization-sponsored event on school facilities. See BP/AR 1330 - Use of School Facilities.

10. An agreement to provide evidence of liability **and/or directors and officers insurance as when and in the manner** required by law

(cf. 1330 - Use of School Facilities)

Note: The following **optional** paragraph requires an organization to request renewal of the authorization from the Superintendent or designee on an annual basis. Districts that allow for an automatic renewal or that require approval from the Governing Board should modify the following paragraph accordingly.

Requests for subsequent authorization shall be **presented annually submitted** to the Superintendent or designee **annually**, along with a financial statement showing all income and expenditures from fundraisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/**her** recommendation to the **Governing Board** for approval.

When deemed necessary by the Board or the Superintendent or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time.

Note: ~~The following paragraph should be modified to reflect district practice.~~ Items #1-5 below reflect recommendations in FCMAT's **2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference** and may be revised to reflect district practice.

~~Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.~~

Each school-connected organization shall abide by the following rules:

- 1. The organization shall not act as an agent of the district or school.**
- 2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.**
- 3. The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.**

SCHOOL-CONNECTED ORGANIZATIONS (continued)

- 4. Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds.**
- 5. ~~The school-connected organizations are prohibited from hiring~~ shall not hire or directly paying any district employees. ~~Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board.~~ If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.**

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

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Center USD

Administrative Regulation

School-Connected Organizations

AR 1230

Community Relations

Persons proposing to establish a school-connected organization shall submit a request to the Governing Board for authorization to operate at the school. The request for authorization shall contain:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records at any time, either by district personnel or a certified public accountant
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. An agreement to provide evidence of liability insurance as required by law

(cf. 1330 - Use of School Facilities)

Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.

School-connected organizations are prohibited from hiring or directly paying district employees. Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Regulation
approved: October 17, 2007

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Policy

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Pursuant to 5 CCR 4610, districts are required to adopt a uniform system of procedures that meets specified requirements for investigating and resolving complaints alleging (1) noncompliance with state and federal laws and regulations governing educational programs; (2) noncompliance with state law prohibiting the charging of student fees; or (3) unlawful discrimination (such as discriminatory harassment, intimidation, and bullying). Although some bullying incidents may not fall within the provisions of 5 CCR 4610, BP 5131.2 - Bullying strongly recommends that districts use the UCP to investigate all bullying incidents, regardless of whether there is an allegation of discriminatory bullying, to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of his/her actual or perceived membership in a legally protected class. After investigation, bullying incidents found to involve unlawful discrimination would then be resolved using the UCP. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with the accompanying administrative regulation.

Education Code 52075 mandates districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan. For plan requirements, see BP/AR 0460 - Local Control and Accountability Plan. In addition, legislation enacted in 2015 authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified in items #3 and #6-9 below. Finally, a district should adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging retaliation in response to a complaint.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1, and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title II of the Americans with Disabilities Act (20 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such procedures to be "prompt and equitable." The factors OCR examines to evaluate each district's procedures are specified in the accompanying administrative regulation, including whether and how the procedures (1) provide notice of the procedures to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

UNIFORM COMPLAINT PROCEDURES (continued)

CSBA staff received feedback and comments from ~~met with~~ representatives of CDE and OCR ~~to discuss~~ regarding this policy and the accompanying administrative regulation. As a result, the sample policy and regulation have been drafted to go beyond the requirements of California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on the samples, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages ~~the early, informal~~ resolution of complaints whenever possible ~~and appropriate~~. To resolve complaints which ~~cannot be resolved through such informal~~ may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, ~~consolidated categorical aid programs,~~ after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, ~~and~~ special education programs, **consolidated categorical aid programs, and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)**

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any **student, employee, or other person participating** in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit

UNIFORM COMPLAINT PROCEDURES (continued)

from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, **pregnancy**, or 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. ~~4030 - Nondiscrimination in Employment~~)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Note: Pursuant to Education Code 222, as added by AB 302 (Ch. 690, Statutes of 2015), a district is required to provide specified accommodations to lactating students on campus, and a complaint may be filed using the UCP when any such student is denied such accommodations.

3. Any complaint alleging district 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)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

Note: Item #5 below is **mandated** pursuant to Education Code 52075.

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

Note: Item #6 below permits the use of the UCP for resolving complaints of district noncompliance with law related to specified educational rights of a foster youth pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). For details of the educational rights of foster youth, see BP/AR 6173.1 - Education for Foster Youth.

UNIFORM COMPLAINT PROCEDURES (continued)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

Note: Item #7 below permits the use of the UCP for resolving complaints of district noncompliance with law related to specified educational rights of a homeless student pursuant to Education Code 51225.1-51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). For details of the educational rights of homeless students, see BP/AR 6173 - Education for Homeless Children.

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

Note: Item #8 below is for districts that serve grades 9-12 students. Pursuant to Education Code 51228.1 and 51228.2, as added by AB 1012 (Ch. 703, Statutes of 2015) and as specified below, a UCP complaint may be filed against a district that assigns a student to a course with no educational content for more than one week in any semester or to a course which the student has previously completed, unless the district meets specified conditions. For more information, see BP 6152 - Class Assignment.

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student 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)

(cf. 6152 - Class Assignment)

Note: Item #9 below is for districts maintaining elementary schools. Pursuant to Education Code 51223, as amended by AB 1391 (Ch. 706, Statutes of 2015), the UCP may be used to file a complaint when an elementary school has not complied with the requirement to offer 200 minutes of physical education instruction each 10 school days. For details of this requirement, see BP/AR 6142.7 - Physical Education and Activity.

UNIFORM COMPLAINT PROCEDURES (continued)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

Note: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #10 below.

10. 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

Note: Pursuant to 5 CCR 4610, a district may, at its discretion, use the UCP to investigate and resolve other complaints.

11. Any other complaint as specified in a district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

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

Note: The following paragraph is mandated pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

UNIFORM COMPLAINT PROCEDURES (continued)

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints **in accordance with applicable law and district policy.** ~~All such records shall be destroyed in accordance with applicable state law and district policy.~~

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to the UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints. For procedures related to complaints of discrimination in employment, see AR 4030 - Nondiscrimination in Employment.

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (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, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

UNIFORM COMPLAINT PROCEDURES (continued)

4. Any complaint alleging fraud shall be referred to the California Department of Education.

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

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, 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. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*
222 *Reasonable accommodations; lactating students*
8200-8498 *Child care and development programs*
8500-8538 *Adult basic education*
18100-18203 *School libraries*
32289 *School safety plan, uniform complaint procedures*
35186 *Williams uniform complaint procedures*
48853-48853.5 *Foster youth*
48985 *Notices in language other than English*
49010-49013 *Student fees*
49060-49079 *Student records*
49069.5 *Rights of parents*
49490-49590 *Child nutrition programs*
51210 *Courses of study grades 1-6*
51223 *Physical education, elementary schools*
51225.1-51225.2 *Foster youth and homeless children; course credits; graduation requirements*
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*
52300-52490 *Career technical education*
52500-52616.24 *Adult schools*
52800-52870 *School-based program coordination*
54400-54425 *Compensatory education programs*
54440-54445 *Migrant education*
54460-54529 *Compensatory education programs*
56000-56867 *Special education programs*
59000-59300 *Special schools and centers*
64000-64001 *Consolidated application process*

GOVERNMENT CODE

11135 *Nondiscrimination in programs or activities funded by state*
12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.55 *Hate crime; definition*
422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*
4600-4687 *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*
6301-6577 *Title I basic programs*
6801-6871 *Title III language instruction for limited English proficient and immigrant students*
7101-7184 *Safe and Drug-Free Schools and Communities Act*
7201-7283g *Title V promoting informed parental choice and innovative programs*

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20 (continued)

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

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

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:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

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: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

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Center USD

Board Policy

Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or 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 his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

5. 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

6. Any other complaint as specified in a district policy

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

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (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, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, 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. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)*Legal Reference:***EDUCATION CODE**

200-262.4 *Prohibition of discrimination*
 8200-8498 *Child care and development programs*
 8500-8538 *Adult basic education*
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GOVERNMENT CODE

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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*

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

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:

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U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

CSBA Sample Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4687. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP).

~~Furthermore, 34 CFR 106.8 mandates that districts that receive federal financial assistance adopt procedures for the "prompt and equitable" resolution of complaints of discrimination based on sex. However, the U.S. Department of Education's Office for Civil Rights (OCR) expects districts to adopt similar procedures for the investigation and resolution of any complaint of unlawful discrimination based on any protected status, not just sex. Factors considered by OCR when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.~~ Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt such policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state legislation enacted in 2015 authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified in items #3 and #6-9 of the accompanying Board policy.

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 mandates requires the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the "lead compliance officer."

UNIFORM COMPLAINT PROCEDURES (continued)

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding **unlawful sex discrimination (such as discriminatory harassment, intimidation, or bullying)**. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320

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

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against **or implicating a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall** ~~may~~ be filed with the Superintendent or designee **who shall determine how the complaint will be investigated.**

Note: 5 CCR 4621 mandates that the district's policy provide that employees responsible for compliance and/or for investigating and resolving complaints are knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. They must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable

UNIFORM COMPLAINT PROCEDURES (continued)

processes for investigating and resolving complaints, including those ~~involving alleged~~ **alleging** unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, ~~if possible,~~ one or more interim measures. The interim measures **may shall** remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

Note: 5 CCR 4622 mandates the district to include specified information in the required annual notice of its UCP to students, parents/guardians, employees, and others. Pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015), the district is required to include information about specified educational rights of foster youth and homeless students in its annual UCP notification.

During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below. A sample of the annual notice is available through the CDE web site. In addition, 28 CFR 35.107, 34 CFR 106.8, and 34 CFR 110.25 require the district to publish its complaint procedures covering unlawful discrimination.

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

Note: The following optional paragraph may be modified to reflect district practice. In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s) contact information to students, parents/guardians, and employees.

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Note: During the FPM process, CDE staff will check the notice to ensure that it contains a summary of the complaint procedures as specified in items #1-4 below.

UNIFORM COMPLAINT PROCEDURES (continued)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.**
 - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.**

UNIFORM COMPLAINT PROCEDURES (continued)

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

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

Note: Education Code 52075 requires that information regarding LCAP requirements be included in the district's annual notification. See BP/AR 0460 - Local Control and Accountability Plan for details of the LCAP and specific requirements for its adoption and implementation.

- g.** The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

Note: Items ~~#4f~~ and ~~g~~ **#4h** and **i** below reflect Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). Pursuant to Education Code 48853.5, as amended, the CDE is required to develop a standardized notice of the rights of foster youth in consultation with the California Foster Youth Education Task Force, and to make it available for dissemination by posting it on its Internet Web site.

- h.** A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i.** A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
- (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
 - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

UNIFORM COMPLAINT PROCEDURES (continued)

- (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

Note: Pursuant to federal law, including 34 CFR 106.8, the district is required to establish "prompt and equitable" procedures for investigating and resolving complaints alleging unlawful discrimination. The following statement reflects OCR's interpretation of such provisions as requiring fairness and equity not just for a complainant but for a respondent as well.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

- k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

Note: To ensure that the public is made aware of districts' obligation to provide copies of the UCP free of charge pursuant to 5 CCR 4622, CDE staff review the notice during the FPM process.

- l. Copies of the district's UCP are available free of charge.

District Responsibilities

Note: 5 CCR 4631 requires that UCP complaints be investigated and completely resolved within 60 calendar days of the receipt of the complaint. Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to the CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

Note: The following paragraph reflects recommendation by OCR to ensure equity in the resolution process of a complaint alleging unlawful discrimination and may be modified to reflect district practice.

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

Note: Complaints filed under the UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, he/she must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. **Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

All eComplaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

Note: Education Code 49013 mandates districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees. Pursuant to Education Code 52075, anonymous complaints are permitted with regards to the LCAP, as long as evidence, or information leading to evidence, to support the allegation of noncompliance is provided in the complaint.

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school **or with the Superintendent or designee**. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's Revised Sexual Harassment Guidance, Dear Colleague Letter: Sexual Violence, and Questions and Answers on Title IX and Sexual Violence indicate that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. This principle would also apply to harassment on other bases, such as race, gender, or disability.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other

UNIFORM COMPLAINT PROCEDURES (continued)

necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

- ~~6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)~~

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. **The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

UNIFORM COMPLAINT PROCEDURES (continued)

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

Note: In his/her investigation, the compliance officer should consider all relevant circumstances, such as how the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. **At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.**

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. **Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the**

UNIFORM COMPLAINT PROCEDURES (continued)

investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Note: In determining the truth of any allegation, the district should apply the correct standard of proof to the situation. For example, with allegations of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) or retaliation, OCR ~~requires use of~~ uses the "preponderance of the evidence" (more likely than not) standard. Any standard of proof that is more rigorous than required by law could subject a district to liability.

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Note: Pursuant to 5 CCR 4631, the district's written decision must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, **and respondent if there is one**, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

OPTION 2:

~~Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.~~

UNIFORM COMPLAINT PROCEDURES (continued)

~~The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.~~

~~If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)~~

Note: Pursuant to 5 CCR 4631, only a complainant has the right to receive a written report, and to file his/her complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination, to ensure the process is equitable for all involved. Districts that selected Option 1 should delete reference to filing of a complaint with the Board in the following paragraph.

~~In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.~~

Final Written Decision

~~The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant **and respondent**. (5 CCR 4631)~~

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), the federal agency which administers FERPA, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the offender when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay-away order), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the offender.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may

UNIFORM COMPLAINT PROCEDURES (continued)

be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. **In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.**

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

Note: 5 CCR 4631 and guidance provided by OCR specify components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to the CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. ~~The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint~~ **respondent**
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, **but this information should not be shared with the respondent.**
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's **and respondent's** right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

UNIFORM COMPLAINT PROCEDURES (continued)

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from the CDE.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate ~~corrective actions that focus on remedies that may be offered to the victim but not communicated to the respondent~~ may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus

UNIFORM COMPLAINT PROCEDURES (continued)

5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Note: In its [Dear Colleague Letter: Sexual Violence](#) from April 2011 and its [Questions and Answers on Title IX and Sexual Violence](#) from April 2014, OCR provides a detailed discussion of remedies for the broader campus community.

UNIFORM COMPLAINT PROCEDURES (continued)

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

Note: Generally, when a complaint is found to have merit, appropriate corrective action is provided to the complainant or other affected person. However, in certain instances, the law may require corrective action to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or the CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, and to noncompliance with required instructional minutes for elementary students' physical education, pursuant to Education Code 51223, as amended by AB 1391 (Ch. 706, Statutes of 2015). Districts that do not maintain elementary schools should delete reference to physical education from the following paragraph.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Note: 5 CCR 4632-4633 provide that any complainant may appeal the district's decision to the CDE, as provided below. Pursuant to Education Code 49013, the district is **mandated** to adopt procedures that include the right to appeal to the CDE, in accordance with 5 CCR 4632, when a complainant is dissatisfied with the district's decision on his/her complaint alleging noncompliance with the law that prohibits districts from requiring students to pay fees, deposits, or charges for their participation in educational activities. Such procedures are also **mandated** by Education Code 52075 with regards to complaints alleging noncompliance with requirements related to the LCAP.

Authority to appeal the district's decision is also available to a complainant who alleges noncompliance with laws regarding (1) the provision of reasonable accommodation to a lactating student, (2) the educational rights of foster youth and homeless students, (3) the assignment of a high school student to a course without educational content, and (4) the required instructional minutes for elementary students' physical education, as specified in items #3 and #6-9 of the accompanying Board policy.

UNIFORM COMPLAINT PROCEDURES (continued)

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

Note: Pursuant to 5 CCR 4632-4633, an appeal to the CDE is only available to a complainant who is dissatisfied with the district's decision. However, the OCR has recommended that the district extend the same right to a respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) who is dissatisfied with the district's decision, to ensure fairness for all parties involved.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant **or respondent** shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant **or respondent** has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures

UNIFORM COMPLAINT PROCEDURES (continued)

7. Other relevant information requested by the CDE

Note: The CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant alleges that he/she would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and regulation to implement a due process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

(7/15 3/16) 9/16

Center USD

Board Policy

Community Relations

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

1. Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320
2. Site Administration

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

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination, applicable standards for reaching decisions on

UNIFORM COMPLAINT PROCEDURES (continued)

complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

UNIFORM COMPLAINT PROCEDURES (continued)

- e. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- h. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

- 1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel

UNIFORM COMPLAINT PROCEDURES (continued)

compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information.

The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the

UNIFORM COMPLAINT PROCEDURES (continued)

investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single language, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
AR 1312.3(h)

UNIFORM COMPLAINT PROCEDURES (continued)

primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)

UNIFORM COMPLAINT PROCEDURES (continued)

- d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

UNIFORM COMPLAINT PROCEDURES (continued)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference

UNIFORM COMPLAINT PROCEDURES (continued)

3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision

UNIFORM COMPLAINT PROCEDURES (continued)

3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

CSBA Sample Board Policy

Administration

BP 2121(a)

SUPERINTENDENT'S CONTRACT

Note: The following optional policy should be modified to reflect district practice.

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 0200 - Goals for the School District)

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

Note: The following list of contract components is consistent with a template for superintendent contracts developed by CSBA. The annotated template contract with additional context and suggestions is available by contacting legal@csba.org.

The contract shall be reviewed by the district's legal counsel and may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work

Note: The contract should include the salary, health and welfare benefits, and other compensation for the position, as provided in item #3 below. Federal law (26 USC 105; 42 USC 300gg-16; 26 CFR 1.105-11) prohibits favoring "highly compensated" individuals (i.e., the highest paid 25 percent of all employees, with specified exceptions) in terms of the level of benefits provided. Although implementation of this provision with respect to group health plans has been delayed until the issuance of federal regulations or guidance, it is recommended that districts prepare to comply with the expected rules. See AR 4154/4254/4354 - Health and Welfare Benefits.

3. Salary, health and welfare benefits, and other compensation for the position

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

(cf. 3350 - Travel Expenses)

SUPERINTENDENT'S CONTRACT (continued)

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the Superintendent's use of his/her personal vehicle.

(cf. 4040 - Employee Use of Technology)

5. Vacation, illness and injury leave, and personal leaves

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

6. General duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

7. Criteria, process, and procedure for annual evaluation of the Superintendent

(cf. 2140 - Evaluation of the Superintendent)

8. A statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

<p>Note: Pursuant to Education Code 35031, the Governing Board must notify the Superintendent at least 45 days in advance if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.</p>
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10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in a timely manner of the requirement to give notice

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date

SUPERINTENDENT'S CONTRACT (continued)

12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in his/her official capacity in the performance of duties related to his/her employment

Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee, ~~except proposed compensation, may appropriately be discussed in closed session,~~ may be discussed in closed session under the "personnel exception." However the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline in closed session under this exception. In San Diego Union v. City Council, a California Court of Appeal held that the "personnel exception" provided in Government Code 54957 does not extend to discussions of salary and compensation.

Notwithstanding Government Code 54957, the Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may only meet in closed session for such purposes with a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication "The Brown Act: Open Meetings for Local Legislative Bodies" (2003), also states that the "labor exception" applies to meeting in closed session to instruct its representatives concerning negotiations with prospective employees. Boards wishing to discuss the superintendent's salary in closed session under the "labor exception" are encouraged to consult legal counsel before doing so.

In addition, pursuant to Government Code 54956, the Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas.

The following paragraph should be revised to reflect district practice.

The Board ~~shall~~ **may** ~~deliberate in closed session about the terms of the contract, except that~~ **in closed session at a regular meeting. Discussions regarding the salary, salary schedule, or other compensation shall be discussed in public at a regular meeting in.** may occur in closed session only as permitted under Government Code 54957.6 between the Board and its designated representative(s) (the "labor exception"), for the purpose of reviewing the Board's position or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. (Government Code 54956, 54957, 54957.6)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

SUPERINTENDENT'S CONTRACT (continued)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall **ratify take final action on** the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262, **54957.6**)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Termination of Contract

Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. For a superintendent contract executed prior to January 1, 2016, if the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. For a superintendent contract executed on or after January 1, 2016, Government Code 53260, as amended by AB 215 (Ch. 240, Statutes of 2015), provides that the maximum cash settlement is the monthly salary multiplied by 12. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

In such an event, any cash settlement that the Superintendent may receive upon termination of the contract shall not exceed his/her monthly salary multiplied by the number of months left on the contract or, if the unexpired term of the contract is more than 18 months and the contract was executed prior to January 1, 2016, no greater than the Superintendent's monthly salary multiplied by 18. For any contract executed on or after January 1, 2016, any cash settlement shall not exceed the Superintendent's monthly salary multiplied by 12. (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

Note: AB 215 (Ch. 240, Statutes of 2015) amended Government Code 53260 to eliminate the option to provide a settlement equivalent to up to six months' salary when the Superintendent's contract is terminated for specified causes.

However, when the termination of the Superintendent's contract is based upon the Board's

SUPERINTENDENT'S CONTRACT (continued)

belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

*Legal Reference:***EDUCATION CODE**35031 *Term of employment*41325-41329.3 *Conditions of emergency apportionment***GOVERNMENT CODE**3511.1-3511.2 *Local agency executives*53243-53243.4 *Abuse of office*53260-53264 *Employment contracts*54954 *Time and place of regular meetings*54956 *Special meetings*54957 *Closed session personnel matters*54957.1 *Closed session, public report of action taken*54957.6 *Closed sessions regarding employee matters***UNITED STATES CODE, TITLE 26**105 *Self-insured medical reimbursement plan; definition of highly compensated individual***UNITED STATES CODE, TITLE 42**300gg-16 *Group health plan; nondiscrimination in favor of highly compensated individuals***CODE OF FEDERAL REGULATIONS**1.105-11 *Self-insured medical reimbursement plan***COURT DECISIONS***San Diego Union v. City Council, (1983) 146 Cal.App.3d 947***ATTORNEY GENERAL OPINIONS**

57 Ops. Cal. Atty. Gen. 209 (1974)

*Management Resources:***CSBA PUBLICATIONS***Superintendent Contract Template, 2015***ATTORNEY GENERAL PUBLICATIONS***The Brown Act: Open Meetings for Local Legislative Bodies, 2003***WEB SITES**CSBA: <http://www.csba.org>Association of California School Administrators: <http://www.aesa.org> <http://www.acsa.org>Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>~~(11/04 11/11) 12/15-(11/11 12/15) 6/16~~

Center USD

Board Policy

Superintendent's Contract

BP 2121
Administration

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 2120 - Superintendent Recruitment and Selection)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)

The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. The salary, benefits, and other compensation for the position

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. The criteria, process, and procedure for evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

Decision not to Reemploy

If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

The Board may terminate the Superintendent's contract of employment in accordance with law and applicable contract provisions. If the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be no greater than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54954 *Time and place of regular meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3230(a)

FEDERAL GRANT FUNDS

Note: All grants awarded by the federal government, including formula grants (e.g., Title I funding, Part B of the Individuals with Disabilities Education Act) and discretionary grants, are subject to the requirements contained in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII.

The Uniform Guidance, adopted in December 2014, includes new provisions but primarily consolidates guidance from earlier OMB circulars.

Pursuant to 2 CFR 200.110, as amended by 80 Fed. Reg. 54407, the Uniform Guidance applies to all new and continuing grant awards made on or after December 26, 2014, except that districts may choose to delay implementation of the new procurement standards until July 1, 2017 or such later date as may be approved in the Uniform Guidance. See the accompanying administrative regulation for optional language accepting the delayed implementation.

Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is **mandated** to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs. In addition to the following policy, it is recommended that districts maintain a detailed administrative regulation or procedures manual addressing the mandated components.

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 7 CFR 200.0-200.521 and any stricter state laws and district policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the district's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in district accounts of each federal award received and expended and the federal program under which it was received

(cf. 3100 - Budget)

2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328

(cf. 3460 - Financial Reports and Accountability)

FEDERAL GRANT FUNDS (continued)

3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

(cf. 3400 - Management of District Assets/Accounts)

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the district can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Pursuant to 2 CFR 200.328, districts must submit performance reports at the interval required by the awarding agency, which shall be at least annually but no more often than quarterly except in unusual

FEDERAL GRANT FUNDS (continued)

circumstances. The district may request an extension of the due date for any performance report for justifiable reasons.

In addition, the California Department of Education (CDE) is required under Education Code 64001 to monitor districts' compliance with legal requirements for federal categorical programs. This monitoring is accomplished through the Federal Program Monitoring process, which is based on a combination of data and document reviews and on-site visits. For further information, see the CDE's web site and BP 6190 - Evaluation of the Instructional Program.

The district shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

FEDERAL GRANT FUNDS (continued)

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education Audit Guide

California School Accounting Manual

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Office of Management and Budget, Uniform Guidance: https://www.whitehouse.gov/omb/grants_docs

State Controller's Office: <http://www.sco.ca.gov>

System for Award Management (SAM): www.sam.gov/portal/SAM/##11

U.S. Department of Education: <http://www.ed.gov>

U.S. Government Accountability Office: <http://www.gao.gov>

Center USD

Board Policy

Federal Funds

BP 3230

Business and Noninstructional Operations

Each year the school district is eligible for federal assistance under the provisions of Public Laws, application for said assistance may be submitted, so long as acceptance of the funds does not include conditions contrary to Governing Board policy.

The Board will execute assurances of compliance, and any other legally required documents set forth as conditions for the receipt of federal funds.

Legal Reference:

EDUCATION CODE

12033 Powers of state treasurer

12400 Authority to receive and expend funds

12401 No prior approval needed from State Board of Education

ADD

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3230(a)

FEDERAL GRANT FUNDS

Note: The following administrative regulation reflects the major requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII, which governs the use of federal formula and discretionary grant funds awarded to districts.

Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is **mandated** to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs. It is recommended that the district expand the following regulation and/or maintain a comprehensive procedures manual which contains internal controls and grant management standards used by the district to ensure the lawful expenditure of federal funds, including, but not limited to, procedures and protocols for cash management, procurement, inventory management, allowability of expenditures, "time and effort" reporting by personnel, and record retention.

Allowable Costs

Note: 2 CFR 200.302 **mandates** that districts develop written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. Districts may revise this section or their detailed procedures manual to reflect those requirements.

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure of federal funds in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

(cf. 3350 - Travel Expenses)

Note: Pursuant to Education Code 42126 which requires the Superintendent of Public Instruction to prescribe a uniform format for district budgets, districts are required to use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board. The California Department of Education's California School Accounting Manual provides guidance regarding coding of revenues and expenditures. In March 2016, the State Board of Education approved recommended changes to the California School Accounting Manual that reflect the Uniform Guidance.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

FEDERAL GRANT FUNDS (continued)**Period of Performance**

Note: Pursuant to 2 CFR 200.343, any federal funds that are not obligated or paid within the appropriate timeframes must be returned to the awarding agency. Thus, districts should closely monitor spending throughout the grant cycle.

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

Note: 2 CFR 200.110, as amended by 80 Fed. Reg. 54407, authorizes districts to delay implementation of the procurement standards in the Uniform Guidance (2 CFR 200.317-200.326) until July 1, 2017 or such later date as may be approved in the Uniform Guidance. Districts that choose to delay implementation are **mandated** to document this decision in their procurement policies, as provided in the following paragraph. Other districts should delete the date in the following paragraph.

On or before July 1, 2017, or such later date as may be approved in the Uniform Guidance, the Superintendent or designee shall comply with the standards specified in 2 CFR 200.317-200.326 and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any more restrictive state laws and district policies concerning the procurement of goods and services.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

Note: 2 CFR 200.318 **mandates** that districts have written procedures that address all applicable laws regarding the use of federal grant funds in procurement transactions. The U.S. Department of Education's (USDOE) Questions and Answers Regarding 2 CFR Part 200 clarifies that such procedures must address issues related to the bid process (e.g., source evaluation, protests, and claims) since 2 CFR 200.318 provides that the district is solely responsible for settlement of all contractual and administrative issues arising out the procurement process.

The following list reflects major requirements contained in the Uniform Guidance. Districts may revise the following list or the district's comprehensive procedures manual to include additional detail, such as a description of the documents that will be used (e.g., purchase order, requisition), staff responsibilities, and the process for soliciting and receiving bids.

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

FEDERAL GRANT FUNDS (continued)

Note: 2 CFR 200.67 permits districts to establish simplified procurement procedures for "micro-purchases," defined, as described in item #1 below. Pursuant to 48 CFR 2.101, the threshold for such purchases is \$3,500 except as otherwise specified, and will be periodically adjusted for inflation. Use of the simplified procedures requires that the district determine the price to be "reasonable." According to the USDOE's Questions and Answers Regarding 2 CFR Part 200, a documented review of web sites would meet this requirement.

The "small purchases" limit under the Uniform Guidance (item #2 below) is \$150,000. However, the more restrictive California bid limits and district procurement policies must be applied to define the "small purchase" requirements.

Any purchases above the California bid limits (see BP/AR 3311 - Bids) must follow California law.

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. *Time and materials type contract* means a contract whose

FEDERAL GRANT FUNDS (continued)

cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

Note: 2 CFR 200.213 restricts districts from procuring goods or services from entities that have been suspended or otherwise excluded from participation in federal assistance programs or activities. Districts may require certification of eligibility from the vendor or use the federal System for Award Management web site to determine whether a particular entity has been excluded.

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

Note: 2 CFR 200.319 **mandates** that districts have written procedures for procurement transactions that include the following components.

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

Capital Expenditures

Note: 2 CFR 200.313 and 200.439 require a district receiving federal grant funds to obtain prior written approval from the awarding agency before incurring the cost of a capital expenditure, as defined in 2 CFR 200.12 and 200.13. See AR 3512 - Equipment for further information about requirements related to equipment purchased with federal funds, including labeling, maintenance, inventory, and continued use of the equipment after the program continues to be supported by federal funds.

FEDERAL GRANT FUNDS (continued)

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

Conflict of Interest

Note: 2 CFR 200.318 **mandates** that districts maintain written standards of conduct covering conflicts of interest and the performance of employees engaged in the selection, award, and administration of contracts.

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

(cf. 9270 - Conflict of Interest)

Cash Management

Note: Pursuant to 2 CFR 200.302, districts are **mandated** to develop written procedures to implement the requirements of 2 CFR 200.305.

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

Note: Pursuant to 2 CFR 200.305, a district may be paid in advance by the awarding agency if it maintains written procedures that minimize the time elapsing between the transfer of funds and disbursement by the district as well as financial management systems that meet the standards for fund control and accountability as established in the Uniform Guidance.

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate

FEDERAL GRANT FUNDS (continued)

cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

Note: In order to charge staff compensation as an allowable expense of federal grant funds pursuant to 2 CFR 200.430, employees must document the amount of time they spend on grant activities supported by federal funds. These documents, known as "time and effort" records, are used to charge the costs of personnel compensation to federal grants. It is recommended that the district's administrative regulation reflect district practice for documenting time and effort, such as the type of documentation maintained, signature requirements, how often certifications will be completed, and review of the records by a supervisor.

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Audits

Note: Pursuant to 2 CFR 200.501, districts that expend \$750,000 or more in federal grant funds during a fiscal year must have a single audit conducted in accordance with 2 CFR 200.514, unless it chooses to have a

FEDERAL GRANT FUNDS (continued)

program-specific audit conducted in accordance with 2 CFR 200.507. The USDOE's Questions and Answers Regarding 2 CFR Part 200 confirms that compliance with the audit requirements in the Uniform Guidance (2 CFR 200.500-200.521) must begin with the audit of the district's first fiscal year starting on or after December 26, 2014. Thus, for districts whose fiscal year begins on July 1, the first audit subject to the Uniform Guidance would be for the fiscal year ending June 30, 2016. Pursuant to 2 CFR 200.512, the audit must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. For fiscal year ending June 30, 2016, the latest deadline is March 31, 2017.

Districts that expend more than \$50 million in federal funds are subject to the requirements specified in 2 CFR 200.513.

District audits are also subject to the requirements in Education Code 41020, the state Education Audit Appeal Panel's Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, and the California Department of Education Audit Guide. See BP/AR 3460 - Financial Reports and Accountability for further information about audit requirements.

Pursuant to 2 CFR 200.501, districts that expend less than \$750,000 in federal grant funds per fiscal year are exempt from federal audit requirements but must make records available for review or audit by the awarding agency, the pass-through entity, and U.S. Government Accountability Office. Such districts may delete the following section.

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3270(a)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Note: The following policy and administrative regulation address the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For policy on the sale or lease of surplus real property, see BP 3280 - Sale or Lease of District-Owned Real Property.

The Governing Board recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

(cf. 0440 - District Technology Plan)

(cf. 3512 - Equipment)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of in the local public dump. (Education Code 17546)

Note: Education Code 60510-60530 establish conditions for the sale or disposal of obsolete instructional materials depending on whether such materials are usable or unusable for educational purposes; see the section "Instructional Materials" in the accompanying administrative regulation. The following optional paragraph prescribes criteria for determining when instructional materials are obsolete or unusable, and may be revised to reflect district practice. ~~The mandate to adopt rules and procedures setting standards for identifying obsolete materials was repealed by SB 971 (Ch. 923, Statutes of 2014).~~

Instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. ~~6161.1 - Selection and Evaluation of Instructional Materials~~)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. ~~6161.1 - Selection and Evaluation of Instructional Materials~~)

Note: Pursuant to ~~34 CFR 80.32-80.33~~ **2 CFR 200.313**, equipment or supplies acquired under a federal grant or subgrant may be retained, sold, or otherwise disposed of, with no further obligation to the awarding federal agency, when they are no longer needed for the original project or program or for other federally supported activities. However, when the current per-unit fair market value of the equipment or the residual inventory of the unused supplies is \$5,000 or more, the federal agency that provided the grant or subgrant shall be entitled to a share of the current market value of the equipment, if retained, or the proceeds from its sale, and to compensation for its share of the unused supplies. See the accompanying administrative regulation.

The Superintendent or designee shall establish procedures to be used whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (~~34 CFR 80.32-2 CFR 200.313~~)

(cf. 3230 - Federal Grant Funds)

(cf. 3440 - Inventories)

Legal Reference: (see next page)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

Legal Reference:

EDUCATION CODE

17540-17542 *Sale or lease of personal property by one district to another*

17545-17555 *Sale of personal property*

35168 *Inventory, including record of time and mode of disposal*

60510-60530 *Sale, donation, or disposal of instructional materials*

GOVERNMENT CODE

25505 *District property; disposition; proceeds*

CODE OF REGULATIONS, TITLE 5

3944 *Consolidated categorical programs, district title to equipment*

3946 *Disposal of equipment purchased with state and federal consolidated application funds*

UNITED STATES CODE, TITLE 40

549 *Surplus property*

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 *Federal uniform grant guidance*

CODE OF FEDERAL REGULATIONS, TITLE 34

~~80.32-80.33 *Equipment and supplies acquired under a grant or subgrant*~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>

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Center USD

Board Policy

Sale And Disposal Of Books, Equipment And Supplies

BP 3270

Business and Noninstructional Operations

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Governing Board, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

(cf. 0440 - District Technology Plan)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Are not aligned with the district's academic standards or course of study

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

3. Contain information rendered inaccurate or incomplete by new research or technologies

4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy

(cf. 0410 - Nondiscrimination in District Programs and Activities)

5. Are damaged beyond use or repair

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Superintendent or designee shall establish procedures to be used when selling

equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

42291.5 Temporary school bus designation

42303 School bus sale to another district

60500-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>

Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: February 17, 2010 Antelope, California

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3270(a)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Note: The following administrative regulation addresses the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For procedures regarding the disposal of real property, see BP/AR 3280 - Sale or Lease of District-Owned Real Property.

~~Education Code 42303, which established conditions for the sale of school buses by districts receiving a state apportionment to replace the buses, was repealed by SB 78 (Ch. 19, Statutes of 2015).~~

Instructional Materials

Note: Education Code 60510-60530 address the sale or disposal of surplus or undistributed obsolete instructional materials that are either usable or unusable for educational purposes. See the accompanying Board policy for language regarding the determination of instructional materials as obsolete or unusable.

~~The legal requirement to use the proceeds of the sale of surplus or obsolete instructional materials to purchase new instructional materials, supplemental instructional materials, or technology-based materials was repealed by SB 971 (Ch. 923, Statutes of 2014).~~

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district. Alternatively, such materials may be donated to: (Education Code 60510)

1. Another district, county free library, or other state institution
2. A United States public agency or institution
3. A nonprofit charitable organization
4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

(cf. 0440 - District Technology Plan)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Governing Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

Note: Education Code 60510.5 encourages, but does not require, districts to take actions described in the following optional paragraph.

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

At least 60 days before selling or donating surplus or undistributed obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by other means that will most effectively reach the entities described above. Representatives of those entities and members of the public also shall be notified of the opportunity to address the Board regarding the distribution of these materials.

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

(cf. 3510 - Green School Operations)

(cf. 3511.1 - Integrated Waste Management)

Equipment/Supplies Acquired with Federal Funds

Note: ~~34 CFR 80.32-80.33-2~~ **CFR 200.313-200.314** address the sale or disposal of equipment and supplies that were acquired under a federal grant or subgrant. See BP 3512 - Equipment for additional requirements pertaining to the management of such equipment and supplies.

When the district has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (~~34 CFR 80.32 2~~ **CFR 200.313**)

(cf. 3230 - Federal Grant Funds)

When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally supported activities, the district may retain or sell such items or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the Board. Whenever the district sells equipment or supplies that have a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (~~34 CFR 80.32-80.33 2~~ **CFR 200.313, 200.314**)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

In the event that the district is provided equipment that is federally owned, the district shall request disposition instructions from the federal agency when it no longer needs the equipment. (~~34 CFR 80.32~~ **2 CFR 200.313**)

Other Personal Property

The district may sell other surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. (Education Code 17545)
3. The district may sell the property without advertising for bids under any of the following conditions:

Note: Pursuant to Education Code 17546, advertising without bids is authorized when the Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value; see the accompanying Board policy.

- a. The Board members in attendance at a meeting have unanimously determined that the property does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

Note: Education Code 17540 authorizes the sale of property to government agencies eligible under the federal surplus property law, renumbered as 40 USC 549.

- b. The district sells the property to agencies of the federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

plus the estimated cost of purchasing, storing, and handling. (Education Code 17540; 40 USC 549)

- c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

Money received from the sale of surplus personal property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

(cf. 3100 - Budget)

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Center USD

Administrative Regulation

Sale And Disposal Of Books, Equipment And Supplies

AR 3270

Business and Noninstructional Operations

Personal Property

The district may sell surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #1 above. (Education Code 17545)

3. The district may sell the property without advertising for bids under any of the following conditions:

a. The Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

b. The district sells the property to agencies of federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)

c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. (Education Code 60510, 60510.1, 60521)

(cf. 0440 - District Technology Plan)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60510, 60511)

At least 60 days before selling or donating surplus or obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means he/she believes will most effectively reach the entities described above. The Board shall also permit representatives of these entities and members of the public to address the Board regarding the distribution of these materials.

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

(cf. 3510 - Green School Operations)
(cf. 3511.1 - Integrated Waste Management)

Replacement of School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Board may sell the bus that is being replaced to another California school district if the following conditions are met: (Education Code 42303)

1. The other district is replacing a bus that is in service and has not been designated a temporary school bus pursuant to Education Code 42291.5.
2. The bus being replaced by the other district is older than the bus that is being sold by this district.
3. The bus being replaced by the other district is not sold to a third school district.
4. The other district, by Board resolution, holds the state and this district harmless for any liability that may result from the bus that this district is selling.
5. The proceeds from the sale of the bus shall be used by this district for home-to-school transportation purposes.

(cf. 3540 - Transportation)

6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and Title 13 of the California Code of Regulations.

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3311(a)

BIDS

Note: ~~The following optional policy and accompanying mandated administrative regulation are for districts that have not adopted the Uniform Public Construction Cost Accounting Act (Public Contract Code 22030-22045). California law requires competitive bidding for most public contracts.~~ Pursuant to Public Contract Code 20111 and 22002, public contracts for the lease or purchase of equipment, materials, supplies, or services or for "public projects," as defined, are required to be competitively bid when they involve expenditure of specified amounts. **An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22030-22045), as described below.**

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. ~~In~~ **When leasing, or purchasing, or contracting for** equipment, materials, supplies, or services for the district, **including and** 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 ~~leases and purchases~~ **contracts** shall be made using competitive bidding.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements ~~of Public Contract Code 20111-20118.4~~ **regarding contracting after competitive bidding.** (Public Contract Code 20116, 22033)

Note: Requirements for competitive bidding, including notice and advertising, are specified in Public Contract Code ~~20111~~ **20110-20118.4**. See the accompanying administrative regulation.

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

Note: Pursuant to Public Contract Code 20111.5, the district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required; see the accompanying administrative regulation. However, pursuant to Public Contract Code 20111.6, a district with average daily attendance of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds are used. In addition, the Governing Board is required to adopt a uniform system of rating bidders based on completed questionnaires and financial statements which must address, at a minimum, the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations for such purpose.

BIDS (continued)

~~The Superintendent or designee shall develop the procedures to be used for rating bidders~~ For award of contracts which, by law or Board policy, require prequalification, ~~the~~ ~~The~~ procedures shall identify a uniform system for rating bidders and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(cf. 9270 - Conflict of Interest)

Note: Districts should be careful in crafting bid specifications, as a misleading specification that results in a lower bid than might have been made may make the district liable for the extra work done or expenses incurred by the contractor. In Los Angeles Unified School District v. Great American Insurance Co., the California Supreme Court held in favor of a contractor who was misled by the district's nondisclosure of material information that would have affected the contractor's bid!

When calling for bids, the Superintendent or designee shall ensure that the bid specification clearly describes in appropriate detail the quality, delivery, and service required, and includes all information 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.

Note: Pursuant to Public Contract Code 20111, a contract required to be put out to bid must be awarded to the lowest responsible bidder. A "responsible bidder" is one who possesses the quality, fitness, and capacity to satisfactorily perform the proposed work. (City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court)

However, a bid may be awarded to other than the "lowest responsible bidder" when conditions specified in law exist. For example, a district is permitted to give preference to minorities, women, veterans, and small businesses in accordance with Public Contract Code 2000-2002. **In addition, Education Code 17250.10-17250.55, as added by AB 1358 (Ch. 752, Statutes of 2015), authorize the district to award a design-build contract for a public works project in excess of \$1 million on the basis of either low bid or "best value," as defined. Also See "Award of Contract" section in the accompanying administrative regulation.**

Except as authorized by law and specified in the administrative regulation, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

Note: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Board determines it is in the best interest of the district. See the accompanying administrative regulation for a list of those items that may be leased or purchased using this procedure.

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 equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

BIDS (continued)

Note: The following optional paragraph is for use by districts that have elected to use the alternative contracting procedure for public works pursuant to the UPCCAA (Public Contract Code 22030-22045) and should be deleted by districts that have not elected to use such alternative procedure. Pursuant to Public Contract Code 22030, the district may participate in the UPCCAA only if the Board adopts a resolution requiring the use of the UPCCAA in district contracting and notifies the State Controller of that action. In the event of a conflict with any other provision of law relative to bidding procedures, the UPCCAA shall apply to any district that has adopted a resolution and so notified the Controller. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, withdrawal from the UPCCAA requires the Board to file a resolution of the election to withdraw with the State Controller;

In electing to be subject to the UPCCAA, a district thereby agrees to follow the cost accounting procedures set forth in the Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission. According to the "Frequently Asked Questions" on the Commission's web site, school districts may use the statewide Standardized Account Code Structure to comply with tracking requirements.

Pursuant to Public Contract Code 22032, projects of \$45,000 or less may be performed by the district's own work force; projects of \$175,000 or less may use a more informal bidding procedure as specified; and projects over \$175,000 require formal bidding procedures. See the accompanying administrative regulation for related requirements.

In circumstances where the informal bidding procedure is authorized, Public Contract Code 22034 allows the Board to delegate the authority to award contracts to an appropriate district administrator. Public Contract Code 22039 allows the Board to delegate the adoption of plans, specifications, and working details for projects subject to formal bidding procedures. The following paragraph may be revised to reflect district practice.

For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

Legal Reference: (see next page)

BIDS (continued)*Legal Reference:*EDUCATION CODE*17070.10-17079.30 Leroy F. Greene School Facilities Act*17250.10-17250.55 Design-build contracts*17406 Lease-leaseback contract**17595 Purchase of supplies through Department of General Services**17602 Purchase of surplus property from federal agencies**38083 Purchase of perishable foodstuffs and seasonable commodities**38110-38120 Apparatus and supplies**39802 Transportation services*CODE OF CIVIL PROCEDURE*446 Verification of pleadings*GOVERNMENT CODE*4217.10-4217.18 Energy conservation contracts**4330-4334 Preference for California-made materials**6252 Definition of public record**53060 Special services and advice**54201-54205 Purchase of supplies and equipment by local agencies*PUBLIC CONTRACT CODE*1102 Emergencies**2000-2002 Responsive bidders**3000-3010 Roofing projects**3400 Bids, specifications by brand or trade name not permitted**3410 United States produce and processed foods**6610 Bid visits**12200 Definitions, recycled goods, materials and supplies**20101-20103.7 Public construction projects, requirements for bidding**20103.8 Award of contracts**20107 Bidder's security**~~20111~~ 20110-20118.4 Contracting by school districts**20189 Bidder's security, earthquake relief**22002 Definition of public project**22030-22045 Alternative procedures for public projects (UPCCAA)**22050 Alternative emergency procedures**22152 Recycled product procurement*COURT DECISIONS*McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)**Davis v. Fresno Unified School District, ~~F068477~~, (2015) 237 Cal.App.4th 261**Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739**Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425**Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241**Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449**City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861*ATTORNEY GENERAL OPINIONS*89 Ops. Cal. Atty. Gen. 1 (2006)**Management Resources: (see next page)*

BIDS (continued)

Management Resources:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS

Cost Accounting Policies and Procedures Manual

Frequently Asked Questions

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

California Association of School Business Officials: <http://www.casbo.org>

California Uniform Construction Cost Accounting Commission:

http://www.sco.ca.gov/ard_cuccac.html

Center USD

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. In leasing or purchasing equipment, materials, supplies, or services for the district and 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 leases and purchases shall be made using competitive bidding.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

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

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4. (Public Contract Code 20116)

When calling for bids, the Superintendent or designee shall ensure that the bid specification clearly describes in appropriate detail the quality, delivery, and service required and includes all information 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.

The Superintendent or designee shall develop the procedures to be used for rating bidders for award of contracts which, by law or Board policy, require prequalification. The procedures shall identify a uniform system for rating bidders and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(cf. 9270 - Conflict of Interest)

Except as authorized by law and specified in the administrative regulation, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

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 equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

Legal Reference:

EDUCATION CODE

- 17070.10-17079.30 Leroy F. Greene School Facilities Act*
- 17406 Lease-leaseback contract*
- 17595 Purchase of supplies through Department of General Services*
- 17602 Purchase of surplus property from federal agencies*
- 38083 Purchase of perishable foodstuffs and seasonable commodities*
- 38110-38120 Apparatus and supplies*
- 39802 Transportation services*

GOVERNMENT CODE

- 4217.10-4217.18 Energy conservation contracts*
- 4330-4334 Preference for California-made materials*
- 6252 Definition of public record*
- 53060 Special services and advice*
- 54201-54205 Purchase of supplies and equipment by local agencies*

PUBLIC CONTRACT CODE

- 1102 Emergencies*
- 2000-2002 Responsive bidders*
- 3000-3010 Roofing projects*
- 3400 Bids, specifications by brand or trade name not permitted*
- 3410 United States produce and processed foods*
- 6610 Bid visits*
- 12200 Definitions, recycled goods, materials and supplies*
- 20101-20103.7 Public construction projects, requirements for bidding*
- 20103.8 Award of contracts*
- 20107 Bidder's security*
- 20111-20118.4 Contracting by school districts*
- 20189 Bidder's security, earthquake relief*
- 22002 Definition of public project*
- 22030-22045 Alternative procedures for public projects (UPCCAA)*
- 22050 Alternative emergency procedures*
- 22152 Recycled product procurement*

COURT DECISIONS

- Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739*
- Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425*
- Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241*
- Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449*
- City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861*

ATTORNEY GENERAL OPINIONS

- 89 Ops. Cal. Atty. Gen. 1 (2006)*

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>*
- California Association of School Business Officials: <http://www.casbo.org>*

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311(a)

BIDS

Note: Pursuant to Government Code 54202, districts are mandated to ~~adopt~~ establish bidding procedures governing the purchase of equipment and supplies, **as specified in the following administrative regulation.**

~~The following administrative regulation is for use by districts that have not adopted the provisions of the Uniform Public Construction Cost Accounting Act (UPCCAA). Procedures and bid limits under the UPCCAA are specified in Public Contract Code 22030-22045.~~

Advertised/Competitive Bids

The district shall advertise for competitive bids when any public project contract involves an expenditure of \$15,000 or more. *Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

Note: For items #1-3 below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following optional paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For ~~2015~~ 2016, the bid limit is ~~\$86,000~~ **\$87,800**.

The district shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

BIDS (continued)**Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Note: For a bid to be successful, it must conform to specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., he/she must be "responsible"). A district must be careful in making a determination on the "non-responsiveness" of a bid based on investigation or information outside of the submitted bid. In addition, when relying on outside investigation or information to disqualify a bidder, the district must follow the hearing procedures applicable for a finding of "non-responsibility." (Great West Contractors Inc. v. Irvine Unified School District) To avoid any confusion, the district should provide clear and comprehensive specifications to bidders.

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district

BIDS (continued)

- d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

Note: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with legal counsel, as appropriate, as to the applicability of this law to school districts and other unclear provisions of this law.

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

BIDS (continued)

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.
8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
9. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

Note: The following section is **optional**. Pursuant to Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1 million or more awarded on or after January 1, 2015, when the project uses or is reimbursed from School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds.

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

BIDS (continued)

Note: Pursuant to Public Contract Code 20111.6, ~~as amended by AB 1581 (Ch. 408, Statutes of 2014)~~, districts' authority to set timelines for bid submittal and opening as specified in the following paragraph apply to contracts awarded on or after January 1, 2015 and will be in effect only until January 1, 2019. In addition, Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), clarifies that the requirement for prequalification applies to projects that will be reimbursed from future state school bonds, not just those that use funds "received" from state construction bonds.

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in the Business and Professions Code 4113, 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

Note: **The following optional section may be revised to reflect district practice.** Pursuant to Public Contract Code 20111, the district is required to award a contract to the lowest responsible bidder except in the circumstances specified in items #1-3 below. ~~the following optional section.~~ In addition, Education Code 17250.15 and 17250.25, as added by AB 1358 (Ch. 752, Statutes of 2015), authorize the district to award a design-build contract for a public works project in excess of \$1 million to either the low bid or best value, as provided in item #4 below.

BIDS (continued)

The district shall award each contract to the lowest responsible bidder except 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 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 students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

Note: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, etc., in state employment and contracting. The district should consult legal counsel if there is any question about the granting of preferences to any such business.

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 design-build contract for a public works project in excess of \$1,000,000 in accordance with the section "Design-Build Contracts" below, 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)**

(cf. 9270 - Conflict of Interest)

Protests by Bidders

Note: The law does not specify a procedure for handling protests by bidders. The following optional section provides one such procedure and should be modified to reflect district practice.

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the

BIDS (continued)

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 protest documents in a timely manner shall constitute a waiver of his/her 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.

Note: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.

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.

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.

BIDS (continued)

4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Design-Build Contracts

Note: As an alternative to the more traditional design-bid-build process (Public Contract Code 20110-20118.4) or a lease-leaseback process (Education Code 17406), the district may enter into a design-build contract for a public works project in excess of \$1 million pursuant to Education Code 17250.10-17250.55, as added by AB 1358 (Ch. 752, Statutes of 2015). As defined by Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Education Code 17250.15 and 17250.25 provide that such contracts may be awarded to either the low bid or best value, as defined. Pursuant to Education Code 17250.50 and 17250.55, this authority applies to bid requests issued on or after July 1, 2016 and will be repealed January 1, 2025 unless legislation is enacted to delete or extend that date.

When it is in the best interest of the district, the Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

The procurement process for design-build projects shall be as follows: (Education Code 17250.25)

1. **The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to, the size, type, and desired design character of the project; performance**

BIDS (continued)

specifications covering the quality of materials, equipment, workmanship, preliminary plans, or building layouts; or any other information deemed necessary to describe adequately the district's needs. The documents may include operations during a training or transition period, but shall not include long-term operations for a project. The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. The district shall prepare and issue a request for qualifications in order to prequalify or develop a short list of the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
 - b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction experience, acceptable safety record, and all other non-price-related factors
 - c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

The district also may identify specific types of subcontractors that must be included in the statement of qualification and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25)

BIDS (continued)

- 3. The district shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The request for proposals shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.**
- 4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.**
- 5. For those projects utilizing best value as a selection method, the following procedures shall be used:**

 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.**
 - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.**
 - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.**
 - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.**

BIDS (continued)**Sole Sourcing**

Note: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is **optional**.

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

Note: The following **optional** paragraph is for use by districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source

BIDS (continued)

4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Note: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined (89 Ops.Cal.Atty.Gen. 1 2006) that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. However, this opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Districts considering using the piggyback process for relocatables, portables, modulares, and the like should consult district legal counsel. While Attorney General opinions are not binding, they are often given deference by the court and may also be considered by the State Allocation Board when making funding decisions.

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase 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 ("piggyback"). 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)

(cf. 3300 - Expenditures and Purchases)

(cf. 3512 - Equipment)

Note: The following optional paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "costs-benefits" analysis specified in Government Code 4217.12.

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. 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 cost comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3511 - Energy and Water Management)

(cf. 9320 - Meetings and Notices)

BIDS (continued)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Note: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In Marshall v. Pasadena Unified School District, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

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)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

Lease-Leaseback Contract

Note: The following optional section addresses construction financing contracts that are commonly described as the "lease-leaseback" contracts. This construction financing method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met. Pursuant to Education Code 17407.5, as added by AB 566 (Ch. 214, Statutes of 2015), the contractor must provide an enforceable commitment to the district that it will use a certain percentage of skilled and trained workers to complete project-related work that is within an "apprenticeable occupation" as defined in Labor Code 3075.

BIDS (continued)

~~In addition,~~ Upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Note: Different California appellate courts have identified conflicting requirements for a valid lease-leaseback contract. In Davis v. Fresno Unified School District, an appellate court ruled that, to be valid, a lease-leaseback agreement must contain a lease term and a financing component. ~~as specified in the following paragraph.~~ Conversely, in McGee v. Balfour Beatty Construction LLC, another appellate court ruled that, to be valid, the plain language of Education Code 17406 only requires that (1) the real property involved belong to the district, (2) the lease is for construction purposes, and (3) the title to the property vest in the district at the end of the lease term. Until the resolution of this conflict, CSBA recommends that, as a precaution, any district considering the use of lease-leaseback include elements of the requirements stated in Davis and consult legal counsel accordingly.

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that ~~include all required terms, including a lease term that specifies~~ provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, ~~are included in the agreement as may be determined on a case-by-case basis.~~

(cf. 9124 - Attorney)

Note: Pursuant to Education Code 17406, ~~as amended by AB 1581 (Ch. 408, Statutes of 2014),~~ the prequalification requirements for contracts that meet the criteria specified in Public Contract Code 20111.6 are also applicable to lease-leaseback contracts. As amended by AB 566 (Ch. 214, Statutes of 2015), Education Code 17406 requires prequalification for such projects irrespective of whether or not they are funded locally or through state sources and makes the provision applicable to all districts, not just those with ADA of 2,500 or more. See "Prequalification Procedure" section above.

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

Uniform Public Construction Cost Accounting Act

BIDS (continued)

Note: The following section is for use by districts whose board has adopted a resolution to use the alternative procedures of the UPCCAA (Public Contract Code 22030-22045) for awarding public works projects; see the accompanying Board policy. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, a district participating in the UPCCAA is subject to other requirements of the Public Contract Code in areas where the UPCCAA is silent. For further information about this option, see the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site.

Public Contract Code 22032 establishes the following requirements based on the amount of the public project. Pursuant to Public Contract Code 22020, the Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The State Controller is required to notify all public agencies of any adjustment to these limits.

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

- 1. Public projects of \$45,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)**

Note: Public Contract Code 22034 requires any public agency participating in UPCCAA to adopt an informal bidding ordinance, with specified components, to govern the selection of contractors to perform public projects of \$175,000 or less, as described in item #2 below. The Commission's "Frequently Asked Questions" clarify that, for school districts and other agencies that cannot legally adopt ordinances, a board policy, administrative regulation, or other legally applicable action of the board may be substituted.

- 2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)**
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.**

Note: Public Contract Code 22034, as amended by SB 184 (Ch. 269, Statutes of 2015), authorizes distribution of the following bid notice by fax or email as well as by mail.

- b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to one or both of the following:**
 - (1) To all contractors on the district's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due**

BIDS (continued)

- (2) To all construction trade journals identified pursuant to Public Contract Code 22036
- c. The district shall review the informal bids and award the contract, except that:
 - (1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the district's cost estimate was reasonable.
 - (2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.
- 3. Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)

Note: Pursuant to Public Contract Code 22037, if there is no newspaper of general circulation published in the jurisdiction of the district, the district must post the bid notice in three locations as described below. Public Contract Code 22037 requires that these locations be identified in the agency's ordinance or regulation. Item #3a(1) may be revised to include such locations.

- a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:
 - (1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.
 - (2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to notice required above, the district may give such other notice as it deems proper.

- b. The district shall award the contract as follows:

BIDS (continued)

- (1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.**
- (2) At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.**
- (3) If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.**

In cases of emergency when repair or replacements are necessary, the Board may proceed at once to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, in accordance with the contracting procedures in Public Contract Code 22050. The work may be done by day labor under the direction of the Board and/or contractor. (Public Contract Code 22035)

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BIDS

Advertised/Competitive Bids

The district shall advertise for competitive bids when any public project contract involves an expenditure of \$15,000 or more. *Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

The district shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

BIDS (continued)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)

BIDS (continued)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.
8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
9. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form which, when completed, shall indicate a bidder's statement of financial ability

BIDS (continued)

and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in the Business and Professions Code 4113, 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

BIDS (continued)

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the 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 students who are 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)

(cf. 9270 - Conflict of Interest)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. 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 protest documents in a timely manner shall constitute a waiver of his/her 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.

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus.

BIDS (continued)

Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

BIDS (continued)

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

BIDS (continued)**Bids Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase 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 ("piggyback"). 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)

(cf. 3300 - Expenditures and Purchases)

(cf. 3512 - Equipment)

In addition, upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Any lease-leaseback agreement shall include a lease term that specifies the district's occupancy of the building or improved property and a financing component as may be determined on a case-by-case basis.

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

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. 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 cost comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

BIDS (continued)

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

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)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3440(a)

INVENTORIES

Note: Education Code 35168 requires the Governing Board to establish and maintain an inventory of all items of equipment with a current market value above \$500, as provided in item #1 below. Generally, the Board delegates this authority to the Superintendent or designee.

~~For equipment purchased with federal funds, unless the program is specifically exempted, 34 CFR 80.3 and 80.32 2 CFR 200.313 requires that districts conduct inventories of equipment acquired in whole or in part with federal grant funds, and 2 CFR 200.33 defines "equipment" as require districts to maintain inventory records of "tangible, nonexpendable; personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit that exceeds \$5,000 or the capitalization level established by the district for financial statement purposes, whichever is less.~~ In the state's Federal Program Monitoring (FPM) process, the California Department of Education (CDE) reviews whether the district maintains an inventory record for each item of equipment with an acquisition cost of \$500 or more per unit that is purchased with state and/or federal categorical funds. Thus, it is recommended that districts maintain inventories of equipment with an acquisition cost of \$500 or more per unit, as provided in item #2 below.

The district may specify lower amounts for items #1 and #2 below.

Note that the acquisition cost threshold amount established for the equipment inventory need not be the same as the threshold amount established for identifying capital assets for accounting purposes; see BP 3400 - Management of District Assets/Accounts. As explained in the CDE's California School Accounting Manual, all capitalized items should be inventoried, but not all inventoried items should be capitalized.

In order to provide for the proper tracking and control of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All equipment items currently valued in excess of \$500 (Education Code 35168)
2. All equipment items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3512 - Equipment)

Note: The following optional paragraph may be revised to reflect district practice. According to the California School Accounting Manual, some districts choose to inventory certain items, such as computers, audiovisual equipment, and furniture, even if their cost is lower than the threshold defined by law.

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The inventory shall contain a record of the following information: (Education Code 35168; 5 CCR 3946)

INVENTORIES (continued)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Note: Items #1-5 below are for use by districts that have used state and/or federal categorical funds to purchase equipment with an initial cost over the threshold established by law or the district. The district may merge this list into the list above in order to provide consistent procedures for all district equipment.

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (~~34 CFR 80.32~~; 5 CCR 3946; 2 CFR 200.313)

1. Source of the property (funding source)
2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

(cf. 3230 - Federal Grant Funds)

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Note: The following optional paragraph provides for tracking of items that are moved from their original location. For additional requirements regarding safeguards for equipment purchased with categorical program funds, see AR 3512 - Equipment.

INVENTORIES (continued)

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

Note: 5 CCR 3946 requires that the inventory of equipment purchased with state and/or federal categorical funds be maintained at the district office and appropriate school site. The following optional paragraph has been expanded to apply to all inventories conducted by the district and may be revised to reflect district practice.

A copy of the inventory shall be kept at the district office and at the appropriate school site.

(cf. 3580 - District Records)

The Superintendent or designee shall annually submit an inventory listing of federally owned property in its custody to the federal agency that granted the award. (2 CFR 200.312)

Physical Inventory

Note: The FPM process for both state and federal categorical programs includes a determination as to whether the district has conducted a physical inventory of equipment within the past two years in accordance with ~~34 CFR 80.32, 2 CFR 200.313~~ as provided below. The California School Accounting Manual recommends that districts conduct a physical inventory at least once a year. The district may revise the following paragraph to specify a timeline shorter than two years.

At least once every two years, a physical inventory of equipment shall be conducted and the results reconciled with the property records. (~~34 CFR 80.32 2 CFR 200.313~~)

Note: The following two paragraphs are optional. The California School Accounting Manual includes recommended procedures for conducting a physical inventory, including procedures for preparing for the inventory, conducting the inventory count, and recounting. The following paragraph may be revised to reflect any specific district procedures for the physical inventory.

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

INVENTORIES (continued)

Legal Reference:

EDUCATION CODE

35168 *Inventory of equipment*

CODE OF REGULATIONS, TITLE 5

3946 *Control, safeguards, disposal of equipment purchased with consolidated application funds*

16022-16023 *Classification of records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 *Federal uniform grant guidance*

CODE OF FEDERAL REGULATIONS, TITLE 34

~~80.1-80.52 *Uniform administrative requirements for grants to state and local governments*~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual, 2008

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

~~*White House, Office of Management and Budget: <http://www.omb.gov>*~~

~~*<https://www.whitehouse.gov/omb>*~~

School Services of California, Inc.: <http://www.sscal.com>

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Center USD

Administrative Regulation

Inventories

AR 3440

Business and Noninstructional Operations

In order to provide for the proper tracking and control of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All equipment items currently valued in excess of \$500 (Education Code 35168)
2. All equipment items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3512 - Equipment)

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The inventory shall contain a record of the following information: (Education Code 35168; 5 CCR 3946)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (34 CFR 80.32; 5 CCR 3946)

1. Source of the property (funding source)

2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

A copy of the inventory shall be kept at the district office and at the appropriate school site.

(cf. 3580 - District Records)

Physical Inventory

At least once every two years, a physical inventory of equipment shall be conducted and the results reconciled with the property records. (34 CFR 80.32)

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with consolidated application funds

16022-16023 Classification of records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administrative requirements for grants to state and local governments

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual, 2008

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

School Services of California, Inc.: <http://www.sscal.com>

White House, Office of Management and Budget: <http://www.omb.gov>

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3460(a)

FINANCIAL REPORTS AND ACCOUNTABILITY

Interim Reports

Note: Education Code 42130 requires that the district issue two interim fiscal reports; see the accompanying Board policy for information about the use of these reports to certify whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years.

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

Note: Interim reports must be based on the criteria and standards adopted by the State Board of Education (SBE) pursuant to Education Code 33127. These criteria and standards are specified in 5 CCR 15453-15464; as amended by Register 2013, No. 49; and address the areas listed below. As amended, 5 CCR 15453 and 15460 replace the standard for revenue limits with a standard for LCFF revenue beginning in the 2014-15 fiscal year. 5 CCR 15460 provides that projected LCFF revenue for the current fiscal year or any of the two subsequent fiscal years should not have changed by more than two percent since budget adoption.

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)

(cf. 3220.1 - Lottery Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**Audit Report**

Note: Pursuant to Education Code 41020, each year the district is required to arrange for an independent audit of all the district's funds. The audit must be approved by the Governing Board and submitted to the County Superintendent of Schools, California Department of Education (CDE), and State Controller within specified timelines. See the accompanying Board policy.

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

Note: The following paragraph is optional. Governmental Accounting Standards Board (GASB) Statement 34 contains requirements for the contents of the district's annual audited financial reports.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

Note: Pursuant to Education Code 41020, the audit must include an audit of income and expenditures for all district funds, as provided below. Additionally, ~~AB 97 (Ch. 47, Statutes of 2013) amended~~ Education Code 41020 ~~to~~ requires that the audit include a determination of whether funds were expended in accordance with the district's local control and accountability plan (LCAP). Pursuant to Education Code 52061, ~~as added by AB 97 and amended by SB 97 (Ch. 357, Statutes of 2013)~~, the annual update to the LCAP must list expenditures for specific actions to be taken to achieve the goals in the LCAP, including expenditures for services to English learners, foster youth, and students eligible for free and reduced-price meals. See BP/AR 0460 - Local Control and Accountability Plan for requirements pertaining to the LCAP.

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts, **state and federal grant funds**, and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3230 - Federal Grant Funds)
(cf. 3430 - Investing)
(cf. 3451 - Petty Cash Funds)
(cf. 3452 - Student Activity Funds)
(cf. 3551 - Food Service Operations/Cafeteria Fund)

Note: The following optional paragraph is for use by districts that elect to participate in the school district of choice program (Education Code 48300-48316); see BP/AR 5117 - Interdistrict Attendance. Pursuant to Education Code 48301, any district that elects to participate in the school district of choice program must ensure that its annual financial audit includes a review of the district's compliance with program requirements to establish a random, unbiased process for student admittance and to provide appropriate and factually accurate parent/guardian communications. A summary of any audit exceptions found by the auditor must be

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

included in reports to each geographically adjacent school district, the county office of education, CDE, and Department of Finance as required by Education Code 48313.

If the district participates in the school district of choice program to accept interdistrict transfers, the Superintendent or designee shall notify the auditor, prior to the commencement of the audit, that the audit must include a review of the district's compliance with specified program requirements. (Education Code 48301)

(cf. 5117 - Interdistrict Attendance)

~~Note: Pursuant to 31 USC 7502, Office of Management and Budget (OMB) Circular A 133, and subsequent compliance supplements, whenever the district expends \$500,000 or more in federal funds during a fiscal year, its audit of federal funds must be submitted to the federal audit clearinghouse designated by the OMB within the timelines specified below. Although submission of the report is often done by the auditor, it is the district's responsibility to ensure that it is submitted on time.~~

~~When required by federal law, specified records pertaining to the audit of federal funds received and expended by the district shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program specific audit guide. (31 USC 7502)~~

Note: Pursuant to Education Code 41344 and 41344.1, the district may appeal to the Education Audit Appeals Panel (EAAP) when an audit finding requires the district to repay an apportionment or pay a penalty. If the EAAP finds that there has been substantial compliance with the law, it may waive or reduce repayments or order other remedial measures to induce future compliance.

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

Fund Balance

Note: The following optional section reflects GASB Statement 54, which addresses the manner in which fund balances in the general fund must be reported in external financial reports. Pursuant to GASB 54, the Board has sole authority to specify purposes of committed funds (item #3 below) and also must express, or the

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

authority to express, intended purposes of resources resulting in the assigned fund balance (item #4 below); see BP 3100 - Budget.

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

Negative Balance Report

Note: When applicable, Education Code 42127.5 requires districts to report the reasons for a negative unrestricted fund balance or negative cash balance. "Unrestricted funds" are any funds that are not constrained by law to be spent on specific purposes and which therefore may be spent as the Board deems appropriate. Such funds may be reported in the committed fund balance, assigned fund balance, or unassigned fund balance as provided in items #3-5 in the section "Fund Balance" above.

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

Non-Voter-Approved Debt Report

Note: The following section addresses notices regarding the issuance of revenue bonds, certificates of participation, and other non-voter-approved debts. Pursuant to Education Code 17150 and 17150.1, the County Superintendent and county auditor may, within 15 days of receiving these notices from the district, comment publicly to the Board regarding the capability of the district to repay the debt obligation.

Pursuant to Education Code 42133, a district that has a qualified or negative certification in any fiscal year

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

cannot issue non-voter-approved debt in that fiscal year or in the next fiscal year unless the County Superintendent determines that the district's repayment of the debt is probable.

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

Other Postemployment Benefits Report (~~GASB 45~~)

Note: The following section reflects GASB Statement 45 75, which replaces Statement 45 for fiscal years beginning after June 15, 2017, or sooner at the district's discretion. GASB 75 contains reporting requirements pertaining to "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees). Under GASB 45, the district must report OPEBs as a current expense during the working years of an employee, calculated by an actuary using one of six specified actuarial cost methods. In addition, To the extent that the OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district's financial statements. Under GASB 75, districts that do not provide OPEB through a trust are required to report the total unfunded liability (i.e., OPEBs that are not prefunded), as calculated in the most recent actuary report, in the district's financial statements. Previously, districts were allowed to amortize the unfunded liability over a period of up to 30 years and report the annual amount in financial statements. The decision of whether to prefund the benefits, and by how much, is at the Board's discretion; see BP 3100 - Budget.

The SBE's criteria and standards for budget adoption (5 CCR 15440-15451) require districts to estimate unfunded OPEBs as well as the unfunded portion of any self-insured benefits program. Changes to the unfunded liabilities are disclosed at interim reporting periods pursuant to 5 CCR 15453 and 15464. These reports are included in the state's standardized account code structure software used to develop budget and interim reports.

CSBA's ~~GASB 45 Solutions program~~ **OPEB Solutions Program** provides access to qualified actuaries and consultants and a GASB 45-compliant trust to prefund future obligations. See CSBA's web site for further information.

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

The following **optional** section may be revised to reflect district practice and should be deleted by districts that do not provide OPEBs.

In accordance with GASB Statement ~~45~~ **75**, the district's financial statements shall report the ~~annual~~ expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

Note: Pursuant to GASB ~~45~~ **75**, the district must arrange for an actuary to update the valuation of its OPEB obligations either every two years. ~~(for OPEB plans with a total membership of 200 or more) or every three years (for OPEB plans with fewer than 200 members).~~ **The exception allowing OPEB plans with fewer than 200 members to perform the actuarial valuation every three years has been eliminated effective June 15, 2017. CDE correspondence dated February 26, 2007 indicates that districts with fewer than 100 plan members may use an alternative method that does not require the services of an actuary. The district may revise the following paragraph to reflect the district's circumstances. However, GASB 75 includes an option for the use of a specified alternative method in lieu of an actuarial valuation for purposes of determining the total OPEB liability for benefits provided through an OPEB plan with fewer than 100 members. Such districts may modify the following paragraph to reflect district practice.**

The district's financial obligation for OPEBs shall be reevaluated every two ~~or three~~ years in accordance with GASB ~~45~~ **75**. ~~depending on the number of members in the OPEB plan.~~

Workers' Compensation Claims Report

Note: The following **optional** section is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See BP 3100 - Budget for provisions related to funding the estimated accrued cost of workers' compensation claims.

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

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Center USD

Administrative Regulation

Financial Reports And Accountability

AR 3460

Business and Noninstructional Operations

Interim Reports

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)

(cf. 3220.1 - Lottery Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

Audit Report

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

contains all information required by law and the Governmental Accounting Standards Board (GASB).

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

If the district participates in the school district of choice program to accept interdistrict transfers, the Superintendent or designee shall notify the auditor, prior to the commencement of the audit, that the audit must include a review of the district's compliance with specified program requirements. (Education Code 48301)

(cf. 5117 - Interdistrict Attendance)

When required by federal law, specified records pertaining to the audit of federal funds received and expended by the district shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (31 USC 7502)

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

Fund Balance

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

Negative Balance Report

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

Non-Voter-Approved Debt Report

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

Other Postemployment Benefits Report (GASB 45)

In accordance with GASB Statement 45, the district's financial statements shall report the annual expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

The amount of the district's financial obligation for OPEBs shall be reevaluated every two or three years in accordance with GASB 45 depending on the number of members in the OPEB plan.

Workers' Compensation Claims Report

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3512(a)

EQUIPMENT

Note: The California School Accounting Manual distinguishes between "equipment" and "supplies" and defines equipment as having relatively permanent value (e.g., is serviceable for more than one year) and substantially increasing the value of the district's physical assets. Equipment is generally not of an expendable nature and does not easily deteriorate in use. Examples include computer systems, machinery, vehicles, and playground equipment.

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

(cf. 0440 - District Technology Plan)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3540 - Transportation)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5142 - Safety)
(cf. 5144 - Discipline)
(cf. 6000 - Concepts and Roles)
(cf. 6163.4 - Student Use of Technology)
(cf. 6171 - Title I Programs)

School-connected organizations may be granted reasonable use of the equipment for school-related matters as long as it does not interfere with the use by students or employees or otherwise disrupt district operations.

(cf. 1230 - School-Connected Organizations)
(cf. 1330 - Use of School Facilities)

Note: The following paragraph is **optional**. It is recommended that the district check its liability coverage for off-site use of district equipment and materials. Whenever an individual is authorized to borrow district equipment, he/she could be required to complete a form identifying the equipment and the intended use and indicating that the individual will assume responsibility for any loss or damage to the equipment. See the accompanying Exhibit for a sample form that may be used for this purpose.

The Superintendent or designee shall approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

EQUIPMENT (continued)

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds unless otherwise authorized by the Superintendent or designee or applicable Board policy.

Note: Education Code 35168 requires the district to maintain an inventory containing specified information for all equipment currently valued in excess of \$500. **For equipment purchased with federal funds, Although 34 CFR 80.3 and 80.32 2 CFR 200.313-200.314** only require districts to maintain inventory records of tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit, **but** the state's Federal Program Monitoring process reviews whether the district maintains an inventory record for every item of equipment with an acquisition cost of \$500 or more per unit that is purchased with state and/or federal categorical funds. CSBA recommends an inventory of all equipment currently valued in excess of \$500 in order to simplify the district's inventory procedures and to comply with law. Also see AR 3440 - Inventories.

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

(cf. 3440 - Inventories)

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or ~~34 CFR 80.32~~ **2 CFR 200.313**, as applicable.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Equipment Acquired with Federal Funds

Note: ~~Office of Management and Budget (OMB) guidance in OMB Circular A 87 (Cost Principles for State, Local, and Indian Tribal Governments)~~ **2 CFR 200.313 and 200.439** requires a district receiving federal grant funds to obtain prior written approval from its awarding agency before incurring the cost of a capital expenditure **including general purpose equipment**; see AR 3230 - Federal Grant Funds. ~~Both the OMB guidance and generally accepted accounting principles identify equipment as a capital expenditure.~~

The Superintendent or designee shall obtain prior written approval from the California Department of Education or other awarding agency before purchasing equipment with federal funds. (**2 CFR 200.48, 200.313, 200.439**)

(cf. 3230 - Federal Grant Funds)

(cf. 3300 - Expenditures and Purchases)

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. (**2 CFR 200.313**; 5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good

EQUIPMENT (continued)

condition. He/she shall also develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (~~2 CFR 200.313; 34 CFR 80.32~~)

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (~~34 CFR 80.32-2~~ **CFR 200.313**)

*Legal Reference:*EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

17605 Delegation of authority to purchase supplies and equipment

35160 Authority of governing boards

35168 Inventory of equipment

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services

16023 Class 1 - Permanent records

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 Federal uniform grant guidance

CODE OF FEDERAL REGULATIONS, TITLE 34

~~80.1-80.52 Uniform administration requirements for grants to state and local governments~~

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS

Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-87

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Office of Management and Budget: <https://www.whitehouse.gov/omb>

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Center USD

Administrative Regulation

Equipment

AR 3512

Business and Noninstructional Operations

Employees and/or students shall use district equipment only for school-related tasks. The Superintendent or designee shall ensure that all employees understand that personal use of district equipment is prohibited and that a violation may be cause for disciplinary action.

- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 4040 - Employee Use of Technology)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5144 - Discipline)
- (cf. 6163.4 - Student Use of Technology)

The district shall provide comparable basic equipment and supplies for all classes. When equipment cannot be supplied to every class, the Superintendent or designee shall ensure that it will be shared within and among the schools.

- (cf. 6000 - Concepts and Roles)
- (cf. 6171 - Title I Programs)

When school equipment is not being used by students or employees, school-connected organizations may be granted reasonable use of the equipment for school-related matters.

- (cf. 1230 - School-Connected Organizations)
- (cf. 1330 - Use of School Facilities)

The principal shall approve the removal of district-owned equipment from the school site. When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Transfer of Equipment to a New Site

Employees transferred to another school shall take with them only those personal items that have been purchased with their own funds. Items paid for by the district, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the districtwide instructional program.

Equipment and materials unique to a special program being moved to another site may be moved to the new location upon the approval of both principals.

Equipment Acquired by Federal Funds

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the district. (Code of Regulations, Title 5, Section 3946)

Each principal or designee shall ensure that the following management provisions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
2. Adequate maintenance procedures shall be developed to keep the property in good condition.

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

If equipment is used for a purpose other than that for which it was originally purchased, the inventory shall include a dated statement justifying its current use.

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services

16023 Class 1- Permanent records

UNITED STATES CODE, TITLE 20

6322 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administration requirements for grants to state and local governments

Regulation CENTER UNIFIED SCHOOL DISTRICT

approved: October 21, 1998 Antelope, California

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3513.3(a)

TOBACCO-FREE SCHOOLS

Note: Health and Safety Code 104420 mandates districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco and nicotine products anytime, anywhere in district-owned or leased buildings, on school or district property, and in district vehicles. The same prohibition is applicable to districts that do not receive TUPE funds pursuant to Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016).

~~Such~~ Districts receiving TUPE funds must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures.

~~At their discretion, districts that do not receive TUPE funds may modify this policy to limit the prohibition against smoking to only enclosed spaces, pursuant to Labor Code 6404.5 and 20 USC 6083.~~

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board prohibits **smoking and/or** the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, **104559**; ~~Labor Code 6404.5; 20 USC 6083~~)

~~This~~ ~~These~~ prohibitions ~~applies~~ **apply** to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)

TOBACCO-FREE SCHOOLS (continued)

Note: State law does not define "tobacco products" for purposes of the district's tobacco free schools policy. The CDE's web site recommends that a district's policy define "tobacco products" to include products containing tobacco or nicotine, including nicotine delivery devices such as electronic cigarettes, electronic hookah, and other vapor emitting devices. Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), define products containing tobacco and nicotine as including smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and non-nicotine vaporized solutions. Education Code 48901, which prohibits smoking or tobacco use by students on campus, applies the definition of smoking and tobacco products specified in Business and Professions Code 22950.5, as amended by SBX2 5 (Ch. 7, Statutes of 2016). The following paragraphs reflect the more comprehensive definitions in Business and Professions Code 22950.5.

~~The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products.~~

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

TOBACCO-FREE SCHOOLS (continued)

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

*Legal Reference:***EDUCATION CODE**48900 *Grounds for suspension/expulsion*48901 *Prohibition against tobacco use by students***BUSINESS AND PROFESSIONS CODE**22950.5 *Stop Tobacco Access to Kids Enforcement Act; definitions***HEALTH AND SAFETY CODE**39002 *Control of air pollution from nonvehicular sources*104350-104495 *Tobacco use prevention, especially:*104495 *Prohibition of smoking and tobacco waste on playgrounds*104559 *Tobacco use prohibition*119405 *Unlawful to sell or furnish electronic cigarettes to minors***LABOR CODE**3300 *Employer, definition*6304 *Safe and healthful workplace*6404.5 *Occupational safety and health; use of tobacco products***UNITED STATES CODE, TITLE 20**6083 *Nonsmoking policy for children's services*~~7100-7117 *Safe and Drug-Free Schools and Communities Act*~~7111-7122 *Student Support and Academic Enrichment Grants***CODE OF FEDERAL REGULATIONS, TITLE 21**1140.1-1140.34 *Unlawful sale of cigarettes and smokeless tobacco to minors***PERB PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS***Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)**CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)**Management Resources:***WEB SITES**California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>California Department of Education, Tobacco-Free School District Certification: <http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>U.S. Environmental Protection Agency: <http://www.epa.gov>

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Center USD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

TOBACCO-FREE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

48900 *Grounds for suspension/expulsion*

48901 *Prohibition against tobacco use by students*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*

104350-104495 *Tobacco use prevention, especially:*

104495 *Prohibition of smoking and tobacco waste on playgrounds*

119405 *Unlawful to sell or furnish electronic cigarettes to minors*

LABOR CODE

3300 *Employer, definition*

6304 *Safe and healthful workplace*

6404.5 *Occupational safety and health; use of tobacco products*

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

7100-7117 *Safe and Drug Free Schools and Communities Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 *Unlawful sale of cigarettes and smokeless tobacco to minors*

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <http://www.epa.gov>

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3513.3(a)

TOBACCO-FREE SCHOOLS

Notifications

Note: Districts receiving Tobacco-Use Prevention Education (TUPE) funds are required by Health and Safety Code 104420 to communicate information about the district's tobacco-free schools policy. Districts that do not receive TUPE funds may delete or revise the following paragraph at their discretion.

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Note: The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

Note: Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), requires all districts to display signs prohibiting tobacco use, as provided below. ~~Districts that receive TUPE funds are required to display a sign as specified in Option 1 below. A district that does not receive TUPE funds may choose Option 1 if it prohibits use of tobacco on all district properties. However, if the district prohibits smoking only in enclosed spaces pursuant to Labor Code 6404.5, it should select Option 2.~~

OPTION 1: (Districts Receiving TUPE Funds)

~~The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" shall be are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)~~

OPTION 2: (Districts Not Receiving TUPE Funds)

~~At each entrance to a building or structure, the Superintendent or designee shall post a sign stating "No smoking" or "Smoking is prohibited except in designated areas" as appropriate. (Labor Code 6404.5)~~

TOBACCO-FREE SCHOOLS (continued)**Enforcement/Discipline**

Note: Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. The effects of the district's tobacco policy, including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Governing Board and employee organizations. Pursuant to Education Code 48900(h), a student may be subject to disciplinary action when it is determined that he/she possessed or used tobacco or nicotine products; see AR 5144.1 - Suspension and Expulsion/Due Process.

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Labor Code 6404.5 requires the district to take "reasonable steps" to prevent smoking by nonemployees. These reasonable steps include posting clear and prominent signs as specified in the "Notifications" section above and requesting that the nonemployee refrain from smoking ~~in the enclosed workplace~~ **on school premises**. The following optional paragraph may be revised to reflect district practice.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

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Center USD

Administrative Regulation

Tobacco-Free Schools

AR 3513.3

Business and Noninstructional Operations

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Regulation
approved: June 15, 2011

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3516.3(a)

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Note: The following optional administrative regulation should be revised to reflect district practice.

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Note: Government Code 8607 and 19 CCR 2400-2450 require districts to be prepared to respond to emergencies using the Standardized Emergency Management System (SEMS). By Executive Order, the Governor has required each local agency to integrate the National Incident Management System with its SEMS. Districts should contact their local emergency management agency for further assistance. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: The ~~California Emergency Management Agency (Cal EMA)~~ **California Governor's Office of Emergency Services (Cal OES)** offers a number of publications that may assist the district in surveying school facilities and outside areas for potential earthquake hazards.

The Superintendent or designee may work with the ~~California Emergency Management Agency~~ **California Governor's Office of Emergency Services** and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

Note: Education Code 32282 requires regular practice of drop procedures in accordance with the timelines specified below. The following paragraph may be revised to reflect the grade levels offered by the district.

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

Note: The following optional paragraph is for use by any district with a school near the coastline making it susceptible to the risk of a tsunami after an earthquake has occurred.

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.

Note: In The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty, the ~~Cal-EMA~~ **Cal OES** advises that evacuation should never be automatic as there may be as much danger outside the facility as inside, planned routes may not be clear, and lighting inside the building may be shut off.

4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

2. Staff shall have students perform the drop procedure.
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

CALIFORNIA EMERGENCY MANAGEMENT AGENCY CALIFORNIA GOVERNOR'S OFFICE
OF EMERGENCY SERVICES PUBLICATIONS

*The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty
Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003*

School Emergency Response: Using SEMS at Districts and Sites, June 1998

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

American Red Cross: <http://www.redcross.org>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency: <http://www.fema.gov/hazards/earthquakes>

National Incident Management System: <http://www.fema.gov/emergency/nims>

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Center USD

Administrative Regulation

Earthquake Emergency Procedure System

AR 3516.3

Business and Noninstructional Operations

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and

other staff.

5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and

utility companies and shall confer with them regarding the advisability of closing the school.

7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.

8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

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3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

CALIFORNIA EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

American Red Cross: <http://www.redcross.org>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency: <http://www.fema.gov/hazards/earthquakes>

National Incident Management System: <http://www.fema.gov/emergency/nims>

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3541.2(a)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

Note: Education Code 56195.8 mandates that entities providing special education adopt a policy which describes how special education transportation is coordinated with regular home-to-school transportation and sets forth criteria for meeting the transportation needs of special education students. The district should revise the following policy for consistency with the policy and regulations of the **special education local plan area** (SELPA) in which the district participates.

Pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) ~~and Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794)~~, districts are required to provide bus service to students with disabilities equivalent to that provided for students without disabilities. According to the U.S. Department of Education's (USDOE) Questions and Answers on Serving Children with Disabilities Eligible for Transportation, special education transportation may include travel to and from school and between schools, travel in and around school buildings, and specialized equipment such as special or adapted buses, lifts, and ramps. A student's individualized education program (IEP) team is responsible for determining if transportation is required to assist a student with a disability to benefit from special education and related services, and how the transportation services should be implemented. The California Department of Education's (CDE) Special Education Transportation Guidelines provides assistance to IEP teams with these decisions,

In addition, Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794; 34 CFR 104.4) requires districts to provide a free, appropriate public education to each qualified student with a disability. According to Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, available on the web site of the USDOE's Office for Civil Rights, an appropriate education for a student with a disability under Section 504 could consist of special education and related services, which might include transportation. The CDE's Special Education Transportation Guidelines recommends that district policy on the transportation of special education students also address the needs of students who may be eligible for transportation services under Section 504.

~~The Governing Board shall ensure that~~ **The Governing Board desires to meet the transportation needs of students with disabilities to enable them to benefit from special education and related services. The district shall provide appropriate transportation services for a students with disabilities as specified in when the district is the student's district of residence and the transportation services are required by their his/her individualized education program (IEP) or Section 504 accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.**

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3540 - Transportation)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

~~The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.~~

Note: Education Code 56195.8 mandates that the district's policy set forth criteria for meeting the transportation needs of special education students. The CDE's Special Education Transportation Guidelines recommends that the IEP team give primary consideration to the specific needs of the student when making decisions about transportation services to be provided, and presents possible considerations which include, but are not limited to, those specified in the following paragraph. The following paragraph may be revised to reflect district practice.

The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

Note: Because the authority to make decisions regarding services for students with disabilities rests with the IEP team, the CDE's Special Education Transportation Guidelines recommends that IEP team leaders and members be provided with information regarding available district transportation resources. The guidelines also recommend that the IEP team identify with specificity the mode of transportation (e.g., walking/wheeling, riding the regular school bus, utilizing available public transportation, riding a special bus, being transported by parent/guardian) and when, from where, and to where transportation will be provided.

The Superintendent or designee shall provide IEP teams with information about district transportation services in order to assist them in making decisions as to the mode, schedule, and location of transportation services that may be available to each student with disabilities. The IEP team may communicate with district transportation staff and/or invite transportation staff to attend IEP team meetings where the student's transportation needs will be discussed.

~~**Note:** If a district charges transportation fees, the State Board of Education recommends, in Program Advisory LO:2-95, that Boards exempt from the fee only those special education students served under the IDEA whose IEP requires that transportation be provided. This policy reflects the interpretation offered in that advisory. Pursuant to Education Code 56040, a student who is eligible to receive special education instruction and related services must be provided such instruction and services at no cost. Special education transportation is defined in 34 CFR 300.34 as a related service. Thus, transportation fees may not be charged to students whose IEP requires the provision of transportation services, even if the district charges transportation fees to other students. See BP 3250 - Transportation Fees.~~

Transportation services specified in a student's IEP or Section 504 plan shall be provided at no cost to the student or his/her parent/guardian.

(cf. 3250 - Transportation Fees)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

Note: Education Code 48915.5 provides that the district must provide alternative transportation at no cost whenever a disabled student is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason. ~~Alternative transportation could be provided by contracting with a private carrier, by reimbursing mileage expenses to the parent/guardian who transports the student to and from school, or any other appropriate method; see BP/AR 3540 - Transportation.~~ If a student receiving special education services is excluded from transportation as a disciplinary measure and is not provided another mode of transportation, it may constitute a significant change of placement which would require a meeting of the IEP team to review the student's IEP.

If ~~the disabled~~ a student whose IEP or accommodation plan specifies transportation needs is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason, the district shall provide alternative transportation at no cost to the student or parent/guardian ~~provided that transportation is specified in the student's IEP.~~ (Education Code 48915.5)

(cf. 5131.1 - Bus Conduct)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Note: The following paragraph is for use by single-district SELPAs or districts that contract individually with nonpublic, nonsectarian schools or agencies.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

Note: ~~Federal regulations~~ (34 CFR 104.4) provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. The following optional paragraph is intended to prevent such discrimination in the area of transportation.

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3541 - Transportation Routes and Services)

Note: Education Code 56195.8 mandates the Board's policy to include procedures ensuring compatibility between mobile seating devices, when used, and the securement systems required by federal law (49 CFR 571.222). The following paragraph ~~directs the Superintendent or designee to develop such procedures~~ may be revised to reflect district practice.

Education Code 56195.8 also requires the Board's policy to ensure that bus drivers are trained in the proper installation of mobile seating devices; see AR 3542 - School Bus Drivers for language fulfilling this mandate.

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

The Superintendent or designee shall ~~establish procedures to ensure compatibility between~~ **that any mobile seating devices used on district buses and are compatible with bus securement systems required by 49 CFR 571.222. (Education Code 56195.8)**

(cf. 3542 - School Bus Drivers)

~~As necessary, a student with disabilities may be accompanied on school transportation by a service animal, as defined in 28 CFR 35.104, including a specially trained guide dogs, signal dogs, and or service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers, or persons training the dogs. (Education Code 39839; Civil Code 54.1-54.2; 28 CFR 35.136)~~

(cf. 6163.2 - Animals at School)

When transportation is not specifically required by the IEP or Section 504 plan of a student with disabilities, the student shall be subject to the rules and policies regarding regular transportation offerings within the district.

Legal Reference:

EDUCATION CODE

39807.5 *Payment of transportation cost*

39839 *Guide dogs, signal dogs, and service dogs on bus*

41850-41854 *Allowances for transportation*

48300-48315 *Alternative interdistrict attendance program*

48915.5 *Expulsion of students with exceptional needs*

56040 *No cost for special education and related services*

56195.8 *Adoption of policies*

56327 *Assessment for special education and related services*

56345 *Individualized education program*

~~56366 56365-56366.1 *Nonpublic nonsectarian schools or agencies*~~

~~56366.1 *Waiver of requirements under section 56365 and 56366*~~

CIVIL CODE

54.1-54.2 *Service animals*

CODE OF REGULATIONS, TITLE 5

~~15050 *Transfer of funds to child development fund and development center for handicapped pupils fund*~~

15243 *Physically handicapped minors*

15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 *Definitions*

35.136 *Service animals*

Legal Reference continued: (see next page)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education Transportation Guidelines

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

0500.92 Implementation of Special Education Transportation Apportionment (#92-02)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, 2009

Questions and Answers on Serving Children with Disabilities Eligible for Transportation, 2009

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

Center USD

Board Policy

Transportation For Students With Disabilities

BP 3541.2

Business and Noninstructional Operations

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3250 - Transportation Fees)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

(cf. 3540 - Transportation)

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 3541 - Transportation Routes and Services)

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

(cf. 3542 - School Bus Drivers)

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation cost

39839 Guide dogs, signal dogs and service dogs on bus

41850-41854 Allowances for transportation

48300-48315 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56221 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program
56366 Nonpublic nonsectarian schools or agencies
56366.1 Waiver of requirements under section 56365 and 56366
CODE OF REGULATIONS, TITLE 5
15050 Transfer of funds to child development fund and development center for handicapped pupils fund
15243 Physically handicapped minors
15271 Exclusion from report
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
CODE OF FEDERAL REGULATIONS, TITLE 34
104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 49
571.222 Federal requirements for bus securement systems

Management Resources:

CDE MANAGEMENT ADVISORIES

0500.92 Implementation of Special Education Transportation Apportionment (#92-02)

CDE PROGRAM ADVISORIES

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

Policy
adopted: March 18, 1998

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Delete

Center USD

Administrative Regulation

Transportation For Students With Disabilities

AR 3541.2

Business and Noninstructional Operations

Transportation for students with disabilities shall be provided in accordance with a student's Individualized Education Program (IEP) or Section 504 accommodation plan.

(cf. 3540 - Transportation)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

If a disabled student is excluded from school bus transportation, the district shall provide alternative transportation at no cost to the student or parent/guardian provided that transportation is specified in the student's IEP. (Education Code 48915.5)

(cf. 5131.1 - Bus Conduct)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs. (Education Code 39839)

Regulation
approved: October 1, 2003

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to low-income students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program may receive reimbursement for free and reduced-price meals at a higher rate than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education (SBE) under the conditions described in Education Code 49548. In order to receive a waiver, the district is required to submit a waiver request no later than 60 days before the last regular meeting of the SBE before the start of the summer school session for which the waiver is sought. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

Student eligibility for free and reduced-price meals serves as the basis for identifying students as low income for a variety of purposes, including, but not limited to, state allocations of supplemental and concentration funding within the local control funding formula. Districts must use such funding to increase or improve services for low-income students and other populations of "unduplicated students" (see BP/AR 3100 - Budget) and must establish goals and specific actions for low-income students in the local control and accountability plan (see BP/AR 0460 - Local Control and Accountability Plan).

The following policy is mandated for any district that authorizes employee access to students' free and reduced-price meal eligibility information for the disaggregation of academic achievement data and other specified purposes; see section "Confidentiality/Release of Records" below.

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

FREE AND REDUCED PRICE MEALS (continued)

Note: In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 and Education Code 49430 and 49430.7, as described in AR 3550 - Food Service/Child Nutrition Program.

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)

Note: The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or Breakfast Program or Summer Food Service Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following optional paragraph is for use by districts that choose to provide free milk to eligible students.

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

Note: Education Code 49557 requires the district to develop a plan ensuring that students receiving free and reduced-price meals are not treated differently in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

(cf. 5125 - Student Records)

Note: The remainder of this section should be revised to reflect the purposes for sharing free and reduced-price eligibility information that are authorized by the Governing Board. Districts wishing to use free and reduced-price meal records for the following purposes are mandated by Education Code 49558 to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

FREE AND REDUCED PRICE MEALS (continued)

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the **following** purposes ~~of~~: (Education Code 49558)

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

Note: Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES. In lieu of SES, beginning in the 2016-17 school year, districts are required pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan to provide alternative supports, defined and administered by the district, to eligible students (i.e., students who would have been eligible for SES in schools with the greatest need). See BP/AR 0520.2 - Title I Program Improvement Schools and BP 6179 - Supplemental Instruction. Although Education Code 49558 has not yet been amended to reflect the repeal of 20 USC 6316 and does not expressly authorize the use of free and reduced-price meal information to determine students' eligibility for alternative supports, CSBA believes that the use of such information would be necessary to determine student's eligibility for alternative supports. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

2. **Identification of students eligible for alternative supports** in any school identified as a Title I program improvement school ~~pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services~~

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

Note: According to CDE Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide only the student's name and eligibility status unless the applicant consents to the sharing of additional information.

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

FREE AND REDUCED PRICE MEALS (continued)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. He/she also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6 - School Health Services)

*Legal Reference:*EDUCATION CODE

48980 Notice at beginning of term

49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

Legal Reference continued: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

WELFARE AND INSTITUTIONS CODE

14005.41 Basic health care

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

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Center USD

Board Policy

Free And Reduced Price Meals

BP 3553

Business and Noninstructional Operations

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer School)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential except as provided by law. (Education Code 49558)

If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her

free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 5125 - Student Records)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6171 - Title I Programs)

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information in accordance with Education Code 49557.2.

(cf. 5141.6 - School Health Services)

In addition, information on the school lunch program application may be released to the local agency that determines eligibility for participation in the CalFresh program or other nutrition assistance program, provided the student whose information is to be released is approved for free or reduced-price meals and his/her parent/guardian consents to the sharing of the information. Prior to releasing information to any such local agency, the Superintendent or designee and the local agency shall enter into a memorandum of understanding that, at a minimum, shall include the roles and responsibilities of the district and the local agency, the process for sharing the information, and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program. (Education Code 49557.3, 49558)

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

48980 *Notice at beginning of term*

49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*

49490-49494 *School breakfast and lunch programs*

49500-49505 *School meals*

49510-49520 *Nutrition*

49530-49536 *Child Nutrition Act of 1974*

49547-49548.3 *Comprehensive nutrition service*

49550-49562 *Meals for needy students*

CODE OF REGULATIONS, TITLE 5

15510 *Mandatory meals for needy students*

15530-15535 *Nutrition education*

15550-15565 *School lunch and breakfast programs*

UNITED STATES CODE, TITLE 20

1232g *Federal Educational Rights and Privacy Act*

6301-6514 *Title I programs*

UNITED STATES CODE, TITLE 42

1751-1769j *School lunch program*

1771-1791 *Child nutrition, especially:*

1773 *School breakfast program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.10-220.21 *National School Breakfast Program*

245.1-245.13 *Determination of eligibility for free and reduced-price meals and free milk*

Management Resources: (see next page)

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010

NSD-SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010

04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004

98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to low-income students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1758, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish.

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet shall include the notifications and information listed in Education Code 49557.2.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph may be revised to reflect district practice. In addition to the paper application form described above, Education Code 49557, as amended by SB 708 (Ch. 390, Statutes of 2015), authorizes districts to make the application for free or reduced-price meals available online. Any such online application must comply with specific requirements, including, but not limited to, the provision of clear instructions for families that are homeless or are migrants.

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

Note: According to the U.S. Department of Agriculture's Eligibility Manual for School Meals: Determining and Verifying Eligibility, households enrolling a new student after the start of the school year must also be provided an application and related materials.

FREE AND REDUCED PRICE MEALS (continued)

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

Eligibility

Note: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by the CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on the CDE's web site.

Pursuant to 42 USC 1769c, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

Note: Pursuant to 42 USC 1758, districts must directly certify for enrollment in the free and reduced-price meals program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 also authorizes, but does not require, districts to directly certify as eligible a student who is homeless, migratory, or a foster youth. For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data. Pursuant to Education Code 49561 and 42 USC 1758, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's Eligibility Guidance for School Meals Manual.

Pursuant to 42 USC 1759a, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

FREE AND REDUCED PRICE MEALS (continued)**Verification of Eligibility**

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meals program for the purpose of disaggregation of academic achievement data and, **although not expressly authorized by law**, for the identification of students eligible for ~~public school choice and~~

FREE AND REDUCED PRICE MEALS (continued)

~~supplemental educational services~~ **alternative supports** in schools identified for program improvement pursuant to ~~20 USC 6316~~. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

It is recommended that the district designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students **who are eligible for alternative supports in a Title I program improvement school: in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:**

Director of Personnel & Student Services

In using the records for such purposes, the Superintendent or designee shall ensure that: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program are maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program is not publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law are met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meals program is destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

FREE AND REDUCED PRICE MEALS (continued)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Prices

Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1758 and 1773.

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

(3/11 3/16) 7/16

Center USD

Administrative Regulation

Free And Reduced Price Meals

AR 3553

Business and Noninstructional Operations

Applications

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)
(cf. 5145.6 - Parental Notifications)

The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

(cf. 1112 - Media Relations)

Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6175 - Migrant Education Program)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

The Superintendent designates the following district employee to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Chief Administrative Officer, Curriculum and Instruction

In using the records for such purposes, the following conditions shall be satisfied:
(Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program shall not be publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law shall be met.

4. Information collected regarding individual students certified to participate in the free and reduced-price meals program shall be destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.

2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.

3. The students shall not be required to work for their meals or for milk.

4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Prices

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Regulation
approved: June 15, 2011

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3555(a)

NUTRITION PROGRAM COMPLIANCE

Note: The following policy is mandated for any district whose child nutrition programs that receives federal financial assistance for its participation in the (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. 5 CCR 4621 mandates that districts adopt uniform complaint procedures for the investigation and resolution of specified types of complaints, and 5 CCR 4610 makes those procedures applicable to allegations of unlawful discrimination, harassment, intimidation, bullying, or violation of state or federal laws governing educational programs, including child nutrition programs. See BP/AR 1312.3 - Uniform Complaint Procedures. Districts that do not receive any such financial assistance may delete this policy.

State and federal law prohibit discrimination in such programs. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. Education Code 220 prohibits discrimination on all those bases and, in addition, on the basis of sexual orientation in all programs and activities in public schools.

The U.S. Department of Agriculture, Food and Nutrition Service (FNS) has authority to enforce federal laws in all nutrition programs and activities that receive federal funds. The California Department of Education (CDE) may also investigate complaints regarding discrimination through the uniform complaint procedures; see BP/AR 1312.3 - Uniform Complaint Procedures.

Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, national origin, ethnic group, age, religion, marital or parental status, disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics. See BP 0410 - Nondiscrimination in District Programs and Activities. 7 CFR 210.23, 215.7, and 220.7 specify that children must not be denied benefits or discriminated against in child nutrition programs on the basis of race, color, national origin, sex, age, or disability, and complaints alleging discrimination on any of these bases may be investigated by the California Department of Education (CDE) or the U.S. Department of Agriculture, Food and Nutrition Service (FNS).

The CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other on any basis prohibited by law, in its implementation of such a program.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3550 - Food Service/Child Nutrition Program)

NUTRITION PROGRAM COMPLIANCE (continued)

(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5030 - Student Wellness)

Coordinator

Note: ~~In March 2010, The CDE's Nutrition Services Division's published its Civil Rights and Complaint Procedures for the Child Nutrition Programs to provide guidance and directions to enable districts comply with federal law. The publication was based on FNS's Civil Rights Compliance and Enforcement Nutrition Programs and Activities, FNS Instruction 113-1, issued in 2005. According to the CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs, districts are required to appoint a civil rights coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.~~

The Board designates the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as **the district's civil rights** coordinator ~~of the district's efforts to comply to ensure compliance~~ with the laws governing its nutrition programs and to investigate any related complaints.

~~The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.~~

~~The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.~~

~~*(cf. 5022 - Students and Family Privacy Rights)*~~
~~*(cf. 5125 - Student Records)*~~

~~When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.~~

~~*(cf. 5020 - Parent Rights and Responsibilities)*~~
~~*(cf. 6020 - Parent Involvement)*~~
~~*(cf. 6174 - English Language Learners)*~~

~~The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.~~

NUTRITION PROGRAM COMPLIANCE (continued)

~~(cf. 5141.27—Food Allergies/Special Dietary Needs)~~
~~(cf. 6159—Individualized Education Program)~~
~~(cf. 6164.6—Identification and Education Under Section 504)~~

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs.

The responsibilities of the compliance officer/coordinator include, but are not limited to:

- 1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties**

~~(cf. 6164.6 - Identification and Education Under Section 504)~~

- 2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff**

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

- 3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs**

~~(cf. 6159 - Individualized Education Program)~~

- 4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants**
- 5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below**

NUTRITION PROGRAM COMPLIANCE (continued)

- 6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency**
- 7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities**
- 8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet**

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

- 9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint**

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

- 10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants**

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

Notifications

The coordinator shall ensure that The U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or other approved Nutrition Programs civil rights posters are or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

NUTRITION PROGRAM COMPLIANCE (continued)

~~Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.~~ **The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.**

~~(cf. 4112.9/4212.9/4312.9 - Employee Notifications)~~
 (cf. 5145.6 - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, FNS requires that ~~every program publication~~ **all forms of communication available to the public regarding program availability** also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS provides specific language for the notification and prohibits its modification in any way. **The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.**

~~In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities~~ **all forms of communication available to the public regarding program availability includes, shall contain, in a prominent location, the following statement:**

~~"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.~~

~~To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."~~

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

NUTRITION PROGRAM COMPLIANCE (continued)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

~~However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement~~ A short version of the nondiscrimination statement, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in ~~the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.~~

(cf. 1312.3 - Uniform Complaint Procedures)

NUTRITION PROGRAM COMPLIANCE (continued)

When a complaint **alleging discrimination of the basis of race, color, national origin, sex, age, or disability** is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room **15004503**, Sacramento, CA 95814-2342 or call **916-445-0850 (916) 323-8531** or (800) 952-5609
- ~~2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov~~
- ~~3.2. USDA, Director, Office of Civil Rights U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, or call 800-795-3272 or 202-720-6382 (TTY) (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email **program.intake.usda.gov**.~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

Legal Reference continued: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, March 2010-rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January 1999, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Center USD

Board Policy

Nutrition Program Compliance

BP 3555

Business and Noninstructional Operations

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Coordinator

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
(cf. 6174 - English Language Learners)

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Notifications

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500,

Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609

2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov

3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION
PUBLICATIONS**

Civil Rights and Complaint Procedures for Child Nutrition Programs, March 2010

**U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE
PUBLICATIONS**

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS
Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

WEB SITES

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3580(a)

DISTRICT RECORDS

Note: The following optional policy and accompanying administrative regulation address the classification and retention of district records pursuant to 5 CCR 16020-16027 and may be modified to reflect district practice. For more information about personnel records, including the contents and retention of such records pursuant to 5 CCR 16023, see AR 4112.6/4212.6/4312.6 - Personnel Files. For additional requirements pertaining to student records, including the contents and retention of such records pursuant to Education Code 49069, 5 CCR 430-433, and the Family Educational Rights and Privacy Act (20 USC 1232g and 34 CFR 99.1-99.8), see BP/AR 5125 - Student Records. For requirements pertaining to public access to certain records in accordance with the California Public Records Act (Government Code 6251-6270), see BP/AR 1340 - Access to District Records.

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)
(cf. 3440 - Inventories)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)

Note: 5 CCR 16020 defines a "record" as any paper or document which the district is required to maintain or which the district prepares or maintains as necessary to the discharge of official duty. 5 CCR 16022 requires the Superintendent or designee to annually review and classify these records in order to determine the length of time for which they must be retained. Depending on their content, electronic communications such as email, voicemail, and text messages may also be considered "records" and thus are subject to the same classification and retention schedule as paper documents.

Code of Civil Procedure 1985.8 (the California Electronic Discovery Act) and 2031.010 make the procedural rules requiring the disclosure of documents to the opposing party in litigation applicable to electronically stored information. These state rules are similar to federal Rules of Civil Procedure that apply to actions in federal courts and which also include provisions related to electronically stored information. In general, the rules require parties in litigation to identify and disclose potentially relevant electronic information and, upon notification by district legal counsel of pending or anticipated litigation, halt the routine destruction of paper or electronic records (e.g., suspend automatic monthly erasure of back-up tapes) that could be potentially relevant (a "litigation hold").

It is important that districts have an efficient and consistent system in place for discarding those documents, including email, that are not considered "records." Such a system may help reduce storage costs and prevent unnecessary disclosure. For example, Government Code 6254 exempts from disclosure "preliminary drafts" not retained by the district. The purpose of this exemption is to allow a measure of confidentiality for pending district action. However, if preliminary drafts are not regularly discarded, then they may be considered a "record" that has been retained by the district and thus subject to disclosure under the Public Records Act.

DISTRICT RECORDS (continued)

The following optional paragraph, which may be revised to reflect district practice, directs the Superintendent or designee to create a document management system which includes a process for the storage and destruction of electronic materials. Each district will need to do an analysis of the type of system needed based on the size of the district, number of school sites, number of employees, and the type, practice, and capability of the district's information technology system.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. 0440 - District Technology Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 4040 - Employee Use of Technology)
(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

~~Note: Since districts collect and retain personal information of students, parents/guardians, and employees in the normal conduct of district business, it is important to establish some safeguards against unauthorized release of such personal information and to prevent crimes such as identity theft, as provided in the following optional paragraph, which may be revised to reflect district practice.~~

~~In the event of any known or reasonably suspected breach of the security of district records containing confidential personal information including, but not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account, the Superintendent or designee shall immediately notify local law enforcement agencies and any affected persons. Notification of affected individuals may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation.~~

DISTRICT RECORDS (continued)

Note: Pursuant to Civil Code 1798.29, districts are required to disclose any breach of security of any records that contain personal information, as defined. The required formatting and contents of the notification are detailed in Civil Code 1798.29. A district may maintain its own notification procedure as part of an information security policy provided that the notification is consistent with the requirements in Civil Code 1798.29 regarding timing of the notification.

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

Safe at Home Program

Note: The Secretary of State's Safe at Home program creates a confidential address and mail-forwarding program for victims of domestic violence, stalking, or sexual assault. Government Code 6207 provides that, when creating a public record, the district must not include actual residences of students, parents/guardians, or employees when a substitute address is designated through the Safe at Home program. Districts are required to accept the program participation card issued by the Secretary of State and to substitute a post office box as the participant's address.

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

Note: According to the Secretary of State, a participant's confidential, actual address may only be used to establish student enrollment eligibility and for school emergency purposes. Pursuant to Government Code 6207, a participant's confidential, actual address is not a public record and should not be made available to anyone under any circumstances. See also AR 5111.1 - District Residency.

DISTRICT RECORDS (continued)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)
(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*
35163 *Official actions, minutes and journal*
35250-35255 *Records and reports*
44031 *Personnel file contents and inspection*
49065 *Reasonable charge for transcripts*
49069 *Absolute right to access*

CIVIL CODE

1798.29 Breach of security involving personal information

CODE OF CIVIL PROCEDURE

1985.8 *Electronic Discovery Act*
2031.010-2031.060 *Civil Discovery Act, scope of discovery demand*
2031.210-2031.320 *Civil Discovery Act, response to inspection demand*

GOVERNMENT CODE

6205-6210 *Confidentiality of addresses for victims of domestic violence, sexual assault or stalking*
6252-6265 *Inspection of public records*
12946 *Retention of employment applications and records for two years*

PENAL CODE

11170 *Retention of child abuse reports*

CODE OF REGULATIONS, TITLE 5

430 *Individual student records; definition*
432 *Varieties of student records*
16020-16022 *Records, general provisions*
16023-16027 *Retention of records*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy Act*

Management Resources:

WEB SITES

California Secretary of State: <http://www.sos.ca.gov/safeathome>

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Center USD

Board Policy

District Records

BP 3580

Business and Noninstructional Operations

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3440 - Inventories)

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. 0440 - District Technology Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

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6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE PUBLICATIONS

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov/safeathome>

Policy
adopted: February 17, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Policy

Certificated Personnel

BP 4112.2(a)

CERTIFICATION

Note: Under the authority granted by Education Code 44252, the Commission on Teacher Credentialing (CTC) establishes standards and procedures for the issuance and renewal of multiple subject, single subject, education specialist, and other credentials, certificates, and permits and approves applications. Pursuant to Education Code 44251, a preliminary credential is generally valid for five years, during which time the employee must complete the requirements for the clear credential in order to continue to serve in a certificated position. The clear credential must be renewed every five years, but renewal does not require completion of additional coursework or service requirements.

Assignment to certain positions within the district may require additional qualifications. For example, see AR 4112.22 - Staff Teaching English Language Learners, AR 4112.23 - Special Education Staff, ~~BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act~~, and BP/AR 4113 - Assignment.

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

The Superintendent or designee ~~may~~ **shall** provide assistance and support to teachers holding preliminary credentials to ~~help~~ **enable** them to meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

CERTIFICATION (continued)**Priorities for Hiring Based on Unavailability of Credentialed Teacher**

Note: When the district is unable to hire a "fully prepared" teacher who has completed a teacher preparation program (i.e., a teacher who holds a clear or preliminary teaching credential), Education Code 44225.7 permits the district to hire a teacher without those credentials. Education Code 44225.7 establishes a hierarchy for such hires, as provided in items #1-3 below.

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

Note: Pursuant to Education Code 44225.7, if a credentialed teacher is not available, priority must be given to employing an individual who is enrolled in an approved intern program, as provided in item #1 below. CTC Coded Correspondence 13-01 clarifies that such an individual must possess a CTC-issued intern credential.

1. A candidate who ~~is qualified to participate in and~~ enrolls in an approved intern program in the region of the district **and possesses an intern credential**

Note: Pursuant to Education Code 44225.7, next priority for filling a position should be for a candidate who is scheduled to complete preliminary credential requirements within six months, as provided in item #2 below. CTC Coded Correspondence 13-01 clarifies that such an individual must qualify for and obtain a provisional internship permit (PIP) or short-term staff permit (STSP).

Pursuant to 5 CCR 80021-80021.1, the district may employ persons with an STSP when needed to immediately staff classrooms based on unforeseen circumstances, or a PIP when the district has conducted a diligent search but has been unable to recruit a credentialed teacher. ~~As amended by Register 2013, No. 28, 5-CCR 80021.1 provides that the PIP shall be issued for one year and is not renewable.~~ Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

Note: 5 CCR 80021.1 requires that a notice of intent to employ a person with a PIP be made public as described in the following paragraph. A copy of the agenda item and the Superintendent or designee's verification of the Governing Board's favorable action must be included as part of the application to the CTC along with other required verifications; see the accompanying administrative regulation.

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CERTIFICATION (continued)

Note: Pursuant to Education Code 44225.7, when the district is unable to recruit a credentialed teacher or a teacher who meets the qualifications specified in items #1-2 above, it may request that the CTC issue a "variable term" credential waiver (Education Code 44225; 5 CCR 80120-80125) or a long-term emergency permit (Education Code 44300; 5 CCR 80023-80026.6), as provided in item #3 below.

The STSP and PIP have replaced multiple subject, single subject, and education specialist emergency permits, but the CTC continues to issue the emergency resource specialist permit (5 CCR 80024.3.1), emergency teacher librarian services permit (5 CCR 80024.6), emergency crosscultural, language and academic development permit (5 CCR 80024.8), and emergency bilingual authorization permit (5 CCR 80024.7). Pursuant to 5 CCR 80023.1, as amended by Register 2013, No. 28, an emergency permit may be renewed for up to two additional one-year periods (for a maximum of three years of service).

3. ~~As a last resort,~~ An individual who holds an emergency permit ~~issued by the CTC~~ or for whom a credential waiver has been granted by the CTC

Note: Pursuant to 5 CCR 80023.2, 80026, and 80027-80027.1, the Board must annually approve a Declaration of Need for Fully Qualified Educators prior to hiring a person with an emergency permit or a limited assignment permit to teach outside his/her area of certification. The form for the Declaration of Need is available in the CTC's online [Credential Information Guide](#), which may be accessed only by employers. Pursuant to 5 CCR 80026, the Declaration of Need must be approved at a regularly scheduled public Board meeting and is valid for up to 12 months, expiring on June 30 following its submission to CTC.

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled public Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-#2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

CERTIFICATION (continued)**National Board for Professional Teaching Standards Certification**

Note: The following optional section may be revised to reflect district practice. The National Board for Professional Teaching Standards (NBPTS) offers teachers a voluntary, rigorous advanced certification process to demonstrate professional accomplishment. Some districts provide fee support to teachers seeking this certification.

~~AB 97 (Ch. 47, Statutes of 2013) eliminated state categorical funding (Education Code 44395-44399.1) designated for providing one-time incentive awards to NBPTS-certificated teachers who agree to teach at least 50 percent of a full-time position at a high-priority school (i.e., a school ranked in the bottom half of the Academic Performance Index) for at least four years.~~

The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. In accordance with the collective bargaining agreement and the district budget, the Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program.

(cf. 4161.3 - Professional Leaves)

Parental Notifications

Note: The following section is for use by districts that receive federal Title I funds, and may be used or adapted by other districts at their discretion.

20 USC 6312 requires districts receiving federal Title I funds to provide the following annual notification to parents/guardians of students in any school receiving Title I funds. Such districts may choose to provide the same notification to all schools, regardless of whether or not they receive Title I funds. As amended by the Every Student Succeeds Act (P.L. 114-95), 20 USC 6312 no longer requires the notification to include the right of parents/guardians to request information about a teacher's baccalaureate major or graduate certification or degree held by the teacher.

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. **Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction**
2. **Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived**

CERTIFICATION (continued)

3. Is teaching in the field of discipline of his/her certification

(cf. 5145.6 - Parental Notifications)

Note: As amended by P.L. 114-95, 20 USC 6312 requires the following notice to parents/guardians whenever a student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements.

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Legal Reference: (see next page)

CERTIFICATION (continued)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*

32340-32341 *Unlawful issuance of a credential*

35186 *Complaints regarding teacher vacancy or misassignment*

44066 *Limitations on certification requirements*

44200-44399.1 *Teacher credentialing, especially:*

44250-44277 *Credential types; minimum requirements*

44300-44302 *Emergency permit*

44325-44328 *District interns*

44330-44355 *Certificates and credentials*

44420-44440 *Revocation and suspension of credentials*

44450-44468 *University intern program*

44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*

56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

~~6100-6126 *Teacher qualifications, No Child Left Behind Act*~~

80001-80674.6 *Commission on Teacher Credentialing*

UNITED STATES CODE, TITLE 20

6312 *Title I local educational agency plans; notifications regarding teacher qualifications*

~~6319 *Highly qualified teachers*~~

~~7801 *Definitions, highly qualified teacher*~~

CODE OF FEDERAL REGULATIONS, TITLE 34

200.61 *Parent notification regarding teacher qualifications*

~~200.55-200.57 *Highly qualified teachers*~~

COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-667 *Basic Skills Requirement*

CL-856 *Provisional Internship Permit*

CL 858 *Short-Term Staff Permit*

13-01 *Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013*

Subject Matter Authorization Guideline Book, 2012

Supplementary Authorization Guideline Book, 2012

California Standards for the Teaching Profession, 2009

The Administrator's Assignment Manual, rev. September 2007

WEB SITES

CSBA: <http://www.csba.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Commission on Teacher Credentialing, *Credential Information Guide (for employers' use only)*:
<http://www.ctc.ca.gov/credentials/cig>

National Board for Professional Teaching Standards: <http://www.nbpts.org>

U.S. Department of Education: <http://www.ed.gov>

(11/08 8/14) 7/16

Center USD

Board Policy

Certification

BP 4112.2

Personnel

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

The Superintendent or designee may provide assistance and support to teachers holding preliminary credentials to help them meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved intern program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CERTIFICATION (continued)

3. As a last resort, an individual who holds an emergency permit issued by the CTC or for whom a credential waiver has been granted by the CTC

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled public Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. In accordance with the collective bargaining agreement and the district budget, the Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program.

(cf. 4161.3 - Professional Leaves)

CERTIFICATION (continued)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*
32340-32341 *Unlawful issuance of a credential*
35186 *Complaints regarding teacher vacancy or misassignment*
44066 *Limitations on certification requirements*
44200-44399.1 *Teacher credentialing, especially:*
44250-44277 *Credential types; minimum requirements*
44300-44302 *Emergency permit*
44325-44328 *District interns*
44330-44355 *Certificates and credentials*
44420-44440 *Revocation and suspension of credentials*
44450-44468 *University intern program*
44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*
56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

6100-6126 *Teacher qualifications, No Child Left Behind Act*
80001-80674.6 *Commission on Teacher Credentialing*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*
7801 *Definitions, highly qualified teacher*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 *Highly qualified teachers*
200.61 *Parent notification regarding teacher qualifications*

COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-667 *Basic Skills Requirement*
CL-856 *Provisional Internship Permit*
CL 858 *Short-Term Staff Permit*
13-01 *Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013*
Subject Matter Authorization Guideline Book, 2012
Supplementary Authorization Guideline Book, 2012
California Standards for the Teaching Profession, 2009
The Administrator's Assignment Manual, rev. September 2007

WEB SITES

CSBA: <http://www.csba.org>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
Commission on Teacher Credentialing, *Credential Information Guide (for employers' use only)*:
<http://www.ctc.ca.gov/credentials/cig>
National Board for Professional Teaching Standards: <http://www.nbpts.org>
U.S. Department of Education: <http://www.ed.gov>

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Center USD

Board Policy

Teacher Qualifications Under The No Child Left Behind Act

BP 4112.24

Personnel

Recognizing the importance of teacher effectiveness in improving student achievement, the Governing Board desires to recruit and hire teachers for core academic subjects who possess the subject matter knowledge and teaching skills required by the federal No Child Left Behind Act (NCLB).

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 6171 - Title I Programs)

All teachers employed to teach core academic subjects shall be "highly qualified" as defined by federal law and the State Board of Education. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

The Superintendent or designee shall inform teachers of NCLB requirements and shall identify additional qualifications, if any, that individual teachers need to demonstrate in order to meet the requirements. He/she shall work with individual teachers to develop a plan for attaining full qualifications.

The Superintendent or designee shall monitor the distribution of "highly qualified" teachers among district schools and develop strategies, as needed, to encourage teachers who meet NCLB requirements to teach in schools with the lowest student performance.

(cf. 0520.1 - High Priority Schools Grant Program)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.4 - Quality Education Investment Schools)

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4138 - Mentor Teachers)

The Superintendent or designee shall report to the Board on the progress of the district's teachers toward becoming fully qualified. Such reports shall include, but need not be limited to, the percentage of teachers in core academic subjects, districtwide and at each school, who meet the definition of a "highly qualified" teacher in accordance with federal law, and the percentage of teachers who are receiving professional development to enable them to satisfy this definition. (20 USC 6319)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction)

Legal Reference:

EDUCATION CODE

44500-44508 Peer Assistance and Review Program for Teachers

44662 Performance evaluation; Stull Act review

44664 Teacher evaluation; program to improve performance

44865 Alternative programs

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staff permit

80021.1 Provisional internship permit

80089.3-80089.4 Subject matter authorizations

UNITED STATES CODE, TITLE 20

1401 Definition of highly qualified special education teacher

6311 Parental notifications

6312 Title I local educational agency plan

6314 Schoolwide programs

6315 Targeted assistance schools

6319 Highly qualified teachers

7345-7345b Small Rural Schools Achievement Program

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

300.18 Highly qualified special education teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings, January 2007

NCLB Teacher Requirements Resource Guide, March 1, 2004

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001

California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, revised October 5, 2006

New No Child Left Behind Flexibility: Highly Qualified Teachers, Fact Sheet, March 15, 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, NCLB Teacher Quality:

<http://www.cde.ca.gov/nclb/sr/tq>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

U.S. Department of Education, No Child Left Behind: <http://www.ed.gov/nclb>

Policy
adopted: October 15, 2008

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Delete

Center USD

Administrative Regulation

Teacher Qualifications Under The No Child Left Behind Act

AR 4112.24

Personnel

Definitions

Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. (20 USC 7801)

Hard-to-staff setting means a middle or high school classroom eligible for the federal Small Rural Schools Achievement Program, a middle or high school special education classroom, or a middle or high school alternative education program as specified in Education Code 44865, including home teaching, hospital classes, necessary small high schools, continuation schools, alternative schools, opportunity schools, juvenile court schools, county community schools, and district community day schools. (5 CCR 6100)

(cf. 6181 - Alternative Schools)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

High Objective Uniform State Standard Evaluation (HOUSSE) is a method of determining a teacher's subject matter competence using forms developed by the California Department of Education (CDE). HOUSSE Part 1 consists of a summation of the teacher's years of experience, coursework, professional development, and service to the profession. HOUSSE Part 2, to be conducted only if Part 1 does not indicate subject matter competency, consists of direct observation and portfolio assessment and, if necessary, completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan. (5 CCR 6104)

(cf. 4139 - Peer Assistance and Review)

Level 1 professional development means training that will provide a teacher with the requisite understanding of each set of state content standards. Level 2 professional development means training that will provide a teacher with more in-depth understanding of the content standards than provided in a Level 1 professional development program. The trainings shall be consistent with state-adopted academic content standards, curriculum frameworks, and adopted texts and shall incorporate the assessment of subject matter competency as outlined in the CDE's document California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings. For each type of training, at least 36 hours in the core subject for which the teacher is being certified is required to substantively address the subject matter content. (5 CCR 6100, 6105)

Teacher new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, on or after July 1, 2002. (5 CCR 6100)

Teacher not new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, before July 1, 2002. (5 CCR 6100)

Teacher Qualifications

To meet the teacher qualification requirements of the federal No Child Left Behind Act (NCLB), a teacher of a core academic subject shall meet all of the following conditions: (20 USC 6319, 7801; 34 CFR 200.55, 200.56, 300.18; 5 CCR 6101, 6104, 6105, 6110)

1. Hold a bachelor's degree
2. Hold a full credential or be currently enrolled in an approved intern program for less than three years

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

3. Demonstrate subject matter competency in accordance with the applicable requirements below

(cf. 6171 - Title I Programs)

A teacher who holds a supplementary authorization or is employed on a local teaching assignment shall meet the teacher qualification requirements of NCLB if he/she holds a California teaching credential and has demonstrated subject matter competency for the grade span and subject matter taught. (5 CCR 6116)

A teacher shall not meet the teacher qualification requirements of NCLB if he/she is teaching with a short-term staff permit, a provisional internship permit, or a state or local waiver for the grade or subject taught. (5 CCR 6115, 80021, 80021.1)

Demonstration of Subject Matter Competency

Subject matter competency shall be demonstrated in accordance with the following requirements based on the grade levels taught and the teacher's length of time in the profession:

1. An elementary teacher who is new to the profession shall pass a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC). (5 CCR 6102)
2. An elementary teacher who is not new to the profession shall complete one of the following: (5 CCR 6103-6104)

- a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
 - b. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
3. A middle or high school teacher who is new to the profession shall pass or complete one of the following for every core academic subject currently assigned: (5 CCR 6111)
- a. A validated statewide subject matter examination certified by the CTC
 - b. University subject matter program approved by the CTC
 - c. Undergraduate major in the subject taught
 - d. Graduate degree in the subject taught
 - e. Coursework equivalent to the undergraduate major
4. A middle or high school teacher who is not new to the profession shall pass or complete one of the following for every core subject assigned: (5 CCR 6112)
- a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
 - b. University subject matter program approved by the CTC
 - c. Undergraduate major in the subject taught
 - d. Graduate degree in the subject taught
 - e. Coursework equivalent to the undergraduate major
 - f. Advanced certification or credential, such as certification from the National Board for Professional Teaching Standards
 - g. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
5. A middle or high school teacher in a hard-to-staff setting, as defined above, shall complete professional development for the subject matter verification process within three years of the date of assignment to such a setting. (5 CCR 6100, 6105)
- a. If the teacher has fewer than 20 total or 10 upper division nonremedial college-level semester units, or equivalent quarter units, in a core academic subject, he/she shall complete both Level 1 and Level 2 professional development courses as defined above.
 - b. If the teacher has fewer than 32 semester nonremedial college-level units, but at least 20 total or 10 upper division nonremedial semester units, or the equivalent quarter units, in a

core academic subject, he/she shall complete a Level 2 professional development course.

(cf. 4131 - Staff Development)

6. An elementary, middle, or high school special education teacher teaching multiple subjects exclusively to students with disabilities may either: (20 USC 1401; 34 CFR 300.18; 5 CCR 6111)

a. Meet the requirements above for teachers who are new or not new to the profession, as applicable

b. In the case of a new special education teacher who has demonstrated subject matter competency in mathematics, language arts, or science, demonstrate competency in the other core academic subject(s) he/she teaches through the HOUSSE no later than two years after the date of employment

Satisfaction of Requirements Outside District

A teacher who has been determined by another district in California to have met the teacher qualification requirements for the grade level and/or subject taught shall not be required to demonstrate again that he/she meets those requirements. (5 CCR 6120)

A teacher who has been determined to meet subject matter competency requirements outside of California shall be considered to have met those requirements for the particular subject and/or grade span in California. The date of issuance of a valid out-of-state credential shall be used to identify a teacher as new or not new to the profession. (5 CCR 6125)

A teacher prepared in a country other than the United States shall be considered to have met NCLB teaching requirements if he/she: (5 CCR 6126)

1. Holds a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education

2. Has completed a teacher preparation program that meets CTC requirements for out-of-country trained teachers

3. Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent processes and methods required of California teachers

4. Holds a California teaching credential

Certification of Compliance

All teachers teaching core academic subjects shall complete and sign a certificate of compliance with NCLB requirements and attach appropriate documentation. The Superintendent or designee shall verify the information and retain the signed original copy.

The principal of each school receiving Title I funds shall annually attest in writing as to whether the school is in compliance with NCLB requirements related to teacher

qualifications. Copies of the attestation shall be maintained at the school and at the district office and shall be available to any member of the public upon request. (20 USC 6319)

District Plan for Highly Qualified Teachers

Within the Title I local educational agency plan, the Superintendent or designee shall develop a plan for ensuring that all teachers of core academic subjects will meet NCLB requirements in accordance with law. As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet NCLB requirements. (20 USC 6312, 6319)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to: (20 USC 6311)

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who does not meet NCLB teacher qualification requirements. (20 USC 6311; 34 CFR 200.61)

The Superintendent or designee shall notify teachers, as appropriate, prior to distributing the above notice to parents/guardians.

The notice and information provided to parents/guardians shall be in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents/guardians can understand. (20 USC 6311)

Regulation
approved: October 15, 2008

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Delete

Center USD

Exhibit

Teacher Qualifications Under The No Child Left Behind Act

E 4112.24

Personnel

ATTESTATION REGARDING QUALIFICATIONS OF TITLE I TEACHERS

Instructions: The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School: _____ Principal: _____

I certify that all teachers hired after the first day of the 2002-03 school year to teach core academic subjects in a program supported by Title I funds meet the following qualifications:

1. Hold at least a bachelor's degree
2. Have a credential or are currently enrolled in an approved intern program for less than three years
3. Have demonstrated subject matter competence as required by 5 CCR 6100-6115 for the grade level(s) taught and the teacher's length of time in the profession

Signature of Principal

Date

Delete

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

PARENTAL NOTIFICATION OF TEACHER QUALIFICATIONS

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds under the federal No Child Left Behind Act (NCLB).

Under NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. These requirements help us to ensure that all our students receive the best education by teachers who are highly skilled and knowledgeable in their subject areas.

This federal law requires the school to notify you that a teacher who has not yet completed the process for meeting NCLB requirements has taught your child for four or more consecutive weeks. However, the teacher is authorized to teach in California and is working toward completion of the requirements. Our school district continues to monitor teacher qualifications and to provide additional support and training, as necessary, to help teachers meet the requirements.

You may contact [insert school name] to request the qualifications of your child's teacher. If you have any questions, please contact [insert principal name] at [insert telephone number] .

CSBA Sample Exhibit

All Personnel

E 4112.9(a)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR 11023	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
Electronically to all employees, no more than twice per school year per child needing medication	Education Code 49414.7	AR 5141.21	Request for volunteers to administer emergency antiseizure medication; training to be provided
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

E 4112.9(b)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

E 4112.9(c)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees via employee handbook, or to each new employee	2 CCR 11096; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
To all employees and job applicants	34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
II. To Certificated Employees			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation

E 4112.9(d)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employees in district with ADA of 250 or more by March 15 of employee's second consecutive year of employment	Education Code 44929.21	AR 4117.6	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing

E 4112.9(e)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
To teachers when school is identified for Title I-program improvement restructuring	20 USC 6316	AR 0520.2	School identified for restructuring; opportunity to comment and participate
III. To Classified Employees			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, procedures, and employee rights

E 4112.9(f)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. To Classified Employees (continued)			
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
IV. To Administrative/Supervisory Personnel			
To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment

E 4112.9(g)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.21	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204, 5193	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

E 4112.9(h)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

(4/15 5/16) 7/16

All PersonnelE 4112.9(a)
4212.9
4312.9**EMPLOYEE NOTIFICATIONS**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR 11023	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
Electronically to all employees, no more than twice per school year per child needing training medication	Education Code 49414.7	AR 5141.21	Request for volunteers to administer emergency antiseizure medication; to be provided
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs

E 4112.9(b)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits

E 4112.9(c)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees via employee handbook, or to each new employee	2 CCR 11096; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
To all employees and job applicants	34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
II. To Certificated Employees			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation

E 4112.9(d)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment	Education Code 44929.21	AR 4117.6	Whether or not employee is reelected for next school
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing

E 4112.9(e)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
To teachers when school is identified for Title I program improvement restructuring	20 USC 6316	AR 0520.2	School identified for restructuring; opportunity to comment and participate
III. To Classified Employees			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, procedures, and employee rights

E 4112.9(f)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. To Classified Employees (continued)			
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
IV. To Administrative/Supervisory Personnel			
To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment

E 4112.9(g)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204, 5193	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

E 4112.9(h)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

CSBA Sample Board Policy

Certificated Personnel

BP 4113(a)

ASSIGNMENT

Note: Education Code 35035 gives the Superintendent or designee the authority to assign personnel subject to Governing Board approval. The following optional policy may be revised to reflect district practice.

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, professional experience, and aptitude qualify them.

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.22 - Staff Teaching English Language Learners)
(cf. 4112.23 - Special Education Staff)
(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

~~Note: All teachers assigned to teach core academic subjects are required to fulfill qualifications for "highly qualified teachers" (HQT) specified in the No Child Left Behind Act pursuant to 20 USC 6319 and 7801, 34 CFR 200.55-200.57, and 5 CCR 6100-6126; see BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.~~

~~Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)~~

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

Note: The Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual describes "local teaching assignment options" available to districts when assigning a teacher outside his/her credential authorization. See the accompanying administrative regulation for requirements pertaining to assignments to

ASSIGNMENT (continued)

departmentalized classes in grades K-12 (Education Code 44258.3) or elective courses (Education Code 44258.7).

According to the CTC manual, it is inappropriate to use a local teaching assignment option for an individual who holds an emergency permit, provisional internship permit (PIP), or short-term staff permit (STSP). For information about the circumstances under which persons holding these permits may be employed, see BP/AR 4112.2 - Certification. If a district uses a local teaching assignment option for a holder of an internship credential, the CTC cautions that the district must ensure that the individual meets the specific requirements of the teaching assignment option as well as the requirements of the internship credential; see BP/AR 4112.21 - Interns for further information about internship programs.

The CTC manual indicates that a district may use the options at its discretion. The following paragraph may be revised to reflect options available in the district.

When specifically authorized by law or regulation, the Superintendent or designee may assign a teacher, with his/her consent, to a position outside his/her credential authorization ~~when specifically authorized by law or regulation, and~~ in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

Note: Education Code 44258.9 provides that the County Superintendent of Schools is responsible for monitoring district assignment practices and vacancies, as defined in Education Code 33126, and reporting the results to the CTC. Pursuant to Education Code 44258.9, the County Superintendent must annually monitor and review assignment practices in (1) schools and districts likely to have problems with teacher misassignment (~~i.e., placement of a certificated employee in a position for which he/she does not hold a legally recognized certificate or credential or is not otherwise authorized by statute to hold~~) and vacancies based on past experience and other available information, and (2) schools ranked in deciles 1-3 on the statewide Academic Performance Index (API). **However, the API has been suspended pending transition to a new state accountability system.** All other schools undergo review of assignment practices on a four-year cycle. In counties in which there is a single school district, the CTC is responsible for monitoring teacher assignments.

~~Education Code 44265.1, as amended by AB 2302 (Ch. 41, Statutes of 2008), expands the reporting requirement to include a report when students with autism are taught by a teacher whose credential authorizes instruction to students with mild/moderate disabilities rather than moderate/severe disabilities; see AR 4112.23 - Special Education Staff.~~

Education Code 33126 requires that vacancies and misassignments be reported on the School Accountability Report Card. Also, Education Code 35186 requires districts to develop procedures by which a parent/guardian can file a complaint related to teacher misassignments or vacancies. See AR/E 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 44258.9, the County Superintendent is required to notify any certificated

ASSIGNMENT (continued)

administrator responsible for a misassignment and advise him/her to correct it within 30 calendar days. The County Superintendent is also required to notify the Superintendent of any district where five percent or more of the certificated teachers in the secondary schools are misassigned, advising him/her to correct the misassignments within 120 calendar days. If a teacher believes he/she has been misassigned, he/she is authorized, after exhausting any local remedies, to file a written notification with the County Superintendent, who must advise the teacher as to the legality of the assignment within 15 working days.

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or ~~Commission on Teacher Credentialing~~ CTC, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Equitable Distribution of Qualified Teachers

~~Note: Items #1-4 below reflect actions required under California's approved Revised State Plan for the No Child Left Behind Act, developed pursuant to 20 USC 6311, to ensure that poor, minority, and/or underperforming students are not taught by inexperienced, underqualified, or out of field teachers at higher rates than are other students in the district. As a part of these efforts, the California Department of Education (CDE) may require districts to develop a Board policy that addresses the assignment of interns and persons holding a PIP or STSP, as provided in items #2 and 3 below. The following section may be revised to reflect district practice. 20 USC 6312, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), maintains the requirement that the Title I local educational agency (LEA) plan include a description of how the district will identify and address, consistent with the state's ESSA plan, any disparities that result in low-income or minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers. The LEA plan will be transitioned out at the end of the 2016-17 school year. According to the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), districts will meet Title I planning requirements through the local control and accountability plan and the consolidated application reporting system beginning with the 2017-18 school year.~~

According to the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), the approved State Plan to Ensure Equitable Access to Excellent Educators remains in effect through the 2016-17 school year and states may, but are not required to, amend the plan. The CDE's transition plan indicates that districts will not be required to participate in the state's Compliance Monitoring, Interventions and Sanctions (CMIS) program in the 2016-17 school year and that the CDE intends to update the CMIS with new guidelines.

~~In order to~~ **The Superintendent or designee shall** ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students., ~~the Superintendent or designee shall.~~ He/she shall annually report to the Board and

ASSIGNMENT (continued)

the California Department of Education (CDE) comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

(cf. 0520.2 - Title I Program Improvement Schools)

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 4111 - Recruitment and Selection)

(cf. 4114 - Transfers)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction Teacher Support and Guidance)

(cf. 6171 - Title I Programs)

1. ~~Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long-term solutions for ensuring that all core academic classes will be taught by highly qualified teachers~~
2. ~~Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index~~
3. ~~Not place interns in high poverty, low performing schools in greater numbers than in schools with low poverty or higher academic achievement~~
4. ~~Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools~~

Note: All districts are required to submit to the CDE a worksheet, available on the web site of the Santa Clara County Office of Education's Personnel Management Assistance Team, listing teachers' education levels, years of teaching experience, credential types and authorizations, and compliance with HQT requirements when applicable. Additional worksheets may need to be submitted and additional actions taken depending on whether the district is fully compliant with HQT requirements and has met adequate yearly progress (AYP) requirements; see definition of AYP in AR 0520.2 Title I Program Improvement Schools. In accordance with criteria developed by the CDE, Level A districts, those that are not fully compliant with HQT requirements but have met AYP, are not required to submit an equitable distribution plan. Level B districts, those that have failed to meet AYP and HQT for two consecutive years, must submit an equitable distribution plan. Level C districts, those that have failed to meet AYP and HQT for three consecutive years, must fully implement their equitable distribution plan and must develop a Title II, Part A budget in agreement with the CDE. The following optional paragraph may be revised to reflect district practice:

ASSIGNMENT (continued)

~~The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across district schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and qualifications of teachers at those schools.~~

Legal Reference: (see next page)

ASSIGNMENT (continued)*Legal Reference:*EDUCATION CODE

33126 School accountability report card
 35035 Additional powers and duties of superintendent
 35186 Complaint process
 37616 Assignment of teachers to year-round schools
 44225.6 Commission report to the legislature re: teachers
 44250-44277 Credentials and assignments of teachers
 44314 Subject matter programs, approved subjects
 44824 Assignment of teachers to weekend classes
 44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

~~6100-6126 Teacher qualifications, No Child Left Behind Act~~
 80003-80005 Credential authorizations
 80020-80020.5 Additional assignment authorizations
 80335 Performance of unauthorized professional services
 80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plans

~~6319 Highly qualified teachers~~

6601-6651 Teacher and Principal Training and Recruiting Fund

~~7801 Definitions, highly qualified teacher~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.55-200.57 Highly qualified teachers~~

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~California State Plan to Ensure Equitable Access to Excellent Educators~~

~~Revised State Plan for the No Child Left Behind Act, rev. September 2008~~

~~Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016~~

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

~~Administrator's Assignment Manual - Updates and Revisions, May 2014~~

~~The Administrator's Assignment Manual, rev. September 2007~~

U.S. DEPARTMENT OF EDUCATION GUIDANCE

~~Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, May 4, 2016~~

~~Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006~~

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

~~Santa Clara County Office of Education, Personnel Management Assistance Team:~~

~~<http://www.seecoe.org/depts/pmat>~~

U.S. Department of Education: <http://www.ed.gov>

(11/04 3/09) 7/16

Center USD

Board Policy

Assignment

BP 4113

Personnel

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Center Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, professional experience, and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may assign a teacher, with his/her consent, to a position

outside his/her credential authorization when specifically authorized by law or regulation, and in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or Commission on Teacher Credentialing, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Equitable Distribution of Qualified Teachers

In order to ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students, the Superintendent or designee shall:

1. Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long-term solutions for ensuring that all core academic classes will be taught by highly qualified teachers
2. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index
3. Not place interns in high-poverty, low-performing schools in greater numbers than in schools with low poverty or higher academic achievement
4. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools

(cf. 4111 - Recruitment and Selection)

The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across district schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low-performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high-need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and

qualifications of teachers at those schools.

(cf. 4114 - Transfers)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction)

(cf. 4138 - Mentor Teachers)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35035 Additional powers and duties of superintendent

35186 Complaint process

37616 Assignment of teachers to year-round schools

44225.6 Commission report to the legislature re: teachers

44250-44277 Credentials and assignments of teachers

44314 Subject matter programs, approved subjects

44395-44398 Incentives for assigning NBPTS-certified teachers to high-priority schools

44824 Assignment of teachers to weekend classes

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

80003-80005 Credential authorizations

80020-80020.5 Additional assignment authorizations

80335 Performance of unauthorized professional services

80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

6319 Highly qualified teachers

6601-6651 Teacher and Principal Training and Recruiting Fund

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Revised State Plan for the No Child Left Behind Act, rev. September 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, rev. September 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Santa Clara County Office of Education, Personnel Management Assistance Team:

<http://www.sccoe.org/depts/pmat>

U.S. Department of Education: <http://www.ed.gov>

CSBA Sample Administrative Regulation

Certificated Personnel

AR 4115(a)

EVALUATION/SUPERVISION

Note: Education Code 35171 mandates that the Governing Board adopt reasonable regulations related to evaluating the performance of certificated personnel. The following administrative regulation and accompanying Board policy should be revised to reflect district practice and any applicable provisions of collective bargaining agreements.

The following paragraph may be deleted by any district that has not recognized a bargaining unit of certificated employees.

Evaluation of certificated employees shall be conducted in accordance with the procedures established in this administrative regulation and applicable collective bargaining agreements. To the extent that any of those provisions conflict, the procedures in the collective bargaining agreement shall be implemented.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4112.9 - Employee Notifications)

Frequency of Evaluations

Each probationary certificated employee shall be evaluated at least once each school year. (Education Code 44664)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.6 - Decision Not to Rehire)

Each certificated employee with permanent status shall be evaluated and assessed at least every other year. If the employee receives an unsatisfactory evaluation, he/she shall be annually evaluated until he/she achieves a positive evaluation or is separated from the district. (Education Code 44664)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

Alternatively, ~~if the evaluator and employee agree, a permanent employee shall be evaluated at least every five years provided he/she~~ **a permanent employee who has been employed by the district at least 10 years; and who was rated in his/her previous evaluation as meeting or exceeding standards shall be evaluated at least every five years, if he/she and the**

EVALUATION/SUPERVISION (continued)

~~evaluator so agree, and meets the qualifications of a highly qualified teacher as defined in 20 USC 7801, if his/her position requires such qualifications.~~ Either the evaluator or the employee may withdraw consent for the alternative schedule at any time. (Education Code 44664)

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

Evaluation Results

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last scheduled school day of the school year in which the evaluation takes place. Before the last scheduled school day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

~~(cf. 4112.6/4212.6/4312.6 - Personnel Files)~~

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teaching standards approved by the Governing Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and shall describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

~~Note: Education Code 44664 provides that certificated employees who receive an unsatisfactory rating in teaching methods or instruction may be required to participate in a program to improve their performance. AB 97 (Ch. 47, Statutes of 2013) eliminated the Peer Assistance and Review program (Education Code 44500-44508), but districts may design their own programs of individualized teacher support; see BP/AR 4131.1 - Teacher Support and Guidance.~~

The Superintendent or designee may require any certificated employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

~~(cf. 4131 - Staff Development)~~

~~(cf. 4131.1 - Teacher Support and Guidance)~~

EVALUATION/SUPERVISION (continued)

Qualifications of Evaluators

Note: The following **optional** section may be revised to reflect district practice.

The Superintendent or designee shall assign the principal or other appropriate supervisory personnel to evaluate certificated staff. He/she shall ensure that the evaluator:

1. Possesses a valid administrative credential
2. Is competent in the instructional methodologies used by the teachers being evaluated
3. Is skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Is familiar with district curriculum priorities and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation, and staff development

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Center USD

Administrative Regulation

Evaluation/Supervision

AR 4115
Personnel

Evaluation of certificated employees shall be conducted in accordance with the procedures established in this administrative regulation and applicable collective bargaining agreements. To the extent that any of those provisions conflict, the procedures in the collective bargaining agreement shall be implemented.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4112.9 - Employee Notifications)

Frequency of Evaluations

Each probationary certificated employee shall be evaluated at least once each school year. (Education Code 44664)

(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.6 - Decision Not to Rehire)

Each certificated employee with permanent status shall be evaluated and assessed at least every other year. If the employee receives an unsatisfactory evaluation, he/she shall be annually evaluated until he/she achieves a positive evaluation or is separated from the district. (Education Code 44664)

(cf. 4117.4 - Dismissal)

Alternatively, if the evaluator and employee agree, a permanent employee shall be evaluated at least every five years provided he/she has been employed by the district at least 10 years, was rated in his/her previous evaluation as meeting or exceeding standards, and meets the qualifications of a highly qualified teacher as defined in 20 USC 7801, if his/her position requires such qualifications. Either the evaluator or the employee may withdraw consent for the alternative schedule at any time. (Education Code 44664)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

Evaluation Results

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last scheduled school day of the school year in which the evaluation

EVALUATION/SUPERVISION (continued)

takes place. Before the last scheduled school day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teaching standards approved by the Governing Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and shall describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

The Superintendent or designee may require any certificated employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Qualifications of Evaluators

The Superintendent or designee shall assign the principal or other appropriate supervisory personnel to evaluate certificated staff. He/she shall ensure that the evaluator:

1. Possesses a valid administrative credential
2. Is competent in the instructional methodologies used by the teachers being evaluated
3. Is skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Is familiar with district curriculum priorities and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation, and staff development

EVALUATION/SUPERVISION (continued)

CSBA Sample Administrative Regulation

Classified Personnel

AR 4222(a)

TEACHER AIDES/PARAPROFESSIONALS

Qualifications and Duties of Paraprofessionals

Note: The following section may be revised to reflect district practice. Education Code 45330, 45344.5, and 45361.5 require paraprofessionals who will be assigned to assist in instruction to demonstrate proficiency in reading, writing, and mathematics equivalent to or exceeding the proficiency required for high school seniors in the district or, if the district does not maintain high schools, in the high school district that includes all or a portion of the district as specified in Option 1 below for districts maintaining high schools or Option 2 below for elementary school districts. Pursuant to Education Code 45330, the district must ensure that any educational qualifications or proficiency exam established by the district is appropriate to the responsibilities to be assigned to the paraprofessional. According to the California Department of Education's (CDE) web site, many districts use the California Basic Educational Skills Test (CBEST) for the purpose of determining proficiency of paraprofessionals.

At its discretion, the district may choose to use the same or a different proficiency exam than that used for Title I paraprofessionals; see "Additional Qualifications and Duties of Paraprofessionals in Title I Programs" below. The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6319 which contained additional requirements pertaining to the qualifications of paraprofessionals working in programs supported by federal Title I funds and required the principal to attest to the school's compliance. However, 20 USC 6311, as amended by P.L. 114-95, requires that the state plan implementing ESSA include requirements addressing qualifications of such paraprofessionals. According to the CDE, the only requirement applicable to Title I paraprofessionals for the 2016-17 school year is the requirement to demonstrate proficiency on a local proficiency exam. Thus, requirements for Title I paraprofessionals are the same as for all other paraprofessionals.

~~OPTION 1: (Districts maintaining high schools)~~

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for the district's local high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

~~OPTION 2: (Elementary districts)~~

~~No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the district. (Education Code 45330, 45344.5, 45361.5)~~

Note: The remainder of this section is for use by all districts.

A paraprofessional who has passed a proficiency test in another district and was employed in

TEACHER AIDES/PARAPROFESSIONALS (continued)

the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Duties

Note: The following section applies to duties of all paraprofessionals and may be expanded to reflect district practice. The repeal of 20 USC 6319 by P.L. 114-95 eliminated additional requirements related to allowable duties that may be assigned to paraprofessionals in Title I programs, as well as the requirement that the principal annually attest to the school's compliance.

~~Instructional aides~~ **A paraprofessional** shall perform only such duties as, in the judgment of the certificated personnel to whom the ~~instructional aide paraprofessional~~ is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code ~~45330, 45344~~)

(cf. 4112.2 - Certification)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6171 - Title I Programs)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

Additional Qualifications and Duties of Paraprofessionals in Title I Programs

~~Note:~~ The following section reflects requirements for districts receiving federal Title I funds. The No Child Left Behind Act of 2001 (NCLB) (20 USC 6319) requires such districts to ensure that paraprofessionals working in a program supported by Title I funds (which includes entire schools with Title I schoolwide programs) meet specified qualifications. Pursuant to 20 USC 6319, districts may use Title I funds for ongoing training and professional development to help paraprofessionals fulfill these qualifications.

~~All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (Education Code 45330; 20 USC 6319; 34 CFR 200.58; Education Code 45330)~~

~~Note:~~ 20 USC 6319, 34 CFR 200.58, and Education Code 45330 establish a deadline of January 8, 2006, for paraprofessionals hired before January 8, 2002, to demonstrate that they have met the requirements in items #1-3 below. However, in June 2005 the U.S. Department of Education extended this deadline to the end of the 2005-06 school year.

~~In addition, at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002: (20 USC 6319; 34 CFR 200.58; Education Code 45330)~~

TEACHER AIDES/PARAPROFESSIONALS (continued)

1. Completion of at least two years of study at an institution of higher education

Note: For the purpose of determining qualifying qualifications pursuant to item #1 below, the State Board of Education (SBE) approved a definition of "two years of study" as being 18 semester units or equivalent quarter units. Non regulatory guidance issued by the U.S. Department of Education in March 2004 indicates that the equivalent of two years of full-time study should be as defined by the institution of higher education, but the guidance is not binding on the SBE.

In accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 18 semester units or equivalent quarter units.

2. Possession of an associate's degree or higher

Note: In June 2003, the SBE decided that the assessment described in item #3 below will be determined locally by the development or selection of an assessment that meets the requirements of NCLB. According to the SBE, the assessment could be a written exam, demonstration, performance, observation, or oral exam. If desired, the district may revise item #3 to specify the assessment that will be used.

3. Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment

Note: Pursuant to Education Code 45330, paraprofessionals hired in California districts on or before January 1, 2003, may already have complied with the federal requirements because, since 1982, state law has required paraprofessionals to be assessed for proficiency in reading, writing, and mathematics skills. However, if the proficiency exam used by the district did not meet the rigor of the NCLB (e.g., if it did not assess the "ability to assist" in instruction), then those paraprofessionals must be assessed on any previously unassessed components.

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

Note: In June 2003, the SBE determined that, in evaluating the qualifications of paraprofessionals who have previously worked in another district, each district may decide whether or not to accept the previous district's assessment results. The following paragraph is optional.

When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

TEACHER AIDES/PARAPROFESSIONALS (continued)

1. ~~Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator.~~
2. ~~Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318.~~

~~Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)~~

1. ~~Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher~~
2. ~~Assist with classroom management, such as organizing instructional and other materials~~
3. ~~Provide assistance in a computer laboratory~~
4. ~~Conduct parental involvement activities~~
5. ~~Provide support in a library or media center~~
6. ~~Act as a translator~~
7. ~~Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher~~

~~Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)~~

~~Note: In order to verify compliance with requirements for Title I paraprofessionals, 20 USC 6319 provides that districts must, at a minimum, require the following attestation from principals in schools operating Title I programs pursuant to 20 USC 6314 (schoolwide program) or 20 USC 6315 (targeted assistance school). See E 4222 for sample attestation. If desired, districts may expand the following paragraph to include additional methods of verifying compliance:~~

~~The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)~~

TEACHER AIDES/PARAPROFESSIONALS (continued)

Parental Notification

Note: The following paragraph applies to districts that receive Title I funds and may be used or revised by other districts. 20 USC 6312, as amended by P.L. 114-95, contains the following notification requirement formerly in 20 USC 6311.

At the beginning of each school year, a-parents/guardians shall be notified that he/she they may request information regarding whether his/her their child is provided services by a paraprofessionals and, if so, their the paraprofessional's qualifications. (20 USC 6311-6312)

(cf. 5145.6 - Parental Notifications)

(11/03 11/05) 7/16

Center USD

Administrative Regulation

Teacher Aides/Paraprofessionals

AR 4222
Personnel

Qualifications and Duties of Paraprofessionals

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for the district's high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a proficiency test in another district and was employed in the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)

(cf. 5121 - Grades/Evaluation of Student Achievement)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

Additional Qualifications and Duties of Paraprofessionals in Title I Programs

All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (20 USC 6319; 34 CFR 200.58; Education Code 45330)

(cf. 6171 - Title I Programs)

In addition, at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Completion of at least two years of study at an institution of higher education

In accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 48 semester units or equivalent quarter units.

2. Possession of an associate's degree or higher
3. Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator
2. Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318

Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher
2. Assist with classroom management, such as organizing instructional and other materials
3. Provide assistance in a computer laboratory
4. Conduct parental involvement activities
5. Provide support in a library or media center
6. Act as a translator
7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)

Parental Notification

At the beginning of each school year, a parent/guardian shall be notified that he/she may request information regarding whether his/her child is provided services by paraprofessionals and, if so, their qualifications. (20 USC 6311)

(cf. 5145.6 - Parental Notifications)

Delete

Center USD

Exhibit

Teacher Aides/Paraprofessionals

E 4222

Personnel

Attestation Regarding Title I Paraprofessionals

School: _____ Principal: _____

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:

- a. Completed at least two years of study at an institution of higher education
- b. Obtained an associate's or higher degree
- c. Met a rigorous standard of quality and demonstrated, through a locally determined academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness

2. All paraprofessionals working in a Title I program are performing duties consistent with 20 USC 6319.

Signature: _____

Date: _____

CSBA Sample Board Policy

Students

BP 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: Education Code 35160.5 mandates that governing boards establish an open enrollment policy within the district for residents of the district. This requirement does not apply to districts with only one school or with schools that do not serve any of the same grade levels.

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also ~~balancing enrollment in order to~~ maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

Note: Education Code 35160.5 mandates that the district's intradistrict open enrollment policy contain the following provision.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Note: The following list of intradistrict enrollment priorities should be modified to reflect district practice. Districts must establish priority for circumstances under which the district is required by state or federal law to offer intradistrict enrollment opportunities (items #1-3 below). Anticipated need for these transfers should be considered in determining capacity of district schools for other intradistrict transfers allowed by the district pursuant to items #4-6 below.

The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement in the first year or beyond. The district may, but is not required to, offer such transfers beginning in the 2016-17 school year. Districts that choose to offer such transfers may expand the following list accordingly.

INTRADISTRICT OPEN ENROLLMENT (continued)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

Note: Education Code 48350-48361, as added by SBX5 4 (Ch. 3, Fifth Extraordinary Session, Statutes of 2010), created the Open Enrollment Act which allows a student attending an "open enrollment" school, as identified by the Superintendent of Public Instruction, to transfer to another school that has a higher Academic Performance Index (API), either within the district or in another district. For details regarding such transfers, see BP/AR 5118 - Open Enrollment Act Transfers. However, the California Department of Education (CDE) did not produce an Open Enrollment Act list for the 2016-17 school year due to the suspension of the API. The CDE has posted the 2015-16 Open Enrollment Act list on its web site for use in the 2016-17 school year, but cautions that the list is based on the results of 2013 state assessments developed under prior state content standards and that the assessment results of schools on that list may have improved.

It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside of the district. Therefore, CSBA's BP 5118 specifies that students attending an open enrollment school who wish to attend another school within the district use the procedures specified in this Board policy and accompanying administrative regulation, applicable to all students applying for intradistrict open enrollment. However, students transferring from an open enrollment school should receive priority for admission, as specified in item #1 below. Districts that do not use this policy for intradistrict transfers under the Open Enrollment Act should delete item #1.

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

Note: Because federal law requires districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI), corrective action, or restructuring (20 USC 6316), to all students who are attending "persistently dangerous" schools, and to any student who is the victim of a violent criminal offense at school (20 USC 7912), the district should establish priority for such students in intradistrict open enrollment, as provided in items #2-4 below. Anticipated need for these transfers should be considered in determining the capacity of district schools for other intradistrict transfers pursuant to Education Code 35160.5 as described below:

See the accompanying administrative regulation for details regarding transfers pursuant to 20 USC 7912 for students in any school that is designated by the state as a "persistently dangerous" school (item #2) or for a student who is the victim of a violent criminal offense on school grounds (item #3). For other transfers required as a result of a school's identification for PI, see BP/AR 0520.2 Title I Program Improvement Schools.

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 Charter Schools)

(cf. 0520.2 Title I Program Improvement Schools)

(cf. 6171 Title I Programs)

INTRADISTRICT OPEN ENROLLMENT (continued)

- 32.** Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

- 43.** Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

Note: Education Code 35160.5 permits, but does not require, the district's policy to include any or all of the following priorities. Items ~~#5-7~~ **4-6** below are optional and should be deleted or modified to reflect enrollment priorities in the district.

Education Code 35160.5 makes no provision related to the duration of ~~the any~~ transfer granted pursuant to items **#4-6**. See the accompanying administrative regulation.

- 54.** Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
- a. A written statement from a representative of an appropriate state or local agency, ~~such as including, but not necessarily limited to,~~ a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
 - b. A court order, including a temporary restraining order and injunction
- 65.** Any sibling of a student already in attendance in that school.
- 76.** Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application and Selection Process

Note: Education Code 48354 requires the district to give priority for enrollment to students residing in the district before admitting students seeking to transfer from an open enrollment school outside of the district. In order to accurately determine the number of slots available for interdistrict transfers, the district should set an application window for parents/guardians to apply for intradistrict open enrollment that precedes the district's application window under the Open Enrollment Act. For language regarding the application window under the Open Enrollment Act, see BP/AR 5118 - Open Enrollment Act Transfers.

The district should specify the intradistrict open enrollment application window, if any, in the blank provided in the following paragraph.

INTRADISTRICT OPEN ENROLLMENT (continued)

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between February 1 and March 15 of the school year preceding the school year for which the transfer is requested.

Note: Education Code 35160.5 mandates that the district's intradistrict open enrollment policy contain all the elements listed in the remainder of this section.

Education Code 35160.5 requires districts to calculate capacity in a nonarbitrary manner using student enrollment and available space. The law does not provide a specific formula for the calculation, but the district may want to include unique factors specific to the school to calculate available space, such as class size reduction requirements, and space needs for specialized programs, ~~and anticipated transfers of students from PI schools within the district.~~ The district may modify the following paragraph to include the specific formula for calculating school capacity for schools within the district.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Note: Pursuant to Education Code 35160.5, the district must use a random, unbiased process (e.g., a lottery) to select students for intradistrict open enrollment when requests for admission exceed the capacity of the school. The California Attorney General (85 Ops.Cal.Atty.Gen. 95 (2002)) has opined that a "first come, first served" selection policy does not constitute a random, unbiased process.

An exception in Education Code 35160.5 gives districts the authority to maintain appropriate racial and ethnic balances across district schools. However, in Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component as authorized by Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 35160.5 relative to racial and ethnic balance. The district should consult legal counsel regarding any policy or regulation dealing with maintenance of racial or ethnic balance.

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

INTRADISTRICT OPEN ENROLLMENT (continued)

Transportation

Note: The following section is optional and may be revised to reflect district practice. Districts that do not provide transportation should delete this section.

Pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) and its Public School Choice FAQs, districts must continue to set aside Title I, Part A funds for transportation costs for students who transferred out of program improvement schools prior to the 2016-17 school year and for students who the district chooses to allow to transfer in the 2016-17 school year. In accordance with the CDE's transition plan and the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school; see the accompanying administrative regulation.

The district is not obligated to provide transportation for students who are transferring pursuant to the Open Enrollment Act. ~~However, 20 USC 6316 requires that a district either provide transportation or reimburse the costs of transporting students who have transferred out of Title I schools identified for PI, corrective action, or restructuring to a different school. The district is not obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified. These requirements are addressed in AR 0520.2 Title I Program Improvement Schools.~~ The district also is not obligated to provide transportation for students who are victims of violent criminal offenses or those who wish to transfer out of "persistently dangerous" schools pursuant to 20 USC 7912. If a district chooses to make transportation available to such students, it may use certain federal funds (e.g., Title IV, Part A, and Title V, Part A) to cover the costs. When a district chooses to provide transportation, U.S. Department of Education Guidance (Unsafe School Choice Option) clarifies that the district is not obligated to continue providing or paying for transportation after the school is no longer designated as "persistently dangerous."

~~Except as required by 20 USC 6316 for transfers out of Title I PI schools,~~ for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference: (see next page)

INTRADISTRICT OPEN ENROLLMENT (continued)*Legal Reference:*EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20~~6316 Transfers from program improvement schools~~

6311 State plans

7912 Transfers from persistently dangerous schools

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~~~200.36 Dissemination of information~~~~200.37 Notice of program improvement status, option to transfer~~~~200.39 Program improvement, transfer option~~~~200.42 Corrective action, transfer option~~~~200.43 Restructuring, transfer option~~~~200.44 Public school choice, program improvement schools~~~~200.48 Transportation funding for public school choice~~COURT DECISIONSCrawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275ATTORNEY GENERAL OPINIONS85 Ops. Cal. Atty. Gen., 95 (2002)*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSPublic School Choice FAQsEvery Student Succeeds Act 2016-17 School Year Transition Plan, April 2016U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE PUBLICATIONSTransitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016Public School Choice, January 2009Unsafe School Choice Option, May 2004WEB SITESCSBA: <http://www.csba.org>California Department of Education, Unsafe School Choice Option:<http://www.cde.ca.gov/ls/ss/se/useo.asp>U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>U.S. Department of Education: <http://www.ed.gov>

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Center USD

Board Policy

Intradistrict Open Enrollment

BP 5116.1

Students

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)

5. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist

b. A court order, including a temporary restraining order and injunction

6. Any sibling of a student already in attendance in that school.

7. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between February 1 and March 15 of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used

provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Unsafe School Choice Option:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

CSBA Sample Administrative Regulation

Students

AR 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: The following administrative regulation addresses intradistrict transfers for victims of a violent criminal offense and students in a "persistently dangerous" school pursuant to 20 USC 7912 and other intradistrict open enrollment options authorized by Education Code 35160.5. ~~For transfers required by 20 USC 6316 as a result of a school being identified for program improvement, see BP/AR 0520.2 - Title I Program Improvement Schools.~~ For interdistrict transfers under the Open Enrollment Act pursuant to Education Code 48350-48361, see BP/AR 5118 - Open Enrollment Act Transfers.

Transfers for Victims of a Violent Criminal Offense

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that any student who becomes a victim of a violent criminal offense while on school grounds be provided an option to transfer to another district school, including a charter school; see the accompanying Board policy. 20 USC 7912 does not specify which offenses constitute a "violent criminal offense" for purposes of the victim transfer option. According to the California Department of Education (CDE), districts should consider the specific circumstances of the incident on a case-by-case basis, as specified below. The following two paragraphs are consistent with the CDE's guidance.

U.S. Department of Education (USDOE) Guidance, Unsafe School Choice Option, suggests that districts should notify parents/guardians of the transfer option "generally within 14 days" after the determination that the student has been a victim of a violent offense. In making this offer, the Guidance encourages districts to take into account the needs and preferences of the affected student and parents/guardians. A sample parent/guardian notification letter is available on the CDE's web site.

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that all students attending a "persistently dangerous" school be provided an option to transfer to a safe school within the district, including a charter school; see the accompanying Board policy. Pursuant to 5 CCR 11992 and

INTRADISTRICT OPEN ENROLLMENT (continued)

1993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years.

USDOE Guidance, Unsafe School Choice Option, provides that a district with one or more schools identified as "persistently dangerous" must, in a timely manner, notify parents/guardians about the school's designation and offer the opportunity to transfer. The CDE suggests that transfers of students out of a "persistently dangerous" school generally be completed within 30 school days of notification of the school's designation. According to the CDE, "timely notification" to parents/guardians should be made within 10 school days and a timely offer of transfer within 20 school days from the time the district learns of the designation, although these two notifications may be combined. Timelines in the following two optional paragraphs may be revised to reflect district practice.

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

Note: USDOE Guidance, Unsafe School Choice Option, advises that the district can determine whether transfers will be temporary or permanent, but transfers must remain in effect as long as the student's original school is identified as persistently dangerous. The following optional paragraph reflects USDOE suggestions as to factors that might be considered in determining whether the transfer should be permanent and may be revised to reflect district practice.

INTRADISTRICT OPEN ENROLLMENT (continued)

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

Note: USDOE Guidance, Unsafe School Choice Option, encourages, but does not require, districts to develop a transfer program with a neighboring district. The following paragraph is optional.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Attendance)

Other Intradistrict Open Enrollment

Note: The following section provides optional procedures for intradistrict enrollment pursuant to Education Code 35160.5 and may be revised to reflect district practice.

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.

Note: Because Education Code 35160.5 requires the use of a lottery process, openings which occur later during the year should be filled only by applicants whose names are drawn in the lottery. Late applicants should not be added to the waiting list, but should instead wait for a subsequent lottery.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

INTRADISTRICT OPEN ENROLLMENT (continued)

Note: The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI). In accordance with the USDOE's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016) and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school, as provided below.

The USDOE's Frequently Asked Questions and the CDE's transition plan provide that districts may, at their discretion, continue to offer intradistrict transfers to students in PI schools during the 2016-17 school year; see the accompanying Board policy. Districts that choose to offer such transfers may revise the following paragraph to reflect district practice. The USDOE and CDE resources do not expressly address whether students who transfer in such cases must be allowed to remain in the school of enrollment until the highest grade at the school. For consistency with previous years and with provisions in 20 USC 6311 pertaining to any transfers granted to students in schools identified for "comprehensive support and improvement" beginning in the 2017-18 school year, it is recommended that districts allow any student who transfers during the 2016-17 year with the opportunity to subsequently stay in the school of enrollment.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

(cf. 0520.2 - Title I Program Improvement Schools)

Note: The following paragraph is optional. Education Code 35160.5 makes no provision related to the duration of ~~the transfer~~any transfer granted pursuant to Education Code 35160.5. Thus, it appears to be within the district's discretion to determine whether students who do not reside within a school's attendance area should be required to reapply for open enrollment each year. However, Education Code 35160.5 specifies that a student currently residing within a school's attendance area cannot be displaced by another student transferring from outside the attendance area.

A student granted intradistrict enrollment under other circumstances ~~Once enrolled, a student~~ shall not be required to reapply for readmission. ~~However, the student~~ but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

INTRADISTRICT OPEN ENROLLMENT (continued)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

5. A district application form for requesting a change of attendance

6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

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Center USD

Administrative Regulation

Intradistrict Open Enrollment

AR 5116.1
Students

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other

considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in

the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

5. A district application form for requesting a change of attendance

6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

CSBA Sample Board Policy

Students

BP 5121(a)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Note: The following optional policy may be revised to reflect district practice.

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's ~~achievement~~ **academic performance**.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform grading system ~~based on standards that apply that shall be applied~~ to all students in that course and grade level. ~~Principals and teachers shall ensure that student grades conform to this system.~~ Teachers shall inform students and parents/guardians how ~~student achievement~~ **academic performance** will be evaluated in the classroom.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Note: The following optional paragraph may be revised to reflect district practice. CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades reviews research on the fairness, accuracy, and consistency of common grading practices. Based on research, the brief recommends that nonacademic factors (e.g., attendance, effort, behavior, work habits) not be incorporated into the academic grade, which is intended to be an indicator of a student's mastery of academic content.

A teacher shall base a student's grades ~~solely on impartial, consistent observation of~~ the quality of the student's **academic** work and his/her mastery of course content ~~and based on~~ district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, ~~such as classroom participation, homework, including, but not limited to,~~ tests, projects, and portfolios, ~~and/or class discussion as appropriate.~~ **Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.**

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Effect of Absences on Grades

~~If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.~~

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

(cf. 6154 - Homework/Makeup Work)

Note: Pursuant to Education Code 49067, the Governing Board may authorize teachers to assign failing grades to students with excessive unexcused absences, the number to be set by the Board. Districts using the following optional paragraph should fill in the blank to specify the number of unexcused absences ~~for which students may receive a failing grade~~ that the Board determines to be "excessive." Alternatively, districts may revise the following paragraph to limit the degree to which a teacher may reduce a grade for attendance reasons.

However, CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absence be dealt with separately from grading and that absence should not be considered in determining a student's level of understanding of course content. See BP/AR 5113.1 - Chronic Absence and Truancy for further information about strategies to address excessive excused and/or unexcused absences.

~~The Board believes that _____ (fill in number) unexcused absences per grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es). A teacher may assign a failing grade to a student who has 10 or more unexcused absences during the grading period.~~

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Note: The following optional paragraph is for use by districts that maintain elementary schools and should be revised to reflect district practice.

Students in grades K-3 shall receive progress reports **at the end of each grading period** rather than letter grades.

Note: The following optional paragraph is for use by districts that choose to provide reports of academic performance on specific academic standards, and should be deleted by other districts.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Note: The following optional paragraph reflects correspondence issued by the U.S. Department of Education's Office for Civil Rights, Report Cards and Transcripts for Students with Disabilities, which clarifies that, because report cards are intended for parents/guardians and not for persons outside the district, they may contain information about a student's disability without violating the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67). However, transcripts may not provide information about a student's disability because there is an expectation that these documents could be shared with persons other than the student and his/her parents/guardians. See BP/AR 5125 - Student Records for further information regarding the confidentiality of student records.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

(cf. 5125 - Student Records)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Note: Education Code 49066 provides that the grade assigned by a teacher is final, absent any clerical or mechanical mistake, fraud, bad faith, or incompetency. Pursuant to Education Code 49066, the Board and Superintendent cannot order a student's grade changed unless the teacher, to the extent practicable, is given an opportunity to state the reasons that the grade was given and to be included in all discussions regarding the changing of the grade; see AR 5125.3 - Challenging Student Records.

~~The teacher of each course shall determine the student's grade.~~ A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

Grade Point Average

Note: The following optional section paragraph is for use by districts that maintain secondary schools and may be revised to reflect district practice. Also see the accompanying administrative regulation.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, International Baccalaureate, honors, and/or concurrent postsecondary courses.

(cf. 6141.4 - International Baccalaureate Program)

(cf. 6141.5 - Advanced Placement)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference: (see next page)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)*Legal Reference:*EDUCATION CODE

48070 Promotion and retention

48205 Excused absences

48800-48802 Enrollment of gifted students in community college

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

69432.9 Cal Grant program; notification of grade point average

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

~~6101-6251 School-to-Work Opportunities Act of 1994~~CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

COURT DECISIONSOwasso Independent School District v. Falvo, (2002) 534 U.S. 426Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86 Cal.App.4th 1Swany v. San Ramon Valley Unified School District, (1989) 720 F.Supp. 764Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593*Management Resources:*CSBA PUBLICATIONSResearch-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSAiming High: High Schools for the 21st Century, 2002Taking Center Stage: A Commitment to Standards-Based Education for California's Middle Grades Students, 2004Elementary Makes the Grade!, 2000U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCEReport Cards and Transcripts for Students with Disabilities, October 17, 2008WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>California Student Aid Commission: <http://www.csac.ca.gov>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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Center USD

Board Policy

Grades/Evaluation Of Student Achievement

BP 5121

Students

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform grading system based on standards that apply to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios.

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

Students in grades K-3 shall receive progress reports rather than letter grades.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

(cf. 5125 - Student Records)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Effect of Absences on Grades

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

(cf. 6154 - Homework/Makeup Work)

The Board believes that 10 unexcused absences per grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

(cf. 5113 - Absences and Excuses)

Grade Point Average

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point averages (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, honors, and/or concurrent postsecondary courses.

(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference:

EDUCATION CODE

41505-41508 Pupil Retention Block Grant

48070 Promotion and retention

48205 Excused absences

48800-48802 Enrollment of gifted students in community college

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

6101-6251 School-to-Work Opportunities Act of 1994

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
COURT DECISIONS

Owasso Independent School District v. Falvo, (2002) 534 U.S. 426
Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86
Cal.App.4th 1
Swany v. San Ramon Valley Unified School District, (1989) 720 F.Supp. 764
Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179
Cal.App.3d 593

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Aiming High: High Schools for the 21st Century, 2002

Taking Center Stage: A Commitment to Standards-Based Education for California's Middle
Grades Students, 2001

Elementary Makes the Grade!, 2000

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

CORRESPONDENCE

Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Student Aid Commission: <http://www.csac.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

CSBA Sample Administrative Regulation

Students

AR 5121(a)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Note: Education Code 49067 mandates the Governing Board to approve regulations requiring the evaluation of each student's academic performance for each grading period. The following administrative regulation should be revised to reflect district practice and the grade levels offered by the district.

The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors.

~~Written~~ Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Note: Education Code 49067 mandates that the Board approve regulations requiring either a conference with the parent/guardian or a written report sent to the parent/guardian whenever a student is in danger of failing a course. Pursuant to Education Code 49067, the refusal of a parent/guardian to attend the conference or to respond to the written report shall not preclude failing the student at the end of the grading period.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)

Note: The following optional paragraph is for use by districts that maintain high schools.

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

Grades for ~~Achievement~~ Academic Performance

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

For grades K-2, students' level of progress shall be reported as follows:

- 4 Thorough Understanding (90-100%)
- 3 Understanding (75-89%)
- 2 Partial Understanding (60-74%)
- 1 Very Limited Understanding (0-59%)
- NA Not Assessed At This Time

For grades 3-6, grades for achievement shall be reported for each grading period as follows:

- A (90-100%) Exceeding Standards
- B (80-89%) Meeting Standards
- C (70-79%) Working Toward Standards
- D (60-69%) Significantly Below Standards
- F (0-59%) Not Meeting Standards
- NA Not Assessed At This Time

For grades 7-12, grades for achievement shall be reported for each grading period as follows:

- | | | | |
|---|-----------|---------------------------|------------------|
| A | (90-100%) | Outstanding Achievement | 4.0 grade points |
| B | (80-89%) | Above Average Achievement | 3.0 grade points |
| C | (70-79%) | Average Achievement | 2.0 grade points |
| D | (60-69%) | Below Average Achievement | 1.0 grade points |
| F | (0-59%) | Little or No Achievement | 0 grade points |
| I | | Incomplete | 0 grade points |

An Incomplete shall be given only when a student's work is not finished by the end of the grading period because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Note: The following optional paragraph is for use by districts that maintain high schools and choose to assign extra grade weighting to Advanced Placement, International Baccalaureate, honors, or concurrent postsecondary courses.

Districts should be aware that, in determining college admissions eligibility, the extra grade weighting will be factored into university admissions only if the courses have been certified as honors courses by the University of California and are in the following "a-g" subjects: history-social science, English, advanced mathematics, laboratory science, language other than English, and visual and performing arts.

Because of the more rigorous nature of Advanced Placement, International Baccalaureate, honors, and concurrent postsecondary courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

A	(90-100%)	Outstanding Achievement	5.0 grade points
B	(80-89%)	Above Average Achievement	4.0 grade points
C	(70-79%)	Average Achievement	3.0 grade points

(cf. 6141.4 - International Baccalaureate Program)

(cf. 6141.5 - Advanced Placement)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

(cf. 6142.7 - Physical Education and Activity)

Note: The following **optional** paragraph is for use by districts that maintain high schools and may be revised to reflect additional grade levels at the district's discretion. 5 CCR 10060 lists criteria by which districts must appraise the quality of high school physical education programs, including criteria for reporting student achievement in physical education.

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

Note: The following **optional** paragraph may be used by districts that allow high school students to fulfill physical education credits through interscholastic athletics carried on wholly or partially after regular school hours pursuant to Education Code 51242; see BP 6142.7 - Physical Education and Activity.

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided a teacher credentialed to teach physical education supervises this participation and assigns the grade.

(cf. 6145.2 - Athletic Competition)

Grades for College Courses

Note: The following **optional** section is for use by districts maintaining grades 9-12 that choose to grant district credit for completion of postsecondary courses pursuant to Education Code 48800-48802 and 76000-76002; see BP/AR 6172.1 - Concurrent Enrollment in College Classes.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Grades for Citizenship and Work Habits, ~~Study Skills, and Effort~~

Note: In Las Virgenes Educators Association v. Las Virgenes Unified School District, the court determined that a citizenship mark is a "grade" within the meaning of Education Code 49066 and upheld a teacher's right to make the final decision regarding a citizenship mark.

Any grades assigned for ~~Grades for~~ citizenship or work habits, such as effort or study skills, and ~~effort~~ shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

Pass/Fail Grading

Note: The district may choose to expand the following optional section to identify specific courses or programs for which students may elect a Pass/Fail grade rather than an A-F grade (e.g., alternative education program, non-college-preparatory summer school courses, etc.).

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

Peer Grading

Note: In Owasso Independent School District v. Falvo, the U.S. Supreme Court held that students' grades on assignments and tests are not "education records" until the teacher records them, and therefore the practice of peer grading does not violate the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 USC 1232g); see BP/AR 5125 - Student Records. Furthermore, for the same reason, the Supreme Court did not prohibit the practice of having students report the grades aloud so that the teacher may record them. The following section is optional.

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Repeating Classes

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Note: The following **optional** section is for use by districts that maintain high schools. Districts may adopt a different approach than the one described below, such as the use of averaging.

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

Note: The following **optional** section is for use by districts maintaining high schools and should be revised to reflect district practice.

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Effect of Absences on Grades

Note: ~~Education Code 49067 mandates districts that authorize teachers to assign failing grades to students who have excessive unexcused absences (see the accompanying Board policy)~~ The following section is for use by districts that choose to authorize teachers to assign failing grades to students who have excessive unexcused absences pursuant to Education Code 49067; see the accompanying Board policy. Education Code 49067 mandates such districts to establish regulations which include, but are not limited to, providing (1) a reasonable opportunity for students or parents/guardians to explain the absences and (2) a method for identifying in a student's record the failing grades assigned on the basis of unexcused absences.

Teachers who choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Note: Pursuant to Education Code 49069.5, grades for a student in foster care shall not be lowered if the student is absent from school due to (1) a decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school, or (2) a verified court appearance or related court-ordered activity. See BP 6173.1 - Education for Foster Youth.

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

Note: The following optional section should be revised to reflect the district's methodology for calculating GPA. Districts may calculate multiple GPAs for a single student (e.g., academic GPA, total GPA) for different purposes (e.g., eligibility for extracurricular activities, athletic programs, honors at graduation, or other district programs that use GPA as a criterion). Districts should be aware that, in determining college admissions eligibility, the California State University and the University of California consider students' GPA in the "a-g" subjects required for college entry and is based on grades recorded in their high school transcripts.

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "**Grades for Achievement Academic Performance**" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

OPTION 1: When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

~~**OPTION 2:** When plus and minus designations are added to letter grades, a plus shall be computed by adding 0.3 to the value assigned the letter grade and a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade.~~

Note: ~~As amended by AB 2160 (Ch. 679, Statutes of 2014),~~ Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants unless they opt out of the program. The GPA of all students in grade 12 who have not opted out of the program shall be submitted to the Student Aid Commission. See AR 5125 - Student Records for related requirements.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

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GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

Grades for Achievement

For grades K-2, students' level of progress shall be reported as follows:

- 4 Thorough Understanding (90-100%)
- 3 Understanding (75-89%)
- 2 Partial Understanding (60-74%)
- 1 Very Limited Understanding (0-59%)
- NA Not Assessed At This Time

For grades 3-6, grades for achievement shall be reported for each grading period as follows:

- A (90-100%) Exceeding Standards
- B (80-89%) Meeting Standards
- C (70-79%) Working Toward Standards
- D (60-69%) Significantly Below Standards
- F (0-59%) Not Meeting Standards
- NA Not Assessed At This Time

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

For grades 7-12, grades for achievement shall be reported for each grading period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

An Incomplete shall be given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Because of the more rigorous nature of Advanced Placement, International Baccalaureate, honors, and concurrent postsecondary courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

A	(90-100%)	Outstanding Achievement	5.0 grade points
B	(80-89%)	Above Average Achievement	4.0 grade points
C	(70-79%)	Average Achievement	3.0 grade points

(cf. 6141.5 - Advanced Placement)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

(cf. 6142.7 - Physical Education and Activity)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided that a teacher credentialed to teach physical education supervises this participation and assigns the grade.

(cf. 6145.2 - Athletic Competition)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)**Grades for College Courses**

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Grades for Citizenship, Study Skills, and Effort

Grades for citizenship, study skills, and effort shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement
- U Unsatisfactory

Pass/Fail Grading

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

Peer Grading

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Effect of Absences on Grades

Teachers who may choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Achievement" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

CSBA Sample Board Policy

Students

BP 5131.62(a)

TOBACCO

Note: The following optional policy may be revised to reflect district practice. Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the middle or elementary grades.

The state's Tobacco-Use Prevention Education (TUPE) competitive grant program for grades 6-12 (Health and Safety Code 104350-104495) provides support for local tobacco-use prevention and intervention programs.

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. 5141.23 - Asthma Management)

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Note: Education Code 48900 and 48901 prohibit students from possessing, smoking, or using tobacco on school grounds, as provided in the following paragraph. Pursuant to Education Code 48900, students who violate this prohibition may be subject to discipline, including suspension or expulsion. However, pursuant to Education Code 48900.5, it is recommended that other means of correction that address the student's conduct be implemented instead of suspension or expulsion; see the section "Intervention/Cessation Services" below and AR 5144 - Discipline. In addition, Health and Safety Code 104420 ~~mandates that any district receiving funding through the TUPE program adopt and enforce a tobacco-free schools policy which~~ and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), prohibits the use of tobacco products in district buildings, on district property, and in district vehicles by any person at any time; see BP 3513.3 - Tobacco-Free Schools ~~for language implementing this mandate.~~

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. ~~Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.~~ (Education Code 48900, 48901)

TOBACCO (continued)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

~~Note: Although state law does not define "tobacco products," the California Department of Education (CDE) recommends that districts define "tobacco products" to include electronic cigarettes, electronic hookahs, and other vapor emitting devices. According to the CDE, districts are increasingly reporting student possession of these nicotine delivery devices for purposes of prohibited drug use (i.e., as drug paraphernalia).~~

~~Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.~~

Note: The following definitions of "smoking" and "tobacco products" are specified in Business and Professions Code 22950.5 and incorporated by reference into Education Code 48901, as amended by SBX2 5 (Ch. 7, Statutes of 2016).

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

- 1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff**
- 2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah**
- 3. Any component, part, or accessory of a tobacco product, whether or not sold separately**

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

TOBACCO (continued)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

Note: The following **optional** section may be revised to reflect district practice and the grade levels offered by the district. Education Code 51202 requires the district to offer a course of study at the appropriate elementary and secondary grade levels that includes the effects of tobacco upon the human body. Education Code 51202 also requires that the course of study in secondary grades include instruction on the effects of tobacco upon prenatal development. See AR 6143 - Courses of Study. The state's content standards for health education include a number of standards at selected grade levels from K-12 related to the health consequences of tobacco use.

The TUPE program provides resources for supplemental instruction in grades 6-12 that addresses specified topics; see the accompanying administrative regulation. CDE's Guidelines for Tobacco Prevention, contained in its Getting Results publication, recommend developmentally appropriate instruction in grades K-12, with instruction that is especially intensive in grades 6-9 (particularly the transition year from elementary to middle school/junior high) and is reinforced in high school.

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention/Cessation Services

Note: The following **optional** section may be revised to reflect district practice. Pursuant to Health and Safety Code 104420 and 104460, districts receiving TUPE funds must provide students with access to intervention and cessation services and must provide pregnant and parenting minors with access to designated services. The district may fulfill these requirements either through the direct provision of services or through referrals to available services. See the accompanying administrative regulation. Pursuant to Education Code 48900.5, such intervention should be implemented to correct student behavior rather than suspension or other measures that may exclude a student from instruction.

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.2 - Guidance/Counseling Services)

TOBACCO (continued)

Program Planning

Note: The following **optional** section may be revised to reflect district practice.

Health and Safety Code 104420 requires the CDE to give priority for TUPE funding to programs that, in addition to targeting current tobacco users, target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment, as provided in the following paragraph.

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

Note: The following **optional** paragraph may be revised to reflect district practice. Health and Safety Code 104420 and 104435 require districts receiving TUPE funds, with assistance from the county office of education, to coordinate efforts with the "lead local agency" in the community, defined in Health and Safety Code 104400 as the county or city health department.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

Note: The following paragraph is for use by districts that receive TUPE funds and may be used by other districts at their discretion.

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

TOBACCO (continued)

Note: Pursuant to TUPE Acceptance of Funds Guidance on the CDE's web site, TUPE grant funding will not be awarded to an applicant that receives any funding or educational materials from the tobacco industry, or from any agency which has received funding from the tobacco industry, for the purpose of implementing tobacco-use prevention or intervention programs.

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Program Evaluation

Note: The following optional section may be revised to reflect district practice. Districts that accept TUPE funds are required by the CDE to administer the core California Healthy Kids Survey in the first year of funding and at least every other year thereafter to assess the health-related behavior of a representative sample of students in grades 7, 9, and 11. In addition, districts that receive funding through TUPE are required to complete the TUPE Annual Report by June 30 of each year.

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference: (see next page)

TOBACCO (continued)*Legal Reference:*EDUCATION CODE8900 *Suspension or expulsion (grounds)*48900.5 *Suspension, limitation on imposition; exception*48901 *Smoking or use of tobacco prohibited*51202 *Instruction in personal and public health and safety*60041 *Instructional materials, portrayal of effects of tobacco use*BUSINESS AND PROFESSIONS CODE22950.5 *Stop Tobacco Access to Kids Enforcement Act; definitions*HEALTH AND SAFETY CODE104350-104495 *Tobacco-use prevention education*104559 *Tobacco use prohibition*119405 *Unlawful to sell or furnish electronic cigarettes to minors*PENAL CODE308 *Minimum age for tobacco possession*CODE OF REGULATIONS, TITLE 176800 *Definition, health assessment*6844-6847 *Child Health and Disability Prevention program; health assessments*UNITED STATES CODE, TITLE 20~~7100-7117 *Safe and Drug-Free Schools and Communities Act*~~7111-7122 *Student Support and Academic Enrichment Grants*CODE OF FEDERAL REGULATIONS, TITLE 211140.1-1140.34 *Unlawful sale of cigarettes and smokeless tobacco to minors*ATTORNEY GENERAL OPINIONS88 *Ops.Cal.Atty.Gen. 8 (2005)**Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSTUPE Acceptance of Funds GuidanceHealth Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000WEST ED PUBLICATIONSGuidebook for the California Healthy Kids SurveyWEB SITESCSBA: <http://www.csba.org>California Department of Education, Tobacco-Use Prevention Education:
<http://www.cde.ca.gov/ls/he/at/tupe.asp>California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>California Healthy Kids Survey: <http://www.wested.org/hks>Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>U.S. Surgeon General: <http://www.surgeongeneral.gov>

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Board Policy

Tobacco

BP 5131.62

Students

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. 5141.23 - Asthma Management)

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

TOBACCO (continued)

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such

instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)
(cf. 5141.6 - School Health Services)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.2 - Guidance/Counseling Services)

Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)

TOBACCO (continued)

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference: (see next page)

TOBACCO (continued)

Legal Reference:

EDUCATION CODE

48900 *Suspension or expulsion (grounds)*
48900.5 *Suspension, limitation on imposition; exception*
48901 *Smoking or use of tobacco prohibited*
51202 *Instruction in personal and public health and safety*
60041 *Instructional materials, portrayal of effects of tobacco use*

HEALTH AND SAFETY CODE

104350-104495 *Tobacco-use prevention education*
119405 *Unlawful to sell or furnish electronic cigarettes to minors*

PENAL CODE

308 *Minimum age for tobacco possession*

CODE OF REGULATIONS, TITLE 17

6800 *Definition, health assessment*
6844-6847 *Child Health and Disability Prevention program; health assessments*

UNITED STATES CODE, TITLE 20

7111-7117 *Safe and Drug-Free Schools and Communities Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 *Unlawful sale of cigarettes and smokeless tobacco to minors*

ATTORNEY GENERAL OPINIONS

88 *Ops. Cal. Atty. Gen. 8 (2005)*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

CSBA Sample Board Policy

Students

BP 5145.3(a)

NONDISCRIMINATION/HARASSMENT

Note: The following **mandated** policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual, including Education Code 220, which prohibits discrimination based on race, nationality, ethnicity, gender, gender identity, gender expression, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55; Title VI (42 USC 2000d-2000e-17), which prohibits discrimination based on race, color, or national origin; Title IX (20 USC 1681-1688), which prohibits discrimination based on sex, gender, **and gender identity, pregnancy, and parental status**; the Age Discrimination Act of 1975 (42 USC 6101-6107), which prohibits discrimination based on age; and Title II (20 USC 12101-12213) and Section 504 (29 USC 794), which prohibit discrimination based on disability. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of these characteristics. See also BP 0410 - Nondiscrimination in District Programs and Activities.

Moreover, ~~the this sample Board policy and the accompanying administrative regulation reflect the~~ **statutory right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with his/her gender identity is as specified in Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013).** ~~The guidelines included in this Board policy and the accompanying administrative regulation to accommodate the needs of transgender and gender nonconforming students reflect best practices based on existing state and federal law, and regulatory agency guidance such as the~~ **May 2016 Dear Colleague Letter: Transgender Students jointly issued by the U.S. Department of Justice's Civil Rights Division and U.S. Department of Education's Office for Civil Rights (OCR). Though OCR's enforcement of the May 2016 Dear Colleague Letter has been enjoined by a federal court, many of the recommended practices have already been adopted by California school districts to reflect state law protecting the rights of transgender students.** Districts with questions about the rights of transgender and gender-nonconforming students should consult legal counsel as appropriate. For more information on the rights of transgender students, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Final Guidance Regarding Transgender Students, Privacy, and Facilities.

Education Code 234.1 **mandates** that districts adopt policy prohibiting, at school or in any school activity related to school attendance or under the authority of the district, discrimination, including discriminatory harassment, intimidation, and bullying, based on the foregoing characteristics. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other **anti-discrimination** policies and practices to ensure compliance with these requirements. In addition, ~~the U.S. Department of Education's Office for Civil Rights (OCR)~~ is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

CSBA staff ~~met with~~ **received feedback and comment from** representatives ~~from~~ of CDE and OCR ~~to discuss regarding~~ this policy and the accompanying regulation as they relate to the UCP requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

NONDISCRIMINATION/HARASSMENT (continued)

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, **extracurricular**, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, **of-targeted at any student by anyone**, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

Note: Education Code 234.1 prohibits unlawful discrimination in school-related activities and when it affects school attendance. However, OCR has clarified in several publications that conduct that occurs off campus may have an adverse effect on a student at school (i.e., create a "hostile environment" for the student). When that happens, the district has an obligation to investigate and to take steps to protect the student.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, **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. (Education Code 234.1)**

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, **includes-may result from** physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also **shall** includes the creation of a hostile environment **when-the-through** prohibited conduct **that** 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.

Note: In addition to the types of prohibited student conduct described below, prohibited conduct also includes different treatment of students with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in District Programs And Activities.

Unlawful discrimination also includes disparate treatment of students based on one of the

NONDISCRIMINATION/HARASSMENT (continued)

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.

The Board also prohibits any form of retaliation against any individual who **reports or participates in the reporting of unlawful discrimination**, files or **participates in the filing of a complaint, or investigates or otherwise participates in the filing or** investigation of a complaint or report ~~regarding an incident of alleging unlawful~~ discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Note: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to adopt and publicize its nondiscrimination policies to the school community. The following paragraph may be modified to reflect district practice.

In addition, in its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See the accompanying administrative regulation for specific measures to prevent discrimination and facilitate students' access to the educational program.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the **district's** educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

NONDISCRIMINATION/HARASSMENT (continued)

Note: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. The district should consult legal counsel as necessary.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion ~~for when the behavior that~~ 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.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference:

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
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

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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities

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

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

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

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Management Resources continued: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources: (continued)

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Transgender Students, May 2016

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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Center USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the 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.

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

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to

NONDISCRIMINATION/HARASSMENT (continued)

students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that 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.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference:

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
- 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

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

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX of the Education Amendments of 1972
- 12101-12213 Title II equal opportunity for individuals with disabilities

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 LX of the Civil Rights Act of 1964
- 6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

- 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

COURT DECISIONS

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Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Management Resources continued: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources: (continued)

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

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Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

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California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

CSBA Sample Administrative Regulation

Students

AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting, at school or in school-sponsored or school-related activities, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, ~~against of any~~ students based on ~~his/her~~ actual or perceived race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, **pregnancy**, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 **and other federal regulations** **mandates** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with ~~state and~~ federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraphs identify the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), including the investigation and resolution of discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with **applicable** state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints **regarding alleging** unlawful discrimination **targeting a student**, including discriminatory harassment, intimidation, or bullying, based on **the student's** actual or **perceived** race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, **pregnancy**, physical or mental

NONDISCRIMINATION/HARASSMENT (continued)

disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; ~~the perception of one or more of such characteristics~~; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts publicize their nondiscrimination notices and the full contact information for their compliance officer(s) by posting them at prominent locations on school web sites and making them available through social media.

Item #1 below may be revised to specify the means by which the district publicizes its nondiscrimination policies and complaint procedures.

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

NONDISCRIMINATION/HARASSMENT (continued)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See also CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students. Item #3 below may be modified to reflect district practice.

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy, **including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students.** ~~The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, request to meet with the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.~~

(cf. 5145.6 - Parental Notifications)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

4. The Superintendent or designee shall ensure that ~~all~~ students and parents/guardians,

NONDISCRIMINATION/HARASSMENT (continued)

including ~~students and parents/guardians~~ **those** with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include **details of guidelines for the district may use to provide a discrimination-free environment for all district students**, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Item #6 below is required pursuant to Education Code 234.1 and recommended as a best practice by OCR.

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

Note: Item #7 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect him/her from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

NONDISCRIMINATION/HARASSMENT (continued)

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures specified in 5 CCR 4600-4687, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).

NONDISCRIMINATION/HARASSMENT (continued)

OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

NONDISCRIMINATION/HARASSMENT (continued)**Transgender and Gender-Nonconforming Students**

Note: The following section may be modified to reflect district practice. Pursuant to Education Code 221.5, ~~as amended by AB 1266 (Ch. 85, Statutes of 2013)~~, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on his/her educational records. The following guidelines are designed to implement ~~AB 1266 and~~ **Education Code 221.5**, other existing state and federal laws that prohibit discrimination, ~~including discriminatory harassment, intimidation, retaliation, and bullying, against students based on their real or perceived gender identity and/or gender expression.~~ and regulatory agency guidance such as the **May 2016 Dear Colleague Letter: Transgender Students** jointly issued by the Civil Rights Division of the U.S. Department of Justice (DOJ) and OCR. According to the jointly issued Dear Colleague Letter, a school's Title IX obligation to ensure nondiscrimination on the basis of sex requires it to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents/guardians, or community members raise objections or concerns. In addition, in May 2016, the U.S. Department of Education's Office of Elementary and Secondary Education published **Examples of Policies and Emerging Practices for Supporting Transgender Students** as a resource to complement the jointly issued Dear Colleague Letter. Though OCR's enforcement of the May 2016 Dear Colleague Letter has been enjoined by a federal court, many of the recommended practices have already been adopted by California school districts to reflect state law protecting the rights of transgender students. The guidelines address certain issues and circumstances that may arise in relation to the needs of transgender and gender-nonconforming students, and are by no means exhaustive. Consequently, each instance or situation should be addressed based on its particular circumstances to ensure that the safety, privacy, and other concerns of all students involved are appropriately addressed. For more information on the rights of transgender students, see CSBA's policy brief **Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students** and its **Final Guidance Regarding Transgender Students, Privacy, and Facilities**.

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical

NONDISCRIMINATION/HARASSMENT (continued)

aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

Note: Timelines included in items #1-2 below may be modified to reflect district practice.
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NONDISCRIMINATION/HARASSMENT (continued)

1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the ~~physical, emotional, and other significant risks to the student~~ **student's need for support**, the compliance officer may ~~consider discussing~~ **discuss** with the student ~~the any~~ need to disclose the student's transgender or gender-nonconformity status **or gender identity or gender expression** to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Note: In the May 2016 Dear Colleague Letter, DOJ and OCR noted that there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion **of his/her gender identity and begin to treat the student consistent with his/her gender identity** unless district personnel present a credible **and supportable** basis for believing that the student's assertion is for an improper purpose. ~~In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.~~
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a

NONDISCRIMINATION/HARASSMENT (continued)

meeting with the student and, if appropriate, his/her parents/guardians to identify ~~potential issues, including transition-related issues,~~ and develop strategies for ~~addressing them~~ **ensuring that the student's access to education programs and activities is maintained.** The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the ~~student's~~ **arrangements for the student** are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** ~~The district may~~ **When the district** maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, ~~A~~ **students** shall be ~~entitled~~ **permitted** to access facilities and participate in programs and activities consistent with ~~his/her~~ **their** gender identity. ~~If available and requested by any student, regardless of the underlying reason,~~ **To address any student's privacy concerns in using sex-segregated facilities,** the district shall offer **available options to address privacy concerns in sex-segregated facilities** such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

NONDISCRIMINATION/HARASSMENT (continued)

Note: 5 CCR 432 requires the legal name, sex, date of birth, etc., of a student to be maintained as part of the student's "mandatory permanent student records" but does not prohibit keeping of other records, such as a student's preferred name, as part of the student's "permitted student records."

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. **Such preferred name may be added to the student's record and official documents as permitted by law.**

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

(2/14 10/14) 9/16

Center USD

Administrative Regulation

Nondiscrimination/Harassment

AR 5145.3

Students

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Personnel & Student Services
8408 Watt Avenue
Antelope, CA 95843
(916) 338-6413

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

NONDISCRIMINATION/HARASSMENT (continued)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

(cf. 5145.6 - Parental Notifications)

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students

NONDISCRIMINATION/HARASSMENT (continued)

when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

NONDISCRIMINATION/HARASSMENT (continued)

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

NONDISCRIMINATION/HARASSMENT (continued)

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the

NONDISCRIMINATION/HARASSMENT (continued)

other sex

3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student

NONDISCRIMINATION/HARASSMENT (continued)

refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff

NONDISCRIMINATION/HARASSMENT (continued)

- about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district

NONDISCRIMINATION/HARASSMENT (continued)

personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

CSBA Sample

Exhibit

Students

E 5145.6(a)

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2015 (AB 93, Ch. 10, Statutes of 2015) extends the suspension of these requirements through the 2015-16 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. **For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (UCP) as mandated by 5 CCR 4622. Pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015), the district is required to include information about specified educational rights of foster youth and homeless students in its annual UCP notification.**

~~However~~In addition to the notices required by law, there are other notices that districts are recommended to distribute. ~~(e.g., the notice included in~~ For example, AR 5145.3 - Nondiscrimination/Harassment includes an optional notice regarding the rights of transgender and gender-nonconforming students. ~~and the opportunity for a student to inform the district whenever his/her participation in a sex-segregated program or activity with a student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy).~~ Furthermore, although the California High School Exit Examination is suspended through the 2017-18 school year pursuant to Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), and therefore the notice described in Education Code 60850 is not currently required, districts may choose to notify parents/guardians of the suspension of the exam and the possibility that it could subsequently be reinstated.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 46010.1	BP 5113	Absence for confidential medical services

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	AR-BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	BP 5113 AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	BP 5113 AR 5113 AR 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	Consent to School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year 4622	Education Code 49013; 5 CCR	AR 1312.3 remedies	Uniform complaint procedures, available appeals, civil law
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Free and reduced price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6311 6312; 34 CFR 200.61	AR 4112.24 BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year, if any district school has been identified for program improvement or corrective action	20 USC 6316	AR 0520.2	Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
When child first enrolls in a public school, if the school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Beginning of each school year in grades 9-12 and when high school student transfers into the district	Education Code 48980, 60850	AR 6162.52	Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation
When students entering grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12	Education Code 51938, 48980	AR 6142.1	Explanation of sex and HIV/AIDS instruction, Sexual health and HIV prevention request specific Education Code sections, right to excuse
education; right to view A/V materials, who's teaching,			

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, 20 days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When student has been placed in structured English immersion program	Education Code 310-311; 5 CCR 11309	AR 6174	Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 440; 20 USC 7012	AR 6174	Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified a truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school premises
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
To person holding educational rights, within 30 days of foster or homeless youth's transfer between high schools	Education Code 51225.1	AR 6173 AR 6173.1	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
Within 14 days of instruction if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV/ AIDS or prevention or sexual health education by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who is not "highly qualified" does not meet state certification requirements for the grade level/subject taught	20 USC 6311 6312	AR 4112.24	Timely notice to parent/guardian of child's assignment
When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress, to parents/guardians of English learners	20 USC 6312	AR 0520.2	Notice of failure to make adequate yearly progress

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
When school identified for program improvement or corrective action	20 USC 6316	AR 0520.2 AR 5116.1	Explanation of identification, reasons, how problem will be addressed, how parents/guardians can become involved, transfer option, availability of supplemental services
When district identified for program improvement	20 USC 6316	AR 0520.3	Explanation of status, reasons for identification, how parents/guardians can participate in upgrading district
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6316 6316	AR 6020	Notice of policy
For districts receiving Title III funds, within 30 days of the annual release of state Title III accountability report	20 USC 7012	AR 6174	Notification of any failure to make progress on state's measurable achievement objectives for English learners
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Notice of Need to submit verification information; any subsequent change in benefits; right to appeal appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2014 (SB 852, Ch. 25, Statutes of 2014) extends the suspension of these requirements through the 2014-15 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 46010.1	BP 5113	Absence for confidential medical services
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	AR 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	BP 5113 AR 5113	Absence for religious exercises or purposes

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 48205	BP 5113 AR 5113 AR 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	Consent to school immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Free and reduced price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6311; 34 CFR 200.61	AR 4112.24 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year, if any district school has been identified for program improvement or corrective action	20 USC 6316	AR 0520.2	Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
When child first enrolls in a public school, if the school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Beginning of each school year in grades 9-12 and when high school student transfers into the district	Education Code 48980, 60850	AR 6162.52	Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
When students entering grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12	Education Code 51938, 48980	AR 6142.1	Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, 20 days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur			
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When student has been placed in structured English immersion program	Education Code 310-311; 5 CCR 11309	AR 6174	Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 440; 20 USC 7012	AR 6174	Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3112	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified a truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school premises
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
To person holding educational rights, within 30 days of foster youth's transfer between high schools	Education Code 51225.1	AR 6173.1	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
Within 14 days of instruction if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: unexcused absences
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"	20 USC 6311	AR 4112.24	Timely notice to parent/guardian of child's assignment
When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress, to parents/guardians of English learners	20 USC 6312	AR 0520.2	Notice of failure to make adequate yearly progress
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When school identified for program improvement or corrective action	20 USC 6316	AR 0520.2 AR 5116.1	Explanation of identification, reasons, how problem will be addressed, how parents/guardians can become involved, transfer option, availability of supplemental services
When district identified for program improvement	20 USC 6316	AR 0520.3	Explanation of status, reasons for identification, how parents/guardians can participate in upgrading district
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
For districts receiving Title III funds, within 30 days of the annual release of state Title III accountability report	20 USC 7012	AR 6174	Notification of any failure to make progress on state's measurable achievement objectives for English learners
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Notice of need to submit verification information; any subsequent change in benefits; right to appeal
When student is homeless or unaccompanied minor	42 USC 11432	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities

CSBA Sample Board Policy

Students

BP 5145.7(a)

SEXUAL HARASSMENT

Note: Education Code 231.5 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX and/or Education Code 220, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. In Davis v. Monroe County Board of Education, the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in Donovan v. Poway Unified School District based on Education Code 220.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice. See ~~BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment~~.

In April 2011, OCR issued its Dear Colleague Letter: Sexual Violence to supplement its January 2001 Revised Sexual Harassment Guidance on federal Title IX requirements as they pertain to sexual harassment. In the letter, OCR clarifies that sexual violence, including rape, sexual assault, sexual battery, and sexual coercion, is a form of sexual harassment that must be addressed by districts using the same procedures used to address other forms of sexual harassment, such as unwelcome sexual advances.

CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

SEXUAL HARASSMENT (continued)

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, ~~sexual harassment of students at school or at school-sponsored or school-related activities,~~ **sexual harassment targeted at any student by anyone.** The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

Note: OCR's January 2001 Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence note that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age.

It is also important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult **who has experienced off-campus sexual harassment that has a continuing effect on campus** to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. **Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.**

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR underlines the importance of training in preventing and responding to sexual harassment and encourages districts to provide training to all segments of the school community.

SEXUAL HARASSMENT (continued)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR acknowledges that, where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while he/she is away from school without permission may be reluctant to file a complaint if he/she believes that he/she may be disciplined for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. **A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students**
- ~~5.~~ **6.** Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR restates the requirement that a district's procedure for investigating sexual harassment complaints must be widely disseminated and be written in language appropriate to the age of the school's students. Examples include having copies of the procedure available throughout the school, publishing the procedure in the student handbook, and identifying individuals who can explain the procedure.

SEXUAL HARASSMENT (continued)

- 6-7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, **including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues**
8. **A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment**

Complaint Process and Disciplinary Actions

Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain a specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures.

Complaints regarding Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Upon investigation of a sexual harassment complaint, Any student who engages found to have engaged in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or

SEXUAL HARASSMENT (continued)

expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, ~~Any staff member~~ any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal have his/her employment terminated in accordance with applicable policies, laws, and/or the applicable collective bargaining agreements.

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 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, discrimination

Legal Reference continued: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

106.1-106.71 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Transgender Students, May 2016

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

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>

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Center USD

Board Policy

Sexual Harassment

BP 5145.7

Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

SEXUAL HARASSMENT (continued)

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

SEXUAL HARASSMENT (continued)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

- 200-262.4 *Prohibition of discrimination on the basis of sex*
- 48900 *Grounds for suspension or expulsion*
- 48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
- 48904 *Liability of parent/guardian for willful student misconduct*
- 48980 *Notice at beginning of term*

CIVIL CODE

- 51.9 *Liability for sexual harassment; business, service and professional relationships*
- 1714.1 *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

- 12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

- 4600-4687 *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, discrimination*

UNITED STATES CODE, TITLE 42

- 1983 *Civil action for deprivation of rights*
- 2000d-2000d-7 *Title VI, Civil Rights Act of 1964*
- 2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 *Family Educational Rights and Privacy*
- 106.1-106.71 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

- Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567
- Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130
- Reese v. Jefferson School District*, (2001, 9th Cir.) 208 F.3d 736
- Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629
- Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274
- Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473
- Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

Management Resources: (see next page)

SEXUAL HARASSMENT (continued)

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

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>

CSBA Sample Administrative Regulation

Students

AR 5145.7(a)

SEXUAL HARASSMENT

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under AR 1312.3 - Uniform Complaint Procedures. To designate separate district employees to serve these functions, the district should modify the following paragraph accordingly.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim. See AR 5144.1 - Suspension and Expulsion/Due Process.

Under OCRs 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

SEXUAL HARASSMENT (continued)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Note: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights' (OCR) April 2011 <u>Dear Colleague Letter: Sexual Violence</u> , its January 2001 <u>Revised Sexual Harassment Guidance</u> , and definitions specified in 5 CCR 4916.
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Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way

SEXUAL HARASSMENT (continued)

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. **Electronic communications containing comments, words, or images described above**

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Note: The following reporting process details site-level steps to be taken by students and others for reporting sexual harassment incidents. In its April 2011 Dear Colleague Letter: Sexual Violence and January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district.

Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures.

Any student who believes that he/she has been subjected to sexual **harassment by another student, an employee, or a third party** or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a

SEXUAL HARASSMENT (continued)

hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a **verbal or informal** report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. **Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.**

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Confidentiality

Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included.

In determining what information to include and not include in the final written decision for complaints

SEXUAL HARASSMENT (continued)

regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information.

OCR's Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence, as well the FAQs issued in April 2014, indicate that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence.

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

Note: The following reporting process may be revised to reflect district practice. In its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school.

SEXUAL HARASSMENT (continued)

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. **To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment.** ~~Such~~ Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure.

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

Note: In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate the contact information for current compliance officer(s) to students, parents/guardians, and employees. Item #2 below may be modified to reflect the means used by the district to disseminate its sexual harassment policy and regulation.

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)

SEXUAL HARASSMENT (continued)

(cf. 1114 - District-Sponsored Social Media)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 below are optional.

5. Be included in the student handbook
6. Be provided to employees and employee organizations

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Center USD

Administrative Regulation

Sexual Harassment

AR 5145.7
Students

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Director of Personnel & Student Services
8408 Watt Avenue
Antelope, CA 95843
(916) 338-6413

(cf. 1312.3 - Uniform Complaint Procedures)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

SEXUAL HARASSMENT (continued)

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

SEXUAL HARASSMENT (continued)

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered

SEXUAL HARASSMENT (continued)

even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

CSBA Sample Administrative Regulation

Instruction

AR 6158(a)

INDEPENDENT STUDY

Educational Opportunities

Note: The following section is **optional**. Education Code 51745 lists educational opportunities that may be provided through independent study. The district may revise or expand items #1-5 below to reflect district practice.

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

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

(cf. 6143 - Courses of Study)

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel

(cf. 5112.3 - Student Leave of Absence)

5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

(cf. 0420.4 - Charter School Authorization)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6181 - Alternative Schools/Programs of Choice)

In addition, when requested by a parent/guardian due to an emergency, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

Note: The following paragraph is for use by districts maintaining high schools.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

INDEPENDENT STUDY (continued)**Equivalency**

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Note: The following optional paragraph may be revised to reflect district practice.
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Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

Note: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries (Education Code 48204(b)) are not eligible for funds apportioned for average daily attendance (ADA).

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

(cf. 5111.1 - District Residency)

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

INDEPENDENT STUDY (continued)

(cf. 6159 - Individualized Education Program)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

Note: Education Code 46300.1 provides that the district may not receive apportionments pursuant to Education Code 42238 for independent study for students age 21 or older, or for students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. However, pursuant to Education Code 46300.4, these students may be eligible for independent study through the adult education program for courses required for high school graduation; see BP/AR 6200 - Adult Education.

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

(cf. 6200 - Adult Education)

Note: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study. A pregnant student or a parenting student who is the primary caregiver for his/her child(ren) is not included in this cap.

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6184 - Continuation Education)

Master Agreement

Note: Education Code 51747 mandates that, in order for the district to receive apportionments for independent study, the district must adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. Because apportionments are provided only for independent study of five or more consecutive school days pursuant to Education Code 46300, written agreements are required only in such instances.

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

INDEPENDENT STUDY (continued)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but not be limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student

Note: Pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. See the accompanying Board policy.

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments, by grade level and type of program, which will trigger an evaluation of whether the student should be allowed to continue in independent study

Note: ~~SB 858 (Ch. 32, Statutes of 2014) amended Education Code 51747 to change the maximum duration of the agreement from one semester to one school year.~~

5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement that independent study is an optional educational alternative in which no student may be required to participate
8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

INDEPENDENT STUDY (continued)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian, before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. Since all these components are included in the written agreement which the parent/guardian must sign, the parent/guardian's signature on the agreement satisfies the requirement to obtain his/her written permission.

9. Signatures of the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

~~Note: Education Code 51747, as amended by SB 858 (Ch. 32, Statutes of 2014), provides that the agreement may be maintained on file electronically.~~

~~The signed, dated agreement may be maintained on file electronically. (Education Code 51747)~~

Course-Based Independent Study

Note: Education Code 51749.5-51749.6, ~~as added by SB 858 (Ch. 32, Statutes of 2014)~~, establish a course-based independent study option that may be offered ~~beginning with the 2015-16 school year~~ if certain requirements are met, as described below. As a condition of offering this option, Education Code 51749.5 **mandates** that the district adopt policy or regulations that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.

The following paragraph may be revised to reflect the grade levels offered by the district.

The district shall offer a course-based independent study program for students in grades K-12 subject to the following requirements: (Education Code 51749.5)

1. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

(cf. 4112.2 - Certification)

INDEPENDENT STUDY (continued)

2. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality as equivalent classroom-based courses and shall be aligned to all relevant local and state content standards. This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses.
3. Students enrolled in these courses shall meet the applicable age requirements established pursuant to Education Code 46300.1 and 46300.4 and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 48204, and 51747.3.
4. Teachers shall communicate with each student in person, by telephone, or by any other live visual or audio connection at least twice per calendar month to assess whether the student is making satisfactory educational progress. For this purpose, satisfactory educational progress includes, but is not limited to, applicable statewide accountability measures and the completion of assignments, examinations, or other indicators that the student is working on assignments, learning required concepts, and progressing toward successful completion of the course, as determined by the teacher providing instruction.

Written or computer-based evidence of satisfactory educational progress shall be retained for each course and student, including, at a minimum, a grade book or summary document that lists all assignments, examinations, and associated grades for each course.

If satisfactory educational progress is not being made, the teacher shall notify the student and, if the student is under age 18 years, his/her parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether he/she should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

(cf. 5125 - Student Records)

5. Examinations shall be administered by a proctor.

INDEPENDENT STUDY (continued)

6. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

(cf. 6162.51 - State Academic Achievement Tests)

7. A student shall not be required to enroll in courses included in this program.
8. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
9. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

10. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
11. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

(cf. 3260 - Fees and Charges)

12. A student shall not be prohibited from participating in independent study solely on the basis that he/she does not have the materials, equipment, or Internet access necessary to participate in the course.

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, his/her parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to this program
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above

INDEPENDENT STUDY (continued)

3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources, including materials and personnel, that will be made available to the student
6. A statement that the student is not required to enroll in courses in this program
7. Signatures of the student, the student's parent/guardian if the student is under age 18 years, and all teachers providing instruction

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Monitoring Student Progress

Note: The following optional section may be revised to reflect district practice.
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The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

INDEPENDENT STUDY (continued)

When the student has missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Note: The CDE, in its Frequently Asked Questions available on its web site, clarifies that students in independent study are not subject to truancy laws. The determination of excused and unexcused absences is irrelevant because independent study students may complete assignments at any time and attendance is not the basis for credit.

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

Responsibilities of Independent Study Administrator

Note: The following **optional** section may be revised to reflect district practice.

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

INDEPENDENT STUDY (continued)**Assignment and Responsibilities of Independent Study Teachers**

~~Note: The federal No Child Left Behind Act (20 USC 6319, 7801; 34 CFR 200.55-200.57; 5 CCR 6100-6126) requires teachers to demonstrate subject-matter competency for each core academic subject they teach. Thus, middle and high school independent study programs may choose to assign subject-matter specialists to oversee student work related to their subject, while assigning supervising teachers to oversee matters of student attendance, work samples, parent/guardian communications, and other duties of "homeroom" teachers. Districts that implement such a model may revise the following section to specify the duties of both supervising teachers and subject-matter specialists assigned to work with independent study students.~~

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

Note: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded. AB 104 (Ch. 13, Statutes of 2015) amended Education Code 51745.6 to eliminate grade span as a factor in the computation of the ratios.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

Note: The remainder of this section is **optional** and may be revised to reflect district practice.

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records" below
5. Providing direct instruction and counsel as necessary for individual student success

INDEPENDENT STUDY (continued)

6. Regularly meeting with the student to discuss the student's progress

Note: Pursuant to Education Code 51747.5, the district may only claim apportionment credit for independent study based on the time value of student work products as personally judged in each instance by a certificated teacher. ~~SB-858 (Ch. 32, Statutes of 2014) amended~~ Education Code 51747.5 to clarify specifies that the teacher is not required to sign and date the work products.

7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

(cf. 4131 - Staff Development)

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

(cf. 3580 - District Records)

INDEPENDENT STUDY (continued)

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

Note: Education Code 51747, as amended by ~~SB 858 (Ch. 32, Statutes of 2014)~~, provides that the agreement may be maintained on file electronically. **SB 828 (Ch. 29, Statutes of 2016), authorizes specified records to be maintained in an electronic file, as provided in the following paragraph. Pursuant to Education Code 51747, an electronic file includes a computer or electronically stored image of an original document, including, but not limited to, a PDF, JPEG, or other digital file type, that may be sent via fax machine, email, or other electronic means.**

The signed, dated agreement, **any supplemental agreement, assignment records, work samples, and attendance records** may be maintained on file electronically. (Education Code 51747)

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INDEPENDENT STUDY

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
(cf. 6143 - Courses of Study)
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel
(cf. 5112.3 - Student Leave of Absence)
5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

(cf. 0420.4 - Charter School Authorization)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6181 - Alternative Schools/Programs of Choice)

In addition, when requested by a parent/guardian due to an emergency, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

INDEPENDENT STUDY (continued)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

(cf. 6200 - Adult Education)

INDEPENDENT STUDY (continued)

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6184 - Continuation Education)

Master Agreement

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but not be limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments, by grade level and type of program, which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion

INDEPENDENT STUDY (continued)

7. A statement that independent study is an optional educational alternative in which no student may be required to participate
8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

(cf. 5144.1 - Suspension and Expulsion/Due Process)

9. Signatures of the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

The signed, dated agreement may be maintained on file electronically. (Education Code 51747)

Course-Based Independent Study

The district shall offer a course-based independent study program for students in grades K-12 subject to the following requirements: (Education Code 51749.5)

1. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, meet the requirements for highly qualified teachers pursuant to 20 USC 6301, and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

(cf. 4112.2 - Certification)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

2. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality as equivalent classroom-based courses and shall be aligned to all relevant local and state content standards. This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses.

INDEPENDENT STUDY (continued)

3. Students enrolled in these courses shall meet the applicable age requirements established pursuant to Education Code 46300.1 and 46300.4 and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 48204, and 51747.3.
4. Teachers shall communicate with each student in person, by telephone, or by any other live visual or audio connection at least twice per calendar month to assess whether the student is making satisfactory educational progress. For this purpose, satisfactory educational progress includes, but is not limited to, applicable statewide accountability measures and the completion of assignments, examinations, or other indicators that the student is working on assignments, learning required concepts, and progressing toward successful completion of the course, as determined by the teacher providing instruction.

Written or computer-based evidence of satisfactory educational progress shall be retained for each course and student, including, at a minimum, a grade book or summary document that lists all assignments, examinations, and associated grades for each course.

If satisfactory educational progress is not being made, the teacher shall notify the student and, if the student is under age 18 years, his/her parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether he/she should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

(cf. 5125 - Student Records)

5. Examinations shall be administered by a proctor.
6. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

(cf. 6162.51 - State Academic Achievement Tests)

7. A student shall not be required to enroll in courses included in this program.
8. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.

INDEPENDENT STUDY (continued)

9. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

10. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
11. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

(cf. 3260 - Fees and Charges)

12. A student shall not be prohibited from participating in independent study solely on the basis that he/she does not have the materials, equipment, or Internet access necessary to participate in the course.

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, his/her parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to this program
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources, including materials and personnel, that will be made available to the student

INDEPENDENT STUDY (continued)

6. A statement that the student is not required to enroll in courses in this program
7. Signatures of the student, the student's parent/guardian if the student is under age 18 years, and all teachers providing instruction

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

INDEPENDENT STUDY (continued)

1. Recommending certificated staff to be assigned as independent study teachers and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records" below
5. Providing direct instruction and counsel as necessary for individual student success

INDEPENDENT STUDY (continued)

6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

(cf. 4131 - Staff Development)

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

(cf. 3580 - District Records)

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

INDEPENDENT STUDY (continued)

CSBA Sample Administrative Regulation

Instruction

AR 6164.41(a)

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

Definitions

Note: ~~As amended by 71 Fed. Reg. 156,~~ 34 CFR 300.131 requires the district to conduct a thorough "child find" process to determine the number of parentally placed children with disabilities attending private schools located in the district. The requirements of this administrative regulation do not apply to those situations in which a district has placed a student with a disability in a private school as a means of fulfilling the district's obligations to provide a free appropriate public education (FAPE) or when the parent/guardian has made a unilateral placement of the student in a private school when the provision of FAPE is an issue. See BP/AR 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education.

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR 300.130, 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

Consultation with Private School Representatives

Note: ~~As amended by 71 Fed. Reg. 156,~~ 34 CFR ~~300.134~~ requires that the district and private school representatives consult regarding items #1-6 below.

The Superintendent or designee shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN
PRIVATE SCHOOL (continued)**

Note: Pursuant to 34 CFR 300.132 and 300.133, a district must spend a "proportionate share" of federal funds on parentally placed private school children with disabilities. "Proportionate share" is a calculation based on the total number of eligible students in the district that are enrolled in both public and private schools, based on the formula detailed in 34 CFR 300.133.

3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable services
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that the district and private school disagree on the provision of or the types of services, how the district will provide the private school officials with a written explanation of the reasons that the district chose to not provide the services

Note: ~~As amended by 71 Fed. Reg. 156,~~ 34 CFR 300.136 specifies that a private school official may file a complaint with the California Department of Education (CDE) if he/she believes that the district did not engage in meaningful, timely consultation or did not give due consideration to the views of the private school official. The district must forward appropriate documentation to the CDE or, if necessary, to the U.S. Department of Education (USDOE).

When meaningful and timely consultation has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, the district shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within the district. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount the district must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL (continued)

Provision of Services

Note: Pursuant to 34 CFR 300.137, a parentally placed private school child has no individual right to receive the special education services that he/she would have received in the public school. Rather, the public school must meet with private school officials and representatives of private school children with disabilities to decide how to spend the money on all of the identified children.

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Note: The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46592, makes clear that the law (34 CFR 300.131 and 20 USC 1412) requires the district where the private school is located, not the district where the child resides, to conduct individual evaluations and subsequent reevaluations of children for purposes of determining the provision of equitable services.

The district shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Note: According to the Analysis of Comments, 71 Fed. Reg. 156, pg. 46593, if after an evaluation, the district where the private school is located determines that the child needs special education and related services, it would be the responsibility of the district where the child resides to make FAPE available. According to the ~~U.S. Department of Education~~ **USDOE**, in Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, if the parent/guardian makes clear his/her intention to keep the child enrolled in private school, then the district of residence need not make FAPE available to the child nor develop an individualized education program (IEP). In such a case, it is recommended that the district obtain written confirmation of that intention from the parent/guardian, as specified below.

In order to ensure that each child entitled to special education and related services from the district receives an offer of a free appropriate public education (FAPE), the district where the child resides shall develop an individualized education program (IEP) for each identified child who attends a private school located in the district and who resides in the district.

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL (continued)

However, the district shall not develop an IEP if the parent/guardian makes clear his/her intention to keep the child enrolled in private school. In such situations, the district shall obtain written certification confirming the parent/guardian's intention to keep his/her child enrolled in private school, including the fact that he/she is not interested in the development of an IEP or the district's offer of FAPE. If the parent/guardian does not provide confirmation in writing, the district shall obtain oral confirmation of the parent/guardian's intention and confirm the conversation in writing.

Note: In the Analysis of Comments, 71 Fed. Reg. 156, pg. 46593, the ~~U.S. Department of Education~~ **USDOE** acknowledges there may be a situation where two different districts are evaluating the same child, although for different purposes. 34 CFR 300.622 requires parent/guardian consent for the release of information about parentally placed private school children.

If the child resides in a different district, then this district and the district of residence shall work together to ensure that the parent/guardian receives an offer of FAPE in accordance with law.

Note: ~~As amended by 71 Fed. Reg. 156~~; 34 CFR 300.138 requires the district to develop an individual services plan (ISP) for each identified child that describes the specific equitable services that will be provided by the district, as agreed to by the district and private school representatives during the consultation process. According to the ~~U.S. Department of Education~~ **USDOE**, in Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, the individual services plan (ISP) will be more limited than IEP developed for public school children.

The district shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that the district will provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

Note: The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46592-46593 clarifies that the ISP must, to the extent appropriate, meet the IEP content, development, review, and revision requirements.

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, the district shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138)

(cf. 6159 - Individualized Education Program)

Note: ~~As amended by 71 Fed. Reg. 156~~; 34 CFR 300.142 details how federal funds may be used by the district to pay for the personnel services described below.

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN
PRIVATE SCHOOL (continued)**

The district may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school, ~~except private school teachers providing the services do not need to meet the requirements of the No Child Left Behind Act for "highly qualified special education teacher" pursuant to 34 CFR 300.18.~~ The personnel shall either be district employees or contractors of the district. (34 CFR 300.138, 300.139)

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

The district shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, the district shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

The district may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain the property of the district and must be able to be removed without causing damage to the private school. The district shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)

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Center USD

Administrative Regulation

Children With Disabilities Enrolled By Their Parents In Private School

AR 6164.41

Instruction

Definitions

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

Consultation with Private School Representatives

The Superintendent or designee shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process
3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable services
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that the district and private school disagree on the provision of or the types of services, how the district will provide the private school officials with a written explanation of the reasons that the district chose to not provide the services

When meaningful and timely consultation has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, the district shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within the district. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount the district must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

Provision of Services

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

The district shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

In order to ensure that each child entitled to special education and related services from the district receives an offer of a free appropriate public education (FAPE), the district where the child resides shall develop an individualized education program (IEP) for each identified child who attends a private school located in the district and who resides in the district.

However, the district shall not develop an IEP if the parent/guardian makes clear his/her intention to keep the child enrolled in private school. In such situations, the district shall obtain written certification confirming the parent/guardian's intention to keep his/her child enrolled in private school, including the fact that he/she is not interested in the development of an IEP or the district's offer of FAPE. If the parent/guardian does not provide confirmation in writing, the district shall obtain oral confirmation of the parent/guardian's intention and confirm the conversation in writing.

If the child resides in a different district, then this district and the district of residence shall work together to ensure that the parent/guardian receives an offer of FAPE in accordance with law.

The district shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that the district will

provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, the district shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138)

(cf. 6159 - Individualized Education Program)

The district may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school, except private school teachers providing the services do not need to meet the requirements of the No Child Left Behind Act for "highly qualified special education teacher" pursuant to 34 CFR 300.18. The personnel shall either be district employees or contractors of the district. (34 CFR 300.138, 300.139)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

The district shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, the district shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

The district may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain the property of the district and must be able to be removed without causing damage to the private school. The district shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)

CSBA Sample Board Policy

Instruction

BP 6179(a)

SUPPLEMENTAL INSTRUCTION

Note: The following policy is **mandated** pursuant to Education Code 48070.5 and should be revised to reflect the grade levels offered by the district.

Pursuant to Education Code 52060-52077, the Governing Board must annually adopt a local control and accountability plan which includes goals and actions aligned with eight state priorities, including student achievement; see BP/AR 0460 - Local Control and Accountability Plan. The provision of high-quality supplemental instruction may be one strategy to improve student achievement outcomes for underperforming students.

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the district in meeting its goals for student achievement.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 - Youth Services)

SUPPLEMENTAL INSTRUCTION (continued)

When determined to be necessary by the principal or designee, a student may be required to participate in supplemental instruction outside the regular school day. In such cases, written parent/guardian consent shall be obtained for the student's participation.

Note: Pursuant to Education Code 37252.2, districts are required to provide supplemental instruction to students in grades 2-9, inclusive, who have been retained or recommended for retention, as provided in ~~item #1~~ below. Education Code 48070.5 mandates that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention. See BP/AR 5123 - Promotion/Acceleration/Retention for information regarding the criteria for identifying students for retention.

Supplemental instruction shall be offered to: ~~1.~~ students in grades 2-9 who have been retained or recommended for retention at their current grade level. (Education Code 37252.2, 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

~~Note: Item #2 below is for use by districts that receive federal Title I funding. 20 USC 6316 requires that eligible students from low income families be provided supplemental educational services (e.g., tutoring and other supplemental academic enrichment services) if their Title I school is identified for program improvement for two or more years based on failure to make "adequate yearly progress." Parents/guardians select these services from a list of providers with a demonstrated record of effectiveness. See BP/AR 0520.2 - Title I Program Improvement Schools for details regarding these services.~~

~~In addition, if the district is identified for program improvement pursuant to 20 USC 6316, the district must revise its local educational agency plan to incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year. See AR 0520.3 - Title I Program Improvement Districts.~~

- ~~2. Eligible students from low income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)~~

Note: The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required Title I schools identified for program improvement in year 2 or beyond to provide eligible students with supplemental educational services from an approved service provider. In accordance with the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. See AR 0520.2 - Title I Program Improvement Schools for details regarding this requirement.

The district shall offer alternative supports designed to increase the academic achievement of socioeconomically disadvantaged students attending schools identified by the California Department of Education for program improvement for two or more consecutive years.

SUPPLEMENTAL INSTRUCTION (continued)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

Note: Items #1-3 below are **optional** and may be revised to reflect district practice.

In addition, supplemental instruction may be offered to:

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who have been identified as being "at risk" for retention based on state assessment results, grades, or other indicators. See BP 5123 - Promotion/Acceleration/Retention for further information about criteria for identifying students as at risk of retention. If districts choose to offer such instruction, Education Code 48070.5 mandates that they adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are at risk for retention.

1. Students who are identified as being at risk for retention based on state assessment results, grades, or other indicators

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6162.51 - State Academic Achievement Tests)

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who are identified as having a deficiency in mathematics, reading, or written expression based on state assessment results. At their discretion, districts may offer such instruction to students who demonstrate academic deficiencies at any grade level or in any subject matter.

2. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

Note: The following **optional** item may be used by districts maintaining high schools to provide support to students who need assistance to meet graduation requirements. Education Code 60851 requires districts to provide supplemental instruction to students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the California High School Exit Examination. However, pursuant to Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), administration of the exit exam is suspended through the 2017-18 school year. Thus, supplemental instruction that is focused on assisting high school students to succeed on the exit exam is not currently required.

3. High school students who need support to successfully complete courses required for graduation

Legal Reference: (see next page)

SUPPLEMENTAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

37252-37254.1 Supplemental instruction, summer school

42238.01-42238.07 Local control funding formula

46100 Length of school day

48070-48070.5 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-51212 Courses of study, elementary schools

51220-51228 Courses of study, secondary schools

52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

60850-60859 High school exit examination, especially:

60851.5 Suspension of high school exit examination

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

~~6316 Program improvement schools and districts~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, January 14, 2009

Innovations in Education: Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

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Center USD

Board Policy

Supplemental Instruction

BP 6179
Instruction

The Governing Board recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5148.2 - Before/After School Programs)
(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

Supplemental instruction shall be offered to:

1. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

2. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

3. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation (Education Code 60851)

(cf. 6162.52 - High School Exit Examination)

"Sufficient progress" shall be determined based on a student's grades and the following indicators of academic achievement:

A combination of class, school, and/or district assessments, standardized test results, writings, samples, and/or other measures.

(cf. 5121 - Grades/Evaluation of Student Achievement)

The curriculum of the supplemental instructional program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

In addition, contingent on the district budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Based on state assessment results, grades, or other indicators, demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic standards
2. Have not passed one or both parts of the high school exit exam by the end of grade 12
3. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

(cf. 3553 - Free and Reduced-Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

4. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6143 - Courses of Study)

(cf. 6172 - Gifted and Talented Student Program)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 - Youth Services)

When determined to be necessary by the principal or designee, a student may be required to participate in a supplemental instruction. In such cases, written parent/guardian consent shall be obtained for the student's participation.

Legal Reference:

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

37252-37254.1 *Supplemental instruction, summer school*

41505-41508 *Pupil Retention Block Grant*

42238.01-42238.07 *Local control funding formula*

46100 *Length of school day*

48070-48070.5 *Promotion and retention*

48200 *Compulsory education*

48985 *Translation of notices*

51210-51212 *Courses of study, elementary schools*

51220-51228 *Courses of study, secondary schools*

52060-52077 *Local control and accountability plan*

60603 *Definitions, core curriculum areas*

60640-60649 *California Assessment of Student Performance and Progress*

60850-60859 *High school exit examination*

CODE OF REGULATIONS, TITLE 5

11470-11472 *Summer school*

UNITED STATES CODE, TITLE 20

6316 *Program improvement schools and districts*

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, January 14, 2009

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

CSBA Sample Board Policy

Instruction

BP 6200(a)

ADULT EDUCATION

Note: The following Board policy is for use by any high school district or unified school district that maintains an adult education school or program or that participates in a program offered by the county office of education.

Education Code 84900-84920, as added by AB 104 (Ch. 13, Statutes of 2015), establish the Adult Education Block Grant to provide adult education services through a regional consortium of school districts, county offices of education, community college districts, and joint powers authorities consisting of those entities. Other funding for adult education may be available through local control funding formula apportionments, California Work Opportunity and Responsibility to Kids (CalWORKs) funds for education and job training (Welfare and Institutions Code 11320-11329.5), the federal Workforce Innovation and Opportunity Act (29 USC 3101-3255), Adult Education and Literacy Act (29 USC 3271-3333), and/or Carl D. Perkins Career and Technical Education Act (20 USC 2301-2415). The district may revise the following policy to reflect requirements of the program(s) it offers.

The Governing Board ~~recognizes~~ believes that education is a lifelong process and that it is important for individuals to continuously develop new skills. Eligible adults shall be offered opportunities to enroll in programs and courses that develop academic and workforce skills and, as appropriate, lead to completion of requirements for high school graduation.

~~Note: Education Code 52501 authorizes districts maintaining secondary schools to establish and maintain classes for adults for specified purposes. Education Code 52616.21 authorizes the county office of education in geographically isolated, sparsely populated areas to administer an adult education program in which eligible school districts within its jurisdiction may participate and specifies conditions for receiving related apportionments. Option 2 below is offered for use by districts that may participate in a county-administered program. Option 1 below is for use by districts that maintain classes for adults as authorized by Education Code 52501. Option 2 is for use by districts whose students may participate in an adult education program administered by a county office of education in geographically isolated, sparsely populated areas as authorized by Education Code 52616.21.~~

Education Code 51056 and 52515 require approval by the California Department of Education (CDE) of courses offered in adult education programs. See the accompanying administrative regulation and the CDE's Adult Education Handbook for California.

OPTION 1: The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program. shall recommend, for approval by the Board and the California Department of Education, courses to be offered through the district's adult education program.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

OPTION 2: The district may ~~shall~~ participate in the adult education program administered by the county office of education. District students enrolled in this program shall be under the immediate supervision of a certificated district employee.

ADULT EDUCATION (continued)

Note: The following two optional paragraphs may be used by districts that select either Option 1 or 2 above and participate in the regional consortium established for purposes of the Adult Education Block Grant pursuant to Education Code 84900-84920, as added by AB 104 (Ch. 13, Statutes of 2015). The consortium is required to approve an adult education plan containing the components specified in Education Code 84906 at least once every three years and to update the plan at least once each year based on available data.

Funds allocated through this block grant may be used in accordance with Education Code 84913, including to provide support for adult education programs related to elementary and secondary basic skills, entry or reentry into the workforce, career technical education, pre-apprenticeship training, knowledge and skills to assist K-12 students to succeed academically, and programs for immigrants and adults with disabilities. See the accompanying administrative regulation.

To ensure efficient and coordinated adult education services, the district shall collaborate with other local educational agencies and the community college district in the region's adult education consortium. The district shall participate in the consortium's identification of the educational needs of adults in the region, identification of available funding and services, development and approval of an adult education plan pursuant to Education Code 84906, and implementation of strategies to address the identified needs, improve the effectiveness of district services, and improve students' transitions into postsecondary education and the workforce.

The district's representative to the region's adult education consortium shall be designated by the Board. (Education Code 84905)

(cf. 9140 - Board Representatives)

Note: The remainder of this policy is for use by districts selecting Option 1 above, but may be adapted for use by districts selecting Option 2.

Classes organized primarily for adults may be taught by holders of the designated subjects adult teaching credential pursuant to Education Code 44260.2-44260.3. See the Commission on Teacher Credentialing's web site for further information and credential requirements.

The Superintendent or designee shall ensure that all teachers of adult education classes possess an appropriate credential issued by the Commission on Teacher Credentialing and have access to high-quality professional development to continuously enhance their knowledge and skills.

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

Adult education classes may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board. (Education Code 52505, 52513)

ADULT EDUCATION (continued)

Note: ~~Education Code 52516 authorizes any school district maintaining an adult school or program, with the approval of the CDE, to establish a prescribed~~ If the district's adult school or program offers a course in elementary subjects appropriate to the needs of adults, as authorized by Education Code 52516 and 84913, the Board is mandated pursuant to Education Code 52510 ~~mandates the Board of such a district to prescribe requirements for eighth-grade graduation. Items #1-2 below should be revised to reflect district practice.~~

A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of **both of the following**:

1. ~~At least one term in the adult elementary program which includes reading, writing, arithmetic, spelling, current events, geography, California and U.S. history, civics, and natural science~~
2. Overall eighth-grade placement on a recognized ~~standard~~ **standardized** achievement test
3. ~~Successful passage of a district test in U.S. history and Constitution~~

Note: Education Code 52509 ~~mandates the Board of any district maintaining an adult school or program to prescribe requirements for the granting of a high school diploma. Courses required for a high school diploma in California are specified in Education Code 51225.3; see BP 6146.1 - High School Graduation Requirements. and include two courses in physical education. Adult students may be exempted from the physical education requirement in pursuant to Education Code 51241 or 51246. For Students obtaining seeking their high school diploma through adult education must meet those course requirements. However, the district also may revise waive any high school graduation requirements established by the district. Districts that have so revised their local graduation requirements for adult education students should modify the following sentence paragraph as appropriate.~~

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

(cf. 6142.7 - Physical Education and Activity)

(cf. 6146.1 - High School Graduation Requirements)

Note: The following paragraph may be revised to reflect indicators of program effectiveness identified by the district and/or adult education regional consortium in which the district participates. Education Code 84920, as added by AB 104 (Ch. 13, Statutes of 2015), requires the Superintendent of Public Instruction and California Community College Chancellor to identify common measures for determining the effectiveness of school districts and other consortium members in meeting the educational needs of adults. In addition, for districts participating in the federal Adult Education and Family Literacy Act, the CDE requires the use of the Comprehensive Adult Student Assessment Systems (CASAS), a set of standardized assessment instruments developed by the nonprofit organization CASAS, to track the progress of adult students.

The Superintendent or designee shall regularly report to the Board on the effectiveness

ADULT EDUCATION (continued)

of the district's adult education program. This report shall include, but not be limited to, the number of adults and high school students participating in the program, student participation in each type of adult education course or class, and the extent to which students successfully completed these programs, including, as applicable, the completion of requirements for the high school diploma or certificate of equivalency.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

8500-8538 *Adult education*

10200 *CalWORKs education and job training plan*

41975-41976.2 *Adult education; authorized classes and courses*

44260.2-44260.3 *Credential requirements, designated subjects adult education credential*

44865 *Qualifications for home teachers and teachers in special classes*

46190-46192 *Adult school; days of attendance*

46300.1-46300.4 *Independent study in adult education*

~~46351-46352~~ *Adult classes*

51040 *Prescribed courses*

51056 *Adult education course of study*

51225.3 *Requirements for graduation*

51241 *Physical education exemptions*

~~51246~~ *Exemption from attendance-Physical education exemptions*

51730-51732 *Elementary school special day and evening classes*

51745-51749.6 *Independent study*

51810-51815 *Community service classes*

~~51938~~ *Parental excuse from sexual education or HIV/AIDS prevention education*

52500-52523 *Adult schools*

52530-52531 *Use of hospitals*

52540-52544 *Adult English classes*

52550-52556 *Classes in citizenship*

52570-52572 *Disabled adults*

52610-52616.24 *Adult schools, finances*

52651-52656 *Immigrant Workforce Preparation Act*

60410 *Books for adult classes*

84830 *Adult education consortium*

84900-84920 *Adult Education Block Grant*

WELFARE AND INSTITUTIONS CODE

11320-11329.5 *CalWORKs, including education and job training*

CODE OF REGULATIONS, TITLE 5

10501 *Adult education*

10508 *Records and reports*

10530-1056034 *Standards*

80034 *Teaching credentials, adult education*

80034.5 *Adult education, substitute teachers*

80036-80036.4 *Requirements for designated subjects adult education credential*

Legal Reference continued: (see next page)

ADULT EDUCATION (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5 (continued)

80040.2-80040.2.7 Programs of personalized preparation for the designated subjects adult education teaching credentialing

UNITED STATES CODE, TITLE 8

1184 Foreign students

UNITED STATES CODE, TITLE 20

2301-2415 Carl D. Perkins Career and Technical Education Act

UNITED STATES CODE, TITLE 29

3101-3255 Workforce Innovation and Opportunity Act

3271-3333 Adult Education and Family Literacy Act

Management Resources:

CDE CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Adult Education Handbook for California, 1997-2005

Pupil Fees, Charges, and Other Deposits, Fiscal Management Advisory 12-02, April 24, 2013

WEB SITES

California Council for Adult Education: <http://www.ccaestate.org>

California Department of Education: <http://www.cde.ca.gov/sp/ae>

**California Department of Industrial Relations, Division of Apprenticeship Standards:
<https://www.dir.ca.gov/das>**

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Comprehensive Adult Student Assessment Systems: <https://www.casas.org>

Center USD

Board Policy

Adult Education

BP 6200

Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Center Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Economic, technological and social changes make it important for adults to continually acquire new skills and knowledge. The Governing Board believes that our community's adults deserve opportunities to update their education and realize their fullest potential.

The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Legal Reference:

EDUCATION CODE

8500-8538 Adult education

11320-11320.6 Distance learning projects

41505-41508 Pupil Retention Block Grant

41976-41976.1 Adult education; authorized classes and courses

44865 Qualifications for home teachers and teachers in special classes

46190 Adult school; days of attendance

46300.3-46300.4 Independent study in adult education

46351-46352 Adult classes

51040 Prescribed courses

51225.3 Requirements for graduation

51241 Temporary or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

51246 Exemption from physical education for certain students in grade 12

51730-51732 Elementary school special day and evening classes

51810-51815 Community service classes

51938 Parental excuse from sexual education or HIV/AIDS prevention education

52500-52523 Adult schools

52530-52531 Use of hospitals

52540-52544 Adult English classes

52550-52556 Classes in citizenship
52570-52572 Handicapped adults
52610-52616.24 Finances
52651-52656 Immigrant Workforce Preparation Act
60410 Books for adult classes
CODE OF REGULATIONS, TITLE 5
10501-10560 Adult Education

Management Resources:

CDE PUBLICATIONS

Adult Education Handbook for California

CDE PROGRAM ADVISORIES

0600.92 Using Independent Study in Adult Education Programs: An Option

0609.88 Education Fees for F-1 Visa Students

0622.87 Discrimination against the Handicapped in Adult Education Programs

Policy
adopted: May 23, 1996

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Administrative Regulation

Instruction

AR 6200(a)

ADULT EDUCATION

Note: The following administrative regulation may be revised for consistency with the adult education plan adopted by the regional consortium established for the Adult Education Block Grant, pursuant to Education Code 84906, as added by AB 104 (Ch. 13, Statutes of 2015). In addition, districts that participate in a county-operated adult education program (Option 2 in the accompanying Board policy) should tailor the following administrative regulation to delete references to district programs.

Enrollment

With the exception of programs specified in Education Code 52570, adult education classes ~~The class shall be located in a facility which clearly identifies the class as being open to the general public., with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons (Education Code 52517, 52570)~~

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

Note: The following paragraph may be revised to reflect programs in which the district participates.

For purposes of the Adult Education Block Grant pursuant to Education Code 84900-84920, adults include persons 18 years of age or older. ~~For purposes of these other adult education programs, adults include persons age 18 or older and other persons not concurrently enrolled in a regular high school program. However, high school students may be concurrently enrolled in adult education under the conditions specified in the section "Concurrent Enrollment of High School Students" below. (Education Code 52610, 84901)~~

~~**Note:** Pursuant to federal immigration law, 8 USC 1184, foreign students can no longer cannot obtain an F-1 visa in order to attend publicly-funded adult education schools. Students currently enrolled with an F-1 visa may continue to attend adult schools until those visas expire or until those students leave the United States. These students must continue to pay tuition in accordance with state law. See the section entitled "Fees" below. The law does not affect persons using any visa other than the F-1. The district is not authorized or required to determine the visa status of students. This issue will arise only when the student requests an I-20 certification from the district or if the district is contacted by the U.S. Immigration and Customs Enforcement.~~

~~Students possessing or seeking an F-1 visa designation shall not be enrolled in district adult school programs. Students currently enrolled with an F-1 visa designation shall continue to be eligible for enrollment in district adult schools until their visas expire or until they leave the United States. (8 USC 1184)~~

~~(cf. 5111.2 - Nonresident Foreign Students)~~

ADULT EDUCATION (continued)**Concurrent Enrollment of High School Students**

High school students shall be permitted to enroll in an adult education program, course, or class for sound educational purposes, **including** ~~Sound educational purposes include, but are~~ not limited to, the following: (Education Code 52523)

1. The adult education program, course, or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course, or class in order to make up deficient credits for graduation from high school.

(cf. 6146.1 - High School Graduation Requirements)

3. The adult education program, course, or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's ~~vocational and~~ **career** technical education program.

(cf. 6178 - Career Technical Education)

4. The adult education program, course, or class supplements and enriches the high school student's educational experience.

Note: The following paragraph is optional .

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Note: The CDE has taken the position that the counseling session described below need not be satisfied by a face-to-face meeting.

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes his/her parent/guardian and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the **meeting counseling session** and both of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education **course or** class
2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

ADULT EDUCATION (continued)

Note: The following paragraph is optional. Education Code 52500.1 does not require that the above statement be signed. However, obtaining the signature of all parties is one way to document the student's voluntary participation in the program and the high school representative's determination that the program will enhance the student's progress toward graduation. ~~for coordinated compliance review purposes, the CDE requires the following signatures:~~

The above statement shall be signed by the student, the parent/guardian, and the certificated high school representative.

(cf. 6164.2 - Guidance/Counseling Services)

Classes offered in the district's adult education program shall supplement and not supplant the regular high school curriculum. No course required by the district for high school graduation or necessary for students to maintain satisfactory academic progress shall be offered exclusively through the adult education program. (Education Code 52523)

Programs and Courses

~~Note: Education Code 52515 states that no funds shall be apportioned for adult school attendance unless the courses have been approved by the CDE. The CDE's approval criteria reflected in items #1-4 below are set forth in the CDE's Adult Education Handbook for California. Pursuant to Education Code 52506, this handbook also includes course approval criteria.~~

~~A proposed adult education class shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:~~

- ~~1. The class shall be located in a facility which clearly identifies the class as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)~~
- ~~2. Class time shall be devoted to instruction.~~
- ~~3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.~~
- ~~4. The course title shall clearly indicate its educational nature.~~

~~Note: Pursuant to Education Code 41976, adult education courses for which apportionment is claimed must also fall within categories specified below. The following list should be revised to reflect the types of adult education programs offered by the district. Education Code 84913, as added by AB 104 (Ch. 13, Statutes~~

~~of 2015), authorizes the use of Adult Education Block Grant funds to support the programs listed in items #1-7 below. Education Code 41976, as amended by AB 104, authorizes the use of local control funding formula and/or other district funds for many of these same purposes, as well as the purposes listed in items #8-12 below.~~

ADULT EDUCATION (continued)

Adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976, **84913**)

~~Note: Apportionments for classes described in item #2 below may be generated only by students who do not possess a high school diploma, except for remedial academic courses or classes in reading, mathematics and language arts.~~

- 2. 1. Programs in elementary and secondary basic skills, and other courses and classes required for the including programs leading to a high school diploma or high school equivalency certificate**

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

~~Note: Education Code 52550-52556 set conditions for establishing citizenship programs in high school districts when 25 or more persons residing in the district apply for such training. In addition, pursuant to Education Code 52613, F-1 visa students may not be counted for apportionment purposes in a class in elementary subjects or English and citizenship for foreigners.~~

- 4. 2. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making, and problem solving, and other classes required for preparation to participate in job specific technical training**
- 3. Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce**
- 4. Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist elementary and secondary students to succeed academically in school**
- 5. Programs for substantially disabled persons adults with disabilities**
- 6. Short-term vocational career technical education programs with high employment potential**

Note: Education Code 84913, as added by AB 104 (Ch. 13, Statutes of 2015), authorizes the use of Adult Education Block Grant funds to support pre-apprenticeship training activities, as provided in item #7 below. Pre-apprenticeship training activities must be conducted in coordination with apprenticeship programs approved by the California Department of Industrial Relations' Division of Apprenticeship Standards for the occupation and geographic area.

- 8. 7. Programs for apprentices offering pre-apprenticeship training activities in coordination with one or more approved apprenticeship programs**

ADULT EDUCATION (continued)

Note: The types of programs listed in optional items #8-12 below are not authorized uses of the Adult Education Block Grant. However, Education Code 41976 authorizes the use of other district funds for these purposes, as well as the purposes listed in items #1-2 and #5-7 above.

8. Programs in parenting, including parent cooperative preschools, and classes in child growth and development, parent-child relationships, and parenting

Note: Education Code 52540-52544 set conditions for establishing ESL classes in high school districts when 20 or more adults residing in the district apply for such classes.

9. English as a second language

10. Programs for older adults

11. Home economics

12. Health and safety education

Note: Pursuant to Education Code 51056 and 52515, adult education courses must be approved by the CDE. According to the CDE's Adult Education Handbook for California, districts must annually submit a list of course titles to the CDE for approval. Authorized courses are listed in the Adult Education Course Approval System (A-22) on the CDE's web site.

The Superintendent or designee shall annually submit to the California Department of Education for approval the titles of classes that have been approved by the Governing Board to be offered in any of the program areas listed above.

~~**Note: Education Code 52518 prohibits districts from receiving apportionments for adult classes in dancing or recreational physical education. In addition, Education Code 41976, 52500.1 and 52523 identify programs and classes for which high school students may not be counted for adult education apportionment purposes.**~~

Note: The following optional paragraph is for use by districts that offer community service classes; see BP 6146.4 - Service Learning/Community Service Classes. Pursuant to Education Code 51810, the district may provide community service classes in specified subjects without the approval of the CDE.

Adults also may be enrolled in community service classes offered by the district. (Education Code 51811)

(cf. 6146.4 - Service Learning/Community Service Classes)

All adult education programs, courses, and classes and their enrollment period shall be listed published in the district's catalog of adult education classes provided to the public. (Education Code 52523)

ADULT EDUCATION (continued)

Community Service Classes

~~Note: Education Code 51810 authorizes districts maintaining secondary schools to establish and maintain community service classes without CDE approval. Education Code 51815 allows the Board to charge fees not to exceed the cost of maintaining the classes.~~

~~As part of the adult education program, the Board may establish and maintain community service classes to provide instruction that contributes to the physical, mental, moral, economic or civil development of any persons who may wish to enroll. (Education Code 51810)~~

~~Certificates of skill or accomplishment may be provided upon the satisfactory completion of community service classes. (Education Code 51813)~~

Independent Study

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

(cf. 6158 - Independent Study)

Participation in independent study shall be voluntary. (Education Code 51747)

~~Note: Pursuant to Education Code 46300.4, for certain students age 19 or older participating in independent study, attendance credit is eligible for apportionment only for courses required for high school graduation.~~

~~For students 21 years of age or older, or students 19 years of age or older who have not been continuously enrolled in school since their 18th birthday, Any course taken through independent study must shall be a course listed in Education Code 51225.3 or otherwise required by the Board as a prerequisite to receiving a diploma for high school graduation. (Education Code 46300.4)~~

An adult who has been continuously enrolled in K-12 education since his/her 18th birthday may remain engaged in K-12 independent study until his/her 21st birthday. (Education Code 46300.1)

~~Note: A CDE Program Advisory of June 1992 states that certain restrictions that apply to independent study in K-12 schools do not apply in an adult education program. For example, the teacher-student ratio in adult education independent study is not limited, and the general supervision of adult education independent study students is not restricted to employees certificated pursuant to Education Code 44865.~~

Fees

~~Note: Education Code 52612-52613 authorizes the district to charge fees for adult education classes, with~~

ADULT EDUCATION (continued)

certain exceptions. The total of these fees plus revenues derived from ADA must not exceed the estimated cost of all such classes. **The following section should be revised to reflect district practice.**

~~The district may charge adult education students a registration fee for each adult education class, with the following exceptions. No fee shall be charged for the following adult education classes or programs: (Education Code 52612, 52613)~~

1. ~~No fee shall be charged for~~ A class for which high school credit is granted, if the class is taken by an individual who does not hold a high school diploma. ~~(Education Code 52612)~~

~~Note: Districts are required by Education Code 52613 to charge students with an F-1 visa designation tuition for study in adult education programs. However, pursuant to federal immigration law, 8 USC 1184, foreign students can no longer obtain an F-1 visa to attend publicly funded adult education schools. Therefore, districts should continue to charge tuition to adult students currently enrolled who are known to be in the United States on an F-1 visa, but as those visas expire, district officials must decline to complete the student's required I-20 certification.~~

2. ~~No charge shall be made for~~ A class in an elementary subject or a class in English as a second language or citizenship, ~~for foreigners~~ unless the student is a nonimmigrant alien with an F-1 visa status. Any nonimmigrants enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. ~~(Education Code 52612, 52613)~~

Note: The following paragraph is optional.

Except for those fees required by law, ~~at the recommendation of the Superintendent or designee,~~ the payment of fees may be waived in cases of ~~unusual~~ hardship at the recommendation of the Superintendent or designee.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the district at cost or may be obtained on loan with the payment of a refundable deposit. In addition, materials purchased from the incidental expense account may be sold to adult school students for use in their classes. (Education Code 52615, 60410)

(cf. 3260 - Fees and Charges)

(6/97 7/99) 5/16

Center USD

Administrative Regulation

Adult Education

AR 6200
Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Center Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

All adult education programs, courses and classes and their enrollment period shall be listed in the district's catalog of adult education classes provided to the public. (Education Code 52523)

Enrollment

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

High school students shall be permitted to enroll in an adult education program, course or class for sound educational purposes. Such classes shall not supplant the regular high school curriculum. Enrollment purposes include, but are not limited to, the following: (Education Code 52523)

1. The adult education program, course or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course or class in order to make up deficient credits for graduation from high school.
3. The adult education program, course or class allows the student to gain vocational and technical skills.
4. The adult education program, course or class supplements and enriches the high school student's educational experience.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Before enrolling in an adult education class, the high school student must complete a

counseling session with his/her parent/guardian and a certificated representative of the high school. The certificated high school representative shall arrange this meeting and ensure that the student's school record includes written documentation of the meeting, including the following statements: (Education Code 52500.1)

1. That the student is enrolling voluntarily in the adult education class, and
2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation.

The above statement shall be signed by the student, the parent/guardian and the certificated high school representative.

Course Approval

Proposed adult education classes shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:

1. Classes shall be located in facilities which clearly identify the classes as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of handicapped adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)
2. Class time shall be devoted to instruction.
3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.
4. The course title shall clearly indicate its educational nature.

Adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976)

1. Parenting, including parent cooperative preschools, classes in child growth and development, and parent-child relationships.
2. Elementary and secondary basic skills and other courses and classes required for the high school diploma.
3. English as a second language (ESL).
4. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving, and other classes required for preparation to participate in job-specific technical training.
5. Programs for substantially disabled persons.
6. Short-term vocational programs with high employment potential.

7. Programs for older adults.
8. Programs for apprentices.
9. Home economics.
10. Health and safety education.

Community Service Classes

As part of the adult education program, the Governing Board may establish and maintain community service classes to provide instruction that contributes to the physical, mental, moral, economic or civic development of any persons who may wish to enroll. (Education Code 51810)

Certificates of skill or accomplishment may be provided upon the satisfactory completion of community service classes. (Education Code 51813)

Independent Study

The district may make independent study available in the adult education program as an instructional strategy for students 21 years of age or older, or students 19 years of age or older who have not been continuously enrolled in school since their 18th birthday. However, in order for reimbursement to be obtained, the course must meet the district's requirements for a high school diploma. (Education Code 46300.4)

Fees

The district may charge adult students a registration fee for each adult education class, with the following exceptions:

1. No fee shall be charged for a class for which high school credit is granted if the class is taken by an individual who does not hold a high school diploma. (Education Code 52612)
2. No charge shall be made for a class in an elementary subject or a class in English or citizenship for immigrants unless the student is a nonimmigrant alien. Any nonimmigrant aliens enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. (Education Code 52612, 52613)

At the recommendation of the Superintendent or designee, the payment of fees may be waived in cases of unusual hardship.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the district at cost or may be obtained on loan with the payment of a refundable deposit. (Education Code 52615, 60410)

(cf. 3260 - Fees and Charges)

Diplomas and Certificates

A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of the following:

1. At least one term in the adult elementary program which includes reading, writing, arithmetic, spelling, current events, geography, California and U.S. history, civics and natural science.
2. Overall eighth-grade placement on a recognized standard achievement test.
3. Successful passage of a district test in U.S. history and Constitution.

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

Regulation
approved:

CENTER UNIFIED SCHOOL DISTRICT
May 23, 1996 Antelope, 1996

Add

CSBA Sample Board Bylaw

Board Bylaws

BB 9222(a)

RESIGNATION

Note: Pursuant to Education Code 5090, a Governing Board member who wishes to resign must file a written resignation with the County Superintendent of Schools having jurisdiction over the district. The resignation results in a vacancy on the Board which, pursuant to Government Code 1770 and Education Code 5091-5093, requires the Board to either order an election or make a provisional appointment as appropriate, unless the vacancy occurs within four months of the end of the Board member's term in which case the Board will take no action. See BB 9223 - Filling Vacancies for information about timelines, processes, and eligibility requirements for filling vacancies.

A member of the Governing Board member who wishes to resign from the Board may ~~do so by filing~~ shall file a written resignation with the County Superintendent of Schools. (Education Code 5090)

Note: The following paragraph is optional.

~~A copy shall be given~~ The resigning Board member shall also notify the Board and give a copy of his/her written resignation to the Board secretary.

The written resignation is shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. A Board member may not defer the effective date of his/her resignation for more than 60 days after filing he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable ~~upon being filed~~. (Education Code 5090)

~~Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation.~~ A Board member who tenders his/her resignation with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that he/she shall not have the right to vote for his/her successor in an action taken by the Board to make a provisional appointment. (Education Code 5091, 35178)

(cf. 9223 - Filling Vacancies)

Note: ~~When leaving office, the Board member is required to file a financial disclosure statement within 30 days. See BB 9270 - Conflict of Interest.~~

A Board member who resigns shall file, within 30 days of leaving office, a revised Statement of Economic Interest/Form 700 covering the period of time between the

RESIGNATION (continued)

**closing date of the last statement required to be filed and the date he/she leaves office.
(Government Code 87302, 87500)**

(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

5090 Definition (vacancy)

5091 Special election

5090-5095 Vacancies on the board

35178 Resignation with deferred effective date

GOVERNMENT CODE

1770 Vacancy on the board

87300-87313 Conflict of interest code

87500 Statement of economic interests

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

CSBA: <http://www.csba.org>

CSBA Sample Board Bylaw

Board Bylaws

BB 9270(a)

CONFLICT OF INTEREST

Note: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes: (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87505), detailed in the section below entitled "Conflict of Interest under the Political Reform Act," and (2) Government Code 1090-1098, detailed in the section below entitled "~~Financial Interest in Contracts~~ Conflict of Interest under Government Code 1090 - Financial Interest in a Contract." However, Even when a conflict does not exist pursuant to those statutes, ~~the Attorney General has found that special situations may still exist~~ a violation might still occur under the common law doctrine against conflict of interest; see the section below entitled "Common Law Doctrine Against Conflict of Interest."

Because the law and definitions are quite complex, it is strongly recommended that districts consult with legal counsel and staff from the Fair Political Practices Commission (FPPC) as soon as a potential conflict is presented.

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. ~~In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.~~ Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if ~~there is not~~ a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

Note: The following paragraph reflects the common law definition of "relative within the third degree."

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

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to

CONFLICT OF INTEREST (continued)

disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.

Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions and disclosure categories. The accompanying exhibit (E 9270) contains a sample resolution that includes an appendix with designated positions and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body. ~~Districts that do not wish to adopt a resolution as their conflict of interest code should modify the following paragraph accordingly.~~

The Board shall adopt ~~a resolution that specifies the terms of~~ for the district's a conflict of interest code, **that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)**

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

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days **after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)**

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

CONFLICT OF INTEREST (continued)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last **required** statement and the date of leaving office or district employment. (Government Code 87302, ~~87500-87302.6~~)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

Note: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755, and interpretive opinions, to determine whether a conflict of interest exists under the PRA. When such a conflict exists, the affected Board member must disclose the interest and disqualify himself/herself from participating in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards to a Board member's spouse is also applicable to a registered domestic partner.

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

A Board member, ~~or~~ designated employee, **or other person in a designated position** makes a governmental decision when; **he/she, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district.** ~~(2 CCR 18702.1)~~ **authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.**

Note: 2 CCR 18705 permits a Board member who is financially interested in a contract to participate in making a decision on the contract if (1) he/she discloses the existence of the conflict and describes with particularity the nature of his/her economic interest in the contract; (2) gives a summary description of the circumstances under which he/she believes the conflict may arise; and (3) either

CONFLICT OF INTEREST (continued)

BB 9270(d)

he/she, another Board member, or a district employee discloses the legal basis for concluding that no alternative source of decision exists for the district. In general, this rule will permit a district to acquire an essential supply or service. CSBA strongly recommends that legal counsel be consulted when situations arise involving the rule of necessity, as strict compliance is required.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

~~A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)~~

Additional Requirements for Boards that Manage Public Investments

Note: The following optional section is for use only by districts in which the Board and/or the Superintendent or designee designated employees are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information.

~~According to the FPPC, officials who manage public investments are boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if they delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds are considered officials who manage public investments. Even if the Board delegates day-to-day investment decisions to district staff, Board members are considered officials who manage public investments if they set or approve policy as to the investment of these funds.~~

The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANS) is issued. Board members and superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments.

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR ~~18702.5~~ 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential

CONFLICT OF INTEREST (continued)

conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion **and deliberations** of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

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

While the prohibitions in the PRA only apply to designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. **California appellate courts have ruled in**

CONFLICT OF INTEREST (continued)

McGee v. Balfour Beatty Construction LLC and Davis v. Fresno Unified School District that Government Code 1090 applies to consultants, including corporate consultants, who fill the roles and positions of officers, employees, and agents of the district. However, the Attorney General has opined in 63 Ops. Cal. Atty. Gen. 868 (1980) that an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below.

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

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, ~~the district is barred from entering into the contract is void.~~ (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

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

Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.

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

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

Attorney General opinions and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require

CONFLICT OF INTEREST (continued)

Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. (92 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However, when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. (Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986))

Because this area of law is complex, it is strongly recommended that district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest.

In addition, a Board member shall not be considered to be financially interested in a contract ~~if in which~~ his/her interest is a "noninterest" as defined in Government Code 1091.5. ~~One such~~ Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, ~~is when a Board member's in the employment of his/her~~ spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, ~~or in any other applicable circumstance specified in~~ (Government Code 1091.5).

Common Law Doctrine Against Conflict of Interest

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

Districts are encouraged to consult legal counsel if situations arise that raise the question as to whether such a conflict exists.

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

Note: Pursuant to Government Code 87101, when a conflict exists under the PRA, the district may still enter into a contract if the rule of necessity or legally required participation applies. In general, this rule will

permit a district to acquire an essential supply or service. The rule also permits a Board member to carry out an essential duty of his/her office in accordance with 2 CCR 18708, where he/she is the only one who may legally act and there is no alternative source of decision making authority. It is recommended that legal counsel be consulted when situations arise involving the rule of necessity.

CONFLICT OF INTEREST (continued)

~~On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.~~

Incompatible Offices and Activities

Note: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 mandates the district to adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees.

Attorney General opinions have indicated that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district (85 Ops.Cal.Atty.Gen. 60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)). If a Board member is sworn into an incompatible office, then his/her position in the prior office is automatically terminated.

Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office. See BB 9220 - Governing Board Elections.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that district legal counsel be consulted as appropriate.

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

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Note: Pursuant to 2 CCR 18730, the gift limitation is currently \$460. This amount is adjusted in odd-numbered years by the FPPC. ~~However, this limit may not be applicable to gifts from every source.~~ Pursuant to Government Code 89503, Board members and candidates are subject to gift limitation for gifts from all sources except when exempted by law or regulation. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable as to those individuals and entities that are disclosed on the Form 700.

Several exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034. If questions arise as to such exceptions, the district may seek clarification from the FPPC through email to advice@fppc.ca.gov or consult legal counsel.

CONFLICT OF INTEREST (continued)

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

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

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

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

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

- 1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.**
- 2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.**

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

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

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

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

CONFLICT OF INTEREST (continued)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices, especially:*

35233 *Prohibitions applicable to members of governing boards*

41000-41003 *Moneys received by school districts*

41015 *Investments*

FAMILY CODE

297.5 *Rights, protections, and benefits of registered domestic partners*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

82019 *Definition, designated employee*

82028 *Definition, gift*

82030 *Definition, income*

82033 *Definition, interest in real property*

82034 *Definition, investment*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

89506 *Ethics; travel*

91000-91014 *Enforcement*

PENAL CODE

85-88 *Bribes*

REVENUE AND TAXATION CODE

203 *Taxable and exempt property - colleges*

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

~~18702.5~~ *Public identification of a conflict of interest for Section 87200 filers*

18700-18707 *General prohibitions*

18722-18740 *Disclosure of interests*

18750.1-18756 *Conflict of interest codes*

CONFLICT OF INTEREST (continued)

Legal Reference: (continued)

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops. Cal. Atty. Gen. 26 (2009)

92 Ops. Cal. Atty. Gen. 19 (2009)

89 Ops. Cal. Atty. Gen. 217 (2006)

86 Ops. Cal. Atty. Gen. 138(2003)

85 Ops. Cal. Atty. Gen. 60 (2002)

82 Ops. Cal. Atty. Gen. 83 (1999)

81 Ops. Cal. Atty. Gen. 327 (1998)

80 Ops. Cal. Atty. Gen. 320 (1997)

69 Ops. Cal. Atty. Gen. 255 (1986)

68 Ops. Cal. Atty. Gen. 171 (1985)

65 Ops. Cal. Atty. Gen. 606 (1982)

63 Ops. Cal. Atty. Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

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Center USD

Board Bylaw

Conflict Of Interest

BB 9270

Board Bylaws

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest.

A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government

Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

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

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

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

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or

legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

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

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

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

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

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

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or deposited in a fund for the benefit of the district

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw
adopted: October 20, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Exhibit

Board Bylaws

E 9270(a)

CONFLICT OF INTEREST

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act (PRA). Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of designated positions and disclosure categories. Board members and designated employees must annually file a Statement of Economic Interest/Form 700 pursuant to the disclosure requirements of the district's conflict of interest code.

Government Code 87303 requires a district's conflict of interest code to be approved by a code reviewing body. For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The Fair Political Practices Commission (FPPC) is the code reviewing body for school districts with jurisdiction in more than one county.

The code reviewing body needs to review only the portion of the district's conflict of interest code that specifies the district's designated positions and the disclosure categories as detailed in the following sample Resolution, including its Appendix, and not the other legal requirements related to conflict of interest reflected in the accompanying sample bylaw. The Resolution, including the Appendix, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In some counties, the code reviewing body requires that a resolution be adopted during each review and that the Board's resolution and amended appendix be submitted to that body. In other counties, only the appendix needs to be submitted. In both cases, districts need not submit BB 9270 - Conflict of Interest to the code reviewing body. In addition to the biannual review, districts should modify the Appendix and submit it, and the resolution if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of new designated positions or a change of duties assigned to existing positions.

The following resolution should be modified to reflect district practice as well as any specific requirements of the district's code reviewing body.

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Center Joint Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

CONFLICT OF INTEREST (continued)

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Center Joint Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Center Joint Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

CONFLICT OF INTEREST (continued)**Conflict of Interest Code of the
Center Joint Unified School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX**Disclosure Categories**

Note: The following list must be modified to reflect the specific disclosure categories in the district.

1. **Category 1:** ~~A person designated Category 1 shall disclose~~ Designated positions in this category must report:

- a. Interests in real property located entirely or partly within district's boundaries, or within two miles of the district's boundaries, or of any land owned or used by the district. Such interest include any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.
- b. Investments and ~~or~~ business positions in ~~or income from sources which~~ business entities and income, including the receipt of gifts, loans, and travel payments, from sources that:
 1. ~~Are engaged in the acquisition or disposal of real property within the district's jurisdictions,~~
 2. ~~Are contractors or subcontractors which are who are,~~ or have been within the past two years, engaged in work or services of the type used by the District, or
 3. ~~Are of the type that engage in the manufacture or sell,~~ sale repair, rental or distribution of school supplies, books, machinery materials, school furnishings, or equipment of the type used by the district.

2. **Category 2:** ~~A person designated Category 2 shall disclose:~~ Designated positions in this category must report a. Investments and ~~or~~ business positions in ~~or income from sources~~

CONFLICT OF INTEREST (continued)

~~which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs entities and income, including the receipt of gifts, loans, and travel payments, from sources that:~~

- a. ~~Are contractors engaged in work or services of the type used by the department in which the designated person manages or directs, or~~
- b. ~~Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. Are of the type that engage in the manufacture, sale, repair, rental or distribution of school supplies, books, materials, school furnishings, or equipment.~~

For the purposes of this category, a principal's department is his/her entire school.

Note: Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue.

3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

Note: The following list must be modified to reflect the specific designated positions and applicable disclosure categories in the district. For districts in which the Board and Superintendent "manage public investments," the disclosure category for Board members and the Superintendent in the list below must be modified to "Full Disclosure."

CONFLICT OF INTEREST (continued)

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Purchasing Agent	1
Director	2
Principal	2
Assistant Principal	2
Maintenance and Operations Director	2
Program Coordinator	2
Project Specialist	2
Supervisor	2
Dean of Students	2
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Superintendent may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Sec. 81008.)

Disclosures for Consultants

Note: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

CONFLICT OF INTEREST (continued)

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR ~~18701-18700.3~~)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a **any** permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR ~~18702.2~~ **18704, subsections (a) and (b)**, or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR ~~18701~~ **18700.3**)

(7/10) 5/16

Policy Reference UPDATE Service

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Center USD

Exhibit

Conflict Of Interest

E 9270

Board Bylaws

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Center Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Center Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the _____ School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

Conflict of Interest Code of the
Center Unified School District

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. Category 2: A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

Designated Positions

Designated Position

Disclosure Category

Governing Board Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Purchasing Agent	1
Director	2
Principal	2
Assistant Principal	2
Maintenance and Operations Director	2
Program Coordinator	2
Project Specialist	2
Supervisor	2
Dean of Students	2

Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

Exhibit
version: October 20, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Bylaw

Board Bylaws

BB 9321(a)

CLOSED SESSION PURPOSES AND AGENDAS

Note: Pursuant to Government Code 54962, the Governing Board may hold a closed session only for purposes expressly authorized by the Brown Act (Government Code 54950-54963) or by a provision of the Education Code.

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Note: Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Note: Government Code 54957.7 states that before holding any closed session, the Board must disclose in an open meeting the item(s) to be discussed in the closed session. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements. In addition, the Board is required to reconvene in open session upon conclusion of a closed session to report any action taken in the closed session.

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Note: Pursuant to Government Code 54963, a Board member who discloses confidential information received in a closed session may be referred to the local grand jury or may be subject to action in a court of law. For a definition of confidential information and the actions that may be taken against a Board member if such information is disclosed, see BB 9011 - Disclosure of Confidential/Privileged Information.

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

Note: Government Code 54957 authorizes the use of closed sessions for personnel matters described below. For the purpose of these closed sessions, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes Board members. The Attorney General has concluded that it is appropriate to use a closed session to discuss and evaluate Superintendent performance. (59 Ops.Cal.Atty.Gen. 532 (1976)) **However, under the "personnel exception," the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline in closed session under this exception.**

In Fischer v. Los Angeles Unified School District, the court interpreted Government Code 54957 and found that the right to request an open session applies only when the Board hears specific complaints or charges brought against the employee. Thus, the right to request an open session does not apply when the Board is meeting in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.

The Board may hold a closed session **under the "personnel exception"** to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4315 - Evaluation/Supervision)

Note: Pursuant to Government Code 54957, failure of the Board to give an employee against whom a "specific complaint or charge" has been made the notice described below will render any action taken by the Board in the closed session null and void. Determining whether a "specific complaint or charge" is involved is usually fact-specific and the Board should consult legal counsel as necessary. In Furtado v. Sierra Community College District, the court held that the term "specific complaints or charges" as used in Government Code 54957 does not include negative comments in an employee's performance evaluation. In another decision, Bell v. Vista Unified School District, the court determined that a presentation to the board by a district staff member regarding an employee's violation of a California Interscholastic Federation rule constituted a "complaint or charge" and thus the employee was entitled to 24-hour notice. Yet another

CLOSED SESSION PURPOSES AND AGENDAS (continued)

ruling, Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, held that when a board rejects its hearing officer's findings of fact and conducts its own hearing, the employee must be given 24-hour notice.

Furthermore, an Attorney General opinion (78 Ops.Cal.Atty.Gen. 218 (1995)) has clarified that a probationary certificated employee does not have the right to an open session when the Board is discussing whether or not to reemploy him/her for a third consecutive school year. Education Code 44929.21 allows the Board to non-reelect a probationary certificated employee at the end of the first or second school year as long as written notice is given in accordance with law; see AR 4117.6 - Decision Not to Rehire.

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Note: The Educational Employment Relations Act (Government Code 3540-3549.3) makes four specific exemptions from the Brown Act related to negotiations. Government Code 54957.6 provides that for the purpose of closed sessions related to collective bargaining, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes any elected official, Board member, or other independent contractor.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization

CLOSED SESSION PURPOSES AND AGENDAS (continued)

2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Note: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication "The Brown Act: Open Meetings for Local Legislative Bodies" (2003), also states that the "labor exception" applies to meeting in closed session to instruct its negotiator concerning negotiations with prospective employees.

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. **Prior to the closed session, the Board shall identify its designated representative in open session.** Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

~~For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)~~

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Note: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following optional paragraph provides that student names shall not be included on the agenda.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: Government Code 54956.5 authorizes an emergency meeting in closed session to meet with the law enforcement officials specified above pursuant to Government Code 54957. Two-thirds of the Board members present at the meeting must agree to the need for the closed session. Those emergency situations that necessitate a need for an emergency meeting are listed in BB 9320 - Meetings and Notices and include a terrorist attack, crippling disaster, or other activity that impairs public health or safety. For a list of actions for which more than a majority vote of the Board is required, see BB 9323.2 - Actions by the Board.

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

Note: An Attorney General opinion (94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded that only three subjects related to real property negotiations may be considered in closed session: (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

items that are essential to arriving at the authorized price and payment terms. Although Attorney General opinions are not binding, they are accorded deference by the courts.

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Note: Pursuant to Government Code 54956.9, the district is considered to be a "party," or to have "significant exposure," to a litigation if any of its officers or employees is a party or has significant exposure to the litigation under circumstances specified in items #1 and #2 below.

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))

CLOSED SESSION PURPOSES AND AGENDAS (continued)

2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following:
(Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code

CLOSED SESSION PURPOSES AND AGENDAS (continued)

54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

Note: The following section applies to districts participating in a joint powers agency (JPA) for insurance pooling or in a self-insurance authority.

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

Note: Pursuant to Government Code 54956.96, a JPA may adopt a provision, either through a policy or through the joint powers agreement, authorizing a school district Board member serving on the JPA board to disclose confidential information received during the JPA board's closed session under the circumstances specified below. Government Code 54954.5 provides an agenda description for the purpose of this closed session. The following optional paragraphs are for use by districts that participate in a JPA that has adopted such a provision.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from California State Auditor's Office

Note: Government Code 54956.75 authorizes the Board to meet in closed session to discuss a final draft audit report from the California State Auditor's Office. This authority relates to situations in which a member of the legislature has requested the California State Auditor's Office to audit a school district. This audit is separate from the annual audit that districts must conduct pursuant to Education Code 41020. The law does not authorize the Board to meet in closed session to discuss the district's annual audit.

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Note: The following optional paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code.

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

*Legal Reference:*EDUCATION CODE35145 *Public meetings*35146 *Closed session (re student suspension)*44929.21 *Districts with ADA of 250 or more*48912 *Governing board suspension*48918 *Rules governing expulsion procedures; hearings and notice*49070 *Challenging content of students records*60617 *Meetings of governing board*GOVERNMENT CODE3540-3549.3 *Educational Employment Relations Act*6252-6270 *California Public Records Act*54950-54963 *The Ralph M. Brown Act*COURT DECISIONS*Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860**Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672**Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87**Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876**Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363**Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41**San Diego Union v. City Council, (1983) 146 Cal.App.3d 947*ATTORNEY GENERAL OPINIONS94 *Ops. Cal. Atty. Gen. 82 (2011)*86 *Ops. Cal. Atty. Gen. 210 (2003)*78 *Ops. Cal. Atty. Gen. 218 (1995)*59 *Ops. Cal. Atty. Gen. 532 (1976)*57 *Ops. Cal. Atty. Gen. 209 (1974)**Management Resources:*CSBA PUBLICATIONS*The Brown Act: School Boards and Open Meeting Laws, 2009*ATTORNEY GENERAL PUBLICATIONS*The Brown Act: Open Meetings for Legislative Bodies, 2002 2003*LEAGUE OF CALIFORNIA CITIES PUBLICATIONS*Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010**Management Resources continued (seen next page):*

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Management Resources (continued):

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

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Center USD

Board Bylaw

Closed Session Purposes And Agendas

BB 9321

Board Bylaws

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a

reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any

matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144 - Discipline)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that

to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from Bureau of State Audits

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the

report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*
35146 *Closed session (re student suspension)*
44929.21 *Districts with ADA of 250 or more*
48912 *Governing board suspension*
48918 *Rules governing expulsion procedures; hearings and notice*
49070 *Challenging content of students records*
60617 *Meetings of governing board*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*
6252-6270 *California Public Records Act*
54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

94 *Ops. Cal. Atty. Gen.* 82 (2011)
86 *Ops. Cal. Atty. Gen.* 210 (2003)
78 *Ops. Cal. Atty. Gen.* 218 (1995)
59 *Ops. Cal. Atty. Gen.* 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2002

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

CSBA: <http://www.csba.org>
California Attorney General's Office: <http://www.oag.ca.gov>
League of California Cities: <http://www.cacities.org>

Center USD

Administrative Regulation

Payment For Goods And Services

AR 3314

Business and Noninstructional Operations

Payment for Construction Contracts

Payment on any contract for the creation, construction, alteration, repair, or improvement of any district property or facility or other public works project shall be made in accordance with the estimates, process, and/or schedule approved by the Governing Board.

As necessary, the Superintendent or designee may make progress payments as actual work is completed or materials are delivered. When a payment request is properly submitted by a contractor, any undisputed portion of the payment request shall be paid within 30 days. If the Superintendent or designee determines any payment request to be improper, he/she shall return the payment request to the contractor with a written statement of reasons why the request is not proper. (Public Contract Code 9203, 20104.50)

(cf. 3312 - Contracts)

The district may withhold up to five percent of the proceeds due to the contractor until completion and acceptance of the project. (Public Contract Code 7201)

The proceeds to be withheld by the district may exceed five percent when the Board has made a finding, prior to the bid and during a properly noticed and regularly scheduled public meeting, that the project is substantially complex and requires a higher retention amount than five percent. In such cases, the Board's finding **shall include a description of the specific project and why it is a unique project that is not regularly, customarily, or routinely performed by the district or licensed contractors. The bid documents shall include details explaining the basis for the finding and the actual amount to be withheld shall be included in the bid documents.** (Public Contract Code 7201)

(cf. 3311 - Bids)

(cf. 9320 - Meetings and Notices)

(cf. 9324 - Minutes and Recordings)

At any time after 50 percent of the work has been completed, the Board may release the withheld proceeds if it finds that satisfactory progress is being made. (Public Contract Code 9203)

Proceeds withheld by the district from payments to contractors for public works contracts shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the district and the contractor, the district may withhold from the final payment an amount not to exceed 150 percent of the disputed amount. (Public Contract Code 7107)

Regulation
approved: April 18, 2012

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Center USD

Administrative Regulation

Sex Offender Notification

AR 3515.5

Business and Noninstructional Operations

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

1. The Superintendent or designee shall appoint a staff member to serve as liaison with law enforcement regarding these matters.
2. The Superintendent or district liaison shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the liaison as well as the individual school sites. A letter shall be sent annually to local law enforcement, identifying the name, phone number, and address of the liaison.
3. The Superintendent or district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement.
4. The Superintendent or liaison shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the district and law enforcement.

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of a sex offender
 - b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website
5. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:
- a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment

b. Teachers and classified personnel at that school, including staff responsible for visitor registration

(cf. 1250 - Visitors/Outsiders)

c. Principals and staff at adjacent schools, as appropriate

d. Security staff

e. Bus drivers

f. Yard supervisors

6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or liaison in order to help ensure that the district is able to respond appropriately.

7. If an identified sex offender is seen on or near school grounds or around any student, staff shall immediately contact the district liaison. A staff member may also inform local law enforcement.

Notification to Parents/Guardians

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

3. A mailing of a letter, at district expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

Whenever the principal has granted permission to a person who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, he/she shall notify the parent/guardian of

each student at that school, at least 14 days in advance using one of the methods specified in Education Code 48981, that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)

(cf. 1240 - Volunteer Assistance)

(cf. 5145.6 - Parental Notifications)

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board is determined to provide district employees and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

The Board also prohibits discrimination against any employee or job applicant in compensation, terms, conditions, and other privileges of employment and the taking of any adverse employment action, including, but not limited to, termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.

(cf. 4032 - Reasonable Accommodation)
(cf. 4154/4254/4354 - Health and Welfare Benefits)

Prohibited discrimination on the basis of religious creed includes discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.

Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.

(cf. 4033 - Lactation Accommodation)

Harassment consists of unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The Board also prohibits retaliation against any district employee or job applicant who opposes any discriminatory employment practice by the district or its employee, agent, or representative or who complains, testifies, assists, or in any way participates in the district's complaint procedures pursuant to this policy. No employee or job applicant who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who does report such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

GOVERNMENT CODE

11135 *Unlawful discrimination*

11138 *Rules and regulations*

12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.56 *Definitions, hate crimes*

CODE OF REGULATIONS, TITLE 2

11019 *Terms, conditions and privileges of employment*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 29

621-634 *Age Discrimination in Employment Act*

794 *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964, as amended*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964, as amended*

2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*

6101-6107 *Age discrimination in federally assisted programs*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 *Compliance information*

104.7 *Designation of responsible employee for Section 504*

104.8 *Notice*

106.8 *Designation of responsible employee and adoption of grievance procedures*

106.9 *Dissemination of policy*

110.1-110.39 *Nondiscrimination on the basis of age*

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Lovola Marvmount, (2002) 102 Cal.App.4th 837

Management Resources: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Center USD

Administrative Regulation

Appointment And Conditions Of Employment

AR 4112

Personnel

Upon recommendation from the Superintendent or designee, the Governing Board shall approve the appointment of all certificated personnel. The position and the salary classification shall be reported to the Board at a regular meeting.

(cf. 4111 - Recruitment and Selection)

(cf. 4121 - Temporary/Substitute Personnel)

Individuals appointed to the certificated staff shall:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

2. Demonstrate proficiency in basic skills as required by law and Board policy (Education Code 44252.5, 44830)

~~3. When required by the federal No Child Left Behind Act for teachers of core academic subjects, possess the qualifications of "highly qualified" teachers as defined in law; Board policy and administrative regulations (20 USC 6319)~~

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

~~(cf. 6171 - Title I Programs)~~

34. Submit to fingerprinting as required by law (Education Code 44830.1)

45. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 or 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4118 - Suspension/Disciplinary Action)

56. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)

67. Not have been required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

78. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)

89. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)

910. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

101. Submit to drug and alcohol testing as required by Board policy

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

112. Furnish a statement of military service and, if any was rendered, a copy of the discharge or release from service or, if no such document is available, other suitable evidence of the termination of service (Education Code 44838)

123. File the oath or affirmation of allegiance required by Government Code 3100-3109

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

134. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44008 Effect of termination of probation

44009 Conviction of specified crimes; definitions

44010 Sex offense

44011 Controlled substance offense

44066 Limitation on certification requirements

44250-44277 Credential types

44330 Effect of registration of certification document

44830.1 Felons; certificated positions; criminal record summary; fingerprints

44836 Employment of person convicted of sex offenses or controlled substance offenses

44837 Employment of sexual sociopath

44838 Statement of military service

44839 Medical certificate

44839.5 Medical certificate for retirant

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Center USD

Board Policy

Interns

BP 4112.21

Personnel

The district may employ interns as necessary to fulfill the need for sufficient instructional staff and to provide future teachers an opportunity to link teaching theory with practice in order to meet state credentialing requirements. In addition, the district may employ teachers who already possess a preliminary or clear credential and are pursuing a credential in a different specialization as interns for positions that require such other credential.

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

The district may enter into partnership agreements with one or more approved teacher preparation programs sponsored by colleges or universities and/or may provide a district intern program with approval of the Commission on Teacher Credentialing (CTC). Any intern program in which the district participates shall be aligned with the preconditions and program standards adopted by the CTC.

The Superintendent or designee shall make reasonable efforts to recruit an intern from an approved program within the region whenever a teacher with a preliminary or clear credential is not available for a position requiring certification. (Education Code 44225.7)

(cf. 4111/4211/4311 - Recruitment and Selection)

The Superintendent or designee shall ensure that any intern employed by the district possesses an appropriate intern credential and is adequately prepared for the responsibilities of the position.

An intern may be assigned to provide the same service as a holder of a regular multiple subject, single subject, or education specialist credential in accordance with the authorizations and grade/age level specified on the intern credential. (Education Code 44454, 44325, 44326, 44830.3)

(cf. 4113 - Assignment)

~~An intern may be assigned to teach core academic subjects, as defined in law, if he/she meets the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)~~

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable.

INTERNS (continued)

(cf. 4116 - Probationary/Permanent Status)
(cf. 4141/4241 - Collective Bargaining Agreement)

Interns shall receive intensive, structured supervision and ongoing support by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and that they maintain frequent communication with the interns they are assigned to assist.

(cf. 4131 - Staff Development)
(cf. 4131.1 - Teacher Support and Guidance)

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated in accordance with Board policy and the district's collective bargaining agreement.

(cf. 4115 - Evaluation/Supervision)

Upon receiving notification from the Superintendent or designee that an intern has successfully completed the program, the Governing Board may recommend to the CTC that the intern be awarded a preliminary credential. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the intern program(s) to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain general education or education specialist credentials.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

INTERNS (continued)

Legal Reference:

EDUCATION CODE

- 300-340 *English language education for immigrant children*
- 44225 *Credentials, responsibilities of Commission on Teacher Credentialing*
- 44225.7 *Priority for hiring fully prepared teacher*
- 44253.3-44253.4 *Certificate to provide services to English learners*
- 44253.10 *Qualifications to provide specially designed academic instruction in English*
- 44259 *Minimum requirements for teaching credential*
- 44314 *Diversified or liberal arts program*
- 44321 *CTC approval of intern programs*
- 44325-44328 *District interns*
- 44339-44341 *Teacher fitness*
- 44450-44468 *Teacher Education Internship Act of 1967 (university interns)*
- 44830.3 *Employing district interns*
- 44885.5 *District interns classified as probationary employees*

CODE OF REGULATIONS, TITLE 5

- 6100-6126 *No Child Left Behind teacher requirements*
- 80021.1 *Provisional internship permit*
- 80033 *Intern teaching credential*
- 80055 *Intern credential, extension for extenuating circumstances*

UNITED STATES CODE, TITLE 20

- 6319 *Highly qualified teachers*
- 7801 *Definitions, highly qualified teacher*
- 7801 *Note Applicability of federal regulation defining interns as highly qualified teachers*

COURT DECISIONS

- Renee v. Duncan, 686 F.3d 1002 (2012)*

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

- CL-840 *Early Completion Option*
- SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014*
- Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013*
- Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013*
- California Standards for the Teaching Profession, October 2009*
- Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013*
- Administrator's Assignment Manual, 2008*

Management Resources continued: (see next page)

INTERNS (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS (continued)

Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, rev. October 5, 2006

WEB SITES

CSBA: <http://www.csba.org>

Commission on Teacher Credentialing, Interns: <http://www.ctc.ca.gov/educator-prep/intern>

U.S. Department of Education: <http://www.ed.gov>

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

~~Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)~~

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

The district may employ a person with an appropriate district intern credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district intern program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

SPECIAL EDUCATION STAFF (continued)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

(cf. 3312 - Contracts)
(cf. 3600 - Consultants)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

(cf. 4131.1 - Teacher Support and Guidance)

Resource Specialists

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP
2. Conducting educational assessments
3. Providing information and assistance for students with disabilities and their parents/guardians
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians

SPECIAL EDUCATION STAFF (continued)

5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4141/4241 - Collective Bargaining Agreement)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the

SPECIAL EDUCATION STAFF (continued)

higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal Reference:

EDUCATION CODE

8264.8 Staffing ratios

44250-44279 Credentials, especially:

44256 Credential types, specialist instruction

44258.9 Assignment monitoring

44265-44265.9 Special education credential

44325-44328 District interns

44830.3 District interns, supervision and professional development

56000-56865 Special education, especially:

56195.8 Adoption of policies

56361 Program options

56362-56362.5 Resource specialist program

56363.3 Maximum caseload; language, speech, and hearing specialists

56440-56441.7 Programs for individuals between the ages of three and five years; caseloads

CODE OF REGULATIONS, TITLE 5

3051.1-3051.24 Staff qualifications to provide related services to students with disabilities

3100 Waivers of maximum caseload for resource specialists

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staff permit

80021.1 Provisional internship permit

80023.2 Emergency permits

80025.4 Substitute teaching, special education

80026 Declaration of need for fully qualified educators

80027.1 Special education limited assignment teaching permit

80046.1 Adapted physical education specialist

80046.5 Credential holders authorized to serve students with disabilities

80047-80047.9 Credentials to provide instructional services to students with disabilities

80048-80048.9.4 Credential requirements and authorizations

80070.1-80070.6 Resource specialists

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1401 Definition of highly qualified special education teacher

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

SPECIAL EDUCATION STAFF (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 *Highly qualified teachers*

300.8 *Definition of autism*

300.18 *Highly qualified special education teachers*

300.34 *Related services*

300.156 *Special education personnel requirements*

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Special Education Teaching and Services Credentials, Added Authorizations in Special Education, and Limited Assignment Permits for California Prepared Teachers: Frequently Asked Questions, May 26, 2014

Education Specialist Teaching and Other Related Services Credential Program Standards, 2012

WEB SITES

California Association of Resource Specialists and Special Education Teachers:

<http://www.carsplus.org>

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

California Speech-Language-Hearing Association: <http://www.csha.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association of Special Education Teachers: <http://www.naset.org>

Center USD

Board Policy

Early Retirement Option

BP 4117.13

Personnel

When it is beneficial to the district, the Governing Board may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the district. The Board shall demonstrate and certify to the County Superintendent of Schools that the formal action taken would result in a net savings to the district. (Education Code 22714, 44929)

The Board may also consider the impact of the early retirement option on the staffing needs of district schools ~~and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.~~

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the district shall meet all conditions as specified in Education Code 22714 and 44929.

Two + Two Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

Legal Reference:

EDUCATION CODE

22714 Service credit under STRS; additional two years

44929 Service credit under STRS; additional two years

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

COURT DECISIONS

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

Management Resources:

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM PUBLICATIONS

Retirement Incentive Program, Frequently Asked Questions

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

Center USD

Administrative Regulation

Child Abuse Prevention And Reporting

AR 5141.4
Students

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

(*cf.* 4119.21/4219.21/4319.21 - *Professional Standards*)
(*cf.* 5145.7 - *Sexual Harassment*)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
 2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)
- (*cf.* 3515.3 - *District Police/Security Department*)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
 4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

CHILD ABUSE PREVENTION AND REPORTING (continued)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Children's Protective Services
PO Box 269057
Sacramento, CA 95826-9057
(916) 874-4001

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

CHILD ABUSE PREVENTION AND REPORTING (continued)

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING (continued)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 44691, as amended by AB 1058 (Ch. 748, Statutes of 2015), encourages districts to provide training to all school employees, at least once every three years, on the prevention of child abuse on school grounds, by school personnel, or in school-sponsored programs. As amended, Education Code 44691 also requires the CDE to establish best practices for prevention of abuse and to provide links on its web site to training resources.

CHILD ABUSE PREVENTION AND REPORTING (continued)

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

CHILD ABUSE PREVENTION AND REPORTING (continued)

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or

CHILD ABUSE PREVENTION AND REPORTING (continued)

reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

Center USD

Administrative Regulation

Title I Programs

AR 6171

Instruction

Schoolwide Programs

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state, and local sources for program purposes. (20 USC 6312, 6314)

Any participating school shall develop, annually review, and update a single plan for student achievement which incorporates the plan required by 20 USC 6314 for reforming the school's total instructional program and plans required by other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

(cf. 0420 - School Plans/Site Councils)

A schoolwide program shall include: (20 USC 6314)

1. A comprehensive needs assessment of the entire school, including the needs of migrant students, which includes the achievement of students in relation to state academic content and achievement standards

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6175 - Migrant Education Program)

2. Schoolwide reform strategies that:

- a. Provide opportunities for all students to meet the state's proficient and advanced levels of achievement

- b. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the school's core academic program, increase the amount and quality of learning time, help provide an enriched and accelerated curriculum, and include strategies for meeting the educational needs of historically underserved populations

(cf. 5148.2 - Before/After School Programs)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)
(cf. 6177 - Summer School)

c. Include strategies to address the needs of all students in the school, but particularly the needs of low-achieving students and those at risk of not meeting state achievement standards who are members of the target population of any program that is part of the schoolwide program

Such strategies may include counseling, student services, mentoring services, college and career awareness and preparation, and the integration of vocational and technical education programs.

(cf. 5149 - At-Risk Students)
(cf. 6030 - Integrated Academic and Vocational Instruction)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

d. Address how the school will determine if student needs have been met

e. Are consistent with and designed to implement state and local improvement plans, if any

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

3. Instruction by highly qualified teachers

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

34. High-quality and ongoing professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians to enable all students in the school to meet state academic achievement standards

(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

45. Strategies to attract high-quality, highly qualified teachers to high-need schools

(cf. 4111 - Recruitment and Selection)

56. Strategies to increase parent involvement

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

67. Plans for assisting preschool children in the transition from early childhood programs to elementary school programs

(cf. 6300 - Preschool/Early Childhood Education)

78. Measures to include teachers in decisions regarding the use of academic assessments to provide information on and to improve the achievement of individual students and the overall instructional program

89. Activities to ensure that students who experience difficulty mastering the proficient and advanced levels of academic standards shall be provided with effective, timely additional assistance, which shall include measures for timely identification of students' difficulties and provision of sufficient information on which to base effective assistance

(cf. 6179 - Supplemental Instruction)

910. Coordination and integration of federal, state, and local services and programs

Targeted Assistance Programs

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to: (20 USC 6315)

1. Students in grades 3-12 identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by the district and supplemented by the school
2. Students in preschool through grade 2 selected solely on the basis of such criteria as teacher judgment, interviews with parents/guardians, and developmentally appropriate measures

A targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic achievement standards expected for all students
2. Ensure that program planning is incorporated into existing school planning
3. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the core academic program, give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours for instruction provided by Title I
4. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs
5. Provide instruction by highly qualified teachers
6. Provide opportunities for professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and

parents/guardians who work with participating students

7. Provide strategies to increase parent involvement

8. Coordinate and integrate federal, state, and local services and programs

Participation of Private School Students

The Superintendent or designee shall provide or contract to provide special educational services or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis with participating public school students. (20 USC 6320, 7881)

Teachers, other educational personnel, and families of participating private school students shall have an opportunity to participate, on an equitable basis, in parent involvement activities and professional development pursuant to 20 USC 6318 and 6319. (20 USC 6320, 7881)

Each year the Superintendent or designee shall contact officials of private schools with students who reside within district boundaries, regardless of whether the private school they attend is located within the district or whether or not those officials have previously indicated any interest in program participation.

The Superintendent or designee shall consult, in a meaningful and timely manner, with appropriate private school officials during the design and development of the district's Title I programs. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include a discussion of: (20 USC 6320, 7881; 34 CFR 200.63)

1. How the needs of private school students will be identified
2. What services will be offered
3. How, where, and by whom the services will be provided
4. How the services will be academically assessed and how assessment results will be used to improve those services
5. The size and scope of the equitable services to be provided to private school students and the proportion of funds that is allocated for such services
6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools
7. How and when the district will make decisions about the delivery of service to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
8. How, if the district disagrees with the views of private school officials on the provision of

services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The Superintendent or designee shall maintain, and shall provide to the California Department of Education upon request, a written affirmation signed by officials of each participating private school that consultation has occurred. (20 USC 6320)

If the private school officials do not provide such affirmation within a reasonable period of time, the Superintendent or designee shall maintain records of the consultation or the offer of consultation.

(cf. 3580 - District Records)

The Superintendent or designee also shall maintain records documenting that:

1. The needs of private school teachers and/or private school students were identified.
2. The funds made available were equitable to those allocated for public school students and teachers.
3. The district's program met the needs of the private school teachers and/or private school students.
4. The district made efforts to resolve any complaints made by private school representatives.

Center USD

Exhibit

Actions By The Board

E 9323.2

Board Bylaws

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
(cf. 3280 - Sale or Lease of District-Owned Real Property)
2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing pursuant to Government Code 53820-53833, to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
(cf. 7131 - Relations with Local Agencies)
(cf. 7150 - Site Selection and Development)
(cf. 7160 - Charter School Facilities)
7. When the district has an average daily attendance (ADA) of 2,500 or less and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

ACTIONS BY THE BOARD (continued)

8. When the district is organized to serve only grades K-8 and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. When the district desires to operate a community day school to serve any of grades K-6 (and no higher grades) on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

(cf. 6185 - Community Day School)

10. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

11. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

12. Resolution to place a parcel tax on the ballot (Government Code 53724)
13. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

ACTIONS BY THE BOARD (continued)

Actions Requiring a Four-Fifths Vote of the Board:

1. Expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

5. **Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)**

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

ACTIONS BY THE BOARD (continued)

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)