

# **CENTER JOINT UNIFIED SCHOOL DISTRICT**

[www.centerusd.k12.ca.us](http://www.centerusd.k12.ca.us)

*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.*

## **BOARD OF TRUSTEES REGULAR MEETING**

◆ Wilson C. Riles Middle School - Multi Purpose Room  
4747 PFE Road, Roseville, CA 95747

**Wednesday, April 1, 2009 - 6:00 p.m.**

### **STATUS**

- I. CALL TO ORDER & ROLL CALL - 5:00 p.m.
- II. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
  - 1. Student Expulsions/Readmissions (G.C. §54962)
  - 2. Public Employee Performance Evaluation (Certificated) Superintendent (G.C. §54957)
- III. PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION
- IV. CLOSED SESSION - 5:00 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

♫ **STUDENT PERFORMANCE:** The Guitar Class from Wilson C. Riles Middle School will perform under the direction of Dr. Gigi Tree.

- IX. STUDENT BOARD REPRESENTATIVE REPORTS (3 minutes each) Info
  - 1. Center High School - Sandy Hoang
  - 2. McClellan High School - Alicia James
  - 3. Antelope View Charter School - Yuliya Didovich
  - 4. Global Youth Charter School - Samantha McCurdy

*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.

Curriculum ↓	<b>X. REPORTS/PRESENTATIONS (8 minutes each)</b>	Info
	1. <b>Update on District Goals - Scott Loehr</b> 2. <b>Williams Uniform Complaint Quarterly Report - Scott Loehr</b>	
	<b>XI. COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA</b>	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 5495.2. 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>	
	<b>XII. BOARD / SUPERINTENDENT REPORTS (10 minutes)</b>	Info
	<b>XIII. CONSENT AGENDA (5 minutes)</b>	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 March 18, 2009 Regular Meeting	
	2. Approve Resolution #29/2008-09: Authorizing Payment to Board Member for Missed Meeting	
Personnel ↓	3. Approve Certificated Personnel Transactions	
	4. Approve Classified Personnel Transactions	
Curriculum ↓	5. Approve 09/10 Field Trip: 4 <sup>th</sup> Grade Students to Sierra Outdoor School, Sonora, CA - Oak Hill	
	6. Approve Field Trip: FBLA to State Leadership Conference - CHS	
↓	7. Approve Field Trip: 4.0 GPA Students to River Cats Game, West Sacramento - WCR	
↓	8. Approve Professional Service Agreement: Eaton Interpreting Services, Inc.	
↓	9. Approve Individual Service Agreements:	
	2008/09-112-113      Excelsior Hearing Services	
	2008/09-114          Rancho Learning Center	
	<b>XIV. INFORMATION ITEMS (3 minutes)</b>	Info
Curriculum	1. Workshop: "Region III Symposium, Agrican-American Alliance" - J. Duplissea & W. Hollis (WCR)	
	<b>XV. BUSINESS ITEMS</b>	
Governance	<b>A. <u>Second Reading: Board Policies/Regulations/Exhibits</u></b>	Action
	Replace BP/AR 0520.3 Title I Program Improvement Districts	
	Replace BP/AR 1340 Access to District Records	
	Replace BP/AR 3100 Budget	
	Replace BP/AR 3460 Financial Reports and Accountability	
	Replace AR 3543 Transportation Safety and Emergencies	
	Replace BP/AR 4112.2 Certification	
	Replace BP/AR 4112.21 Interns	
	Replace AR 4117.14/4317.14 Postretirement Employment	
	Replace AR 4117.7 Employment Status Reports	
	Replace BP/AR 4118 Suspension/Disciplinary Action	
	Replace BP/AR 4131 Staff Development	
	Replace BP/AR 4138 Mentor Teachers	
	Replace BP/AR 5116.1 Intradistrict Open Enrollment	
	Delete E 5116.1 Intradistrict Open Enrollment	
	Replace BP 5131 Conduct	
	Replace AR 5144.1 Suspension and Expulsion/Due Process	
	Replace BP/AR 5145.12 Search and Seizure	
	Replace BP/AR 6115 Ceremonies and Observances	
	Replace BP/AR 6162.51 Standardized Testing and Reporting Program	
	Replace AR 6162.52 High School Exit Examination	
	Replace BP 6164.4 Identification and Evaluation for Special Education	

Add	BB	9012
Replace	BB	9223
Replace	BB	9320

Board Member Electronic Communications  
Filling Vacancies  
Meetings and Notices

**PUBLIC HEARING:** The Board of Trustees has set this time aside to hear public comments on transferring of categorical funds to any educational purpose. The 2009-2010 Budget Act gives school districts the flexibility to transfer all "Tier III" categorical programs to any other educational purpose.

Business

**B. Authorization of Tier III Categorical Funding Flexibility Transfer**

Action

To take advantage of the flexibility provisions described in the 2009/10 Budget Act, school district have the ability to transfer all "Tier III" categorical programs for "Any educational purpose to the extent permitted by federal and state law". The flexibility to transfer funds from these programs is authorized for five years from the current year through 2012/13.

**XVI. ADVANCE PLANNING**

Info

**a. *Future Meeting Dates:***

*i. Wednesday, April 15, 2009 @ 6:00 p.m. - Wilson C. Riles Middle School Multi Purpose Room*

**b. *Suggested Agenda Items:***

**XVII. CONTINUATION OF CLOSED SESSION (Item IV)**

Action

**XVIII. ADJOURNMENT**

Action

# *Center Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** Wilson C. Riles Middle School

**Date:** April 1, 2009

**Action Item** \_\_\_\_

**To:** Board of Trustees

**Information Item**  X

**From:** Joyce Duplissee, Principal

**# Attached Pages** \_\_\_\_

**Principal's Initials:** 

**SUBJECT:**

The guitar class from Wilson Riles Middle School will be performing at the April 1<sup>st</sup> Board meeting to be held at Wilson Riles. The class will perform under the direction of Dr. Gigi Tree.



# *Center Joint Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** Curriculum and Instruction

**Date:** April 1, 2009

**To:** Board of Trustees

**Information Item** X

**From:** Scott Loehr,

**Action Item**

**Assistant Superintendent**

**# Attached Pages** 2

**Administrator's Initials:** SL

**SUBJECT:** Update on District Goals – Report Item

Board will be provided with an update on the progress of the District's current goals.

**RECOMMENDATION:** Information Item

# **APPORTIONMENT REPORT BY MONTH IN PERCENTAGE**

**Month 7**

	<b>2007/2008</b>	<b>2008/2009</b>	
	<b>PRIOR YEAR</b>	<b>MONTH 6</b>	<b>DIFFERENCE</b>
DUDLEY	93.66%	94.21%	0.55%
NORTH COUNTRY	93.74%	95.59%	1.85%
OAK HILL	93.51%	95.92%	2.41%
SPINELLI	94.47%	94.66%	0.19%
WILSON RILES	94.17%	95.42%	1.25%
CENTER HIGH	94.84%	95.67%	0.83%
MCCLELLAN	91.27%	96.03%	4.76%
WR RILES (OPPORTUNITY)	87.24%	96.58%	9.34%
CENTER HIGH 10 ACADEMY	N/A	99.43%	
GLOBAL YOUTH	97.68%	100.00%	2.32%
ANTELOPE VIEW	96.87%	95.08%	-1.79%
			<b>Weighted Difference</b>
<b>DISTRICT AVERAGE</b>	<b>93.75%</b>	<b>96.24%</b>	<b>95.46%</b>
	<b>Weighted 94.24%</b>	<b>Weighted 95.46%</b>	<b>Two Years 1.22%</b>

# CUSD Progress Report

2-Mar

		Dudley	Spin	O.H.	NoCo	WCR	CHS	McC	Global	A-View	District
		Score	Score	Score	Score	Score	Score	Score	Score	Score	Score
<b>Goal</b>											
<b>Walkthroughs</b>	<b>15-Sep</b>	100	100	100	100	100	75	100	100	100	A
	<b>20-Oct</b>	100	100	100	100	50	100	100	100	100	A
<b>Min. 2 x Monthly</b>	<b>17-Nov</b>	100	100	100	100	90	100	100	100	100	A
	<b>5-Jan</b>	100	100	100	100	100	100	100	100	100	A
	<b>2-Feb</b>	100	100	100	100	100	100	100	100	50	A
	<b>2-Mar</b>	100	100	100	100	75	100	100	100	82	A
	<b>30-Mar</b>										
	<b>4-May</b>										
	<b>Last Day of School</b>										
<b>Standards</b>	<b>Average/Best</b>	85	83	88	68	69	80	89	84	83	
	<b>15-Sep</b>	82	80	82	65	61	70	71	72	82	A
<b>80/80</b>	<b>20-Oct</b>	82	80	82	65	63	70	71	69	82	A
	<b>17-Nov</b>	82	75	82	65	61	70	71	73	80	A
	<b>5-Jan</b>	80	74	80	60	65.25	77	71	82	80	B
	<b>2-Feb</b>	80	75	80	61	63.35	75.75	71	82	80	B
	<b>2-Mar</b>	82	80	82	65	71	80	71	73	80	B
	<b>30-Mar</b>										
	<b>4-May</b>										
	<b>Last Day of School</b>										
<b>Current Week's Grade</b>		A	A	A	B	B	A	B	B	B	

\* Listed date represents week it is due to Scott. Window closes the week before.

# *Center Unified School District*

**AGENDA REQUEST FOR:**

Dept./Site: Curriculum and Instruction

Date: April 1, 2009

To: Board of Trustees

Information Item   X  

From: Scott Loehr

Action Item       

Assistant Superintendent

# Attached Pages 1

Administrator's Initials: S.L.**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.

**CENTER UNIFIED SCHOOL DISTRICT  
SUMMARY OF WILLIAMS UCP COMPLAINTS-  
January 2009 to March 2009**

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

**RECOMMENDATION: Informational Item**

**CENTER JOINT UNIFIED SCHOOL DISTRICT**  
**SUMMARY OF WILLIAMS UCP COMPLAINTS-**  
**January 2009 to March 2009**

<b>Areas of Complaints</b>	<b># of Complaints</b>	<b># Resolved</b>	<b># Unresolved</b>
Sufficiency Of Textbooks	0	0	0
Facilities Issues	0	0	0
Vacancy of Misassignment of Teachers	0	0	0
CAHSEE	0	0	0

*Center Joint Unified School District*

AGENDA REQUEST FOR:

Dept./Site: Superintendent's Office

Action Item     X    

To: Board of Trustees

Information Item           

Date: April 1, 2009

#Attached Pages     6    

From: Dr. Kevin J. Jolly, Superintendent

Principal's Initials:           

**SUBJECT: Adoption of Minutes**

**The minutes from the following meeting are being presented:**

March 18, 2009 Regular Meeting

**RECOMMENDATION: CJUSD Board of Trustees approve presented minutes.**

**CONSENT AGENDA**

# CENTER JOINT UNIFIED SCHOOL DISTRICT

## BOARD OF TRUSTEES REGULAR MEETING

Dudley Elementary School - Multi Purpose Room  
8000 Aztec Way, Antelope, CA 95843

Wednesday, March 18, 2009

### MINUTES

**CALL TO ORDER** - President Wilson called the meeting to order at 5:00 p.m.

**ROLL CALL** - Trustees Present: Mrs. Anderson, Mr. Blenner, Mr. Friedman, Mrs. Williams, Mr. Wilson

Administrators Present: Dr. Jolly, Superintendent  
Scott Loehr, Assist. Supt., Curriculum & Instruction  
Craig Deason, Assist. Supt., Operations & Facilities  
George Tigner, Director of Personnel  
Jeanne Bess, Director of Fiscal Services

### ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

1. Student Expulsions/Readmissions (G.C. §54962)
2. Conference with Labor Negotiator, George Tigner, Re: CUTA (G.C. §54957.6)
3. Public Employee Performance Evaluation (Certificated) Superintendent (G.C. §54957)

**PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION** - none

**CLOSED SESSION** - the Board adjourned into Closed Session at 5:00 p.m.

**OPEN SESSION** - called to order by Mr. Wilson at 6:00 p.m.

**FLAG SALUTE** - led by Scott Loehr

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION** - President Wilson announced that the Board had met in Closed Session, and in the matter of:

1. **Student Expulsions/Readmissions (G.C. §54962)**  
**Student Expulsion #08-09.20** - Recommendation approved.

**Motion:** Friedman  
**Second:** Blenner

**Ayes:** Anderson, Blenner, Friedman, Williams, Wilson

**Student Expulsion #08-09.21** - Recommendation approved.

**Motion:** Blenner  
**Second:** Williams

**Ayes:** Anderson, Blenner, Friedman, Williams, Wilson

2. **Conference with Labor Negotiator, George Tigner, Re: CUTA (G.C. §54957.6)**  
No action was taken.

- 3. Public Employee Performance Evaluation (Certificated) Superintendent (G.C.§54957)**  
The Board will continue with this item in Closed Session at the end of the meeting.

**ADOPTION OF AGENDA** - approved adoption of agenda as amended: pull Consent Agenda Item 7 for separate consideration.

**Motion:** Blenner  
**Second:** Williams

**Vote:** General Consent

### **STUDENT / STAFF RECOGNITIONS**

1. Dudley Elementary School Staff Recognitions – Lisa Coronado, Vice Principal at Dudley Elementary, announced that Dudley Elementary wanted to recognize Anne Merdinger, Pat Norem and Janine Orr for their help with the play "Alice in Wonderland". Lisa Morton, teacher at Dudley, was then given a plant and certificate for organizing the 50<sup>th</sup> anniversary of Dudley Elementary. She announced that the formal event will be held on Friday, April 24, 2009.

### **ORGANIZATION REPORTS**

1. **CUTA** - Ann Neal, President, noted that the union is trying to salvage some form of a retirement incentive program. She thanked Mr. Tigner for his time and effort on this item.
2. **CSEA** - Marie Huggins, President, announced that they met with food service workers last night. It was noted that the proposed reductions would cause some employees to lose benefits and at times sites would be left for a period of time with only one employee. It was also mentioned that food was being sold as a fundraiser at CHS during lunchtime, which is causing a loss in sales of reimbursable meals. The Board was invited to observe the kitchen staff before considering cuts in this area. She also talked about the hours being cut to the computer technicians. She asked the Board to look at what has already been decided in relation to how it will affect other sites.

### **BUSINESS ITEMS**

- A. **APPROVED - Amendment #4 to Facilities Lease for Modernization Projects at Dudley and Spinelli Elementary**

**Motion:** Friedman  
**Second:** Blenner

**Vote:** General Consent

### **REPORTS/PRESENTATIONS**

1. **Turner Construction Presentation** – Craig Deason, Assistant Superintendent of Operations & Facilities, introduced Clint Williams and Cliff Kunkle from Turner Construction, as well as Rick Parks from DLR Architects, who presented Center Joint Unified School District with symbolic checks representing the cost savings from the modernization construction projects at Dudley and Spinelli Elementary. Mark Rossen, from CPM, gave an overview of total savings on the entire modernization project.
2. **Facilities & Security Report** - Craig Deason, Assistant Superintendent Operations & Facilities, provided the Board with pictures of the stadium's progress. All updates were presented in the agenda packet so there was no need to speak.



### **COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA**

Anne Cowan, teacher at CHS and community member, mentioned that the elementary sites were getting some modernization and the high school is getting a new stadium. She asked if anything was going to happen at CHS because it is looking bad. It was noted that they were looking into some grants for a number of things, including the repair of the weight room floor. They are also looking into a campus beautification before that start of the school year, as well as some other options.

### **BOARD/SUPERINTENDENT REPORTS**

#### **Mrs. Williams**

- mentioned that we have made it through some of our budget problems, but still have a ways to go.
- noted that everyone in this district is valued; she asked that staff refrain from any gossip and rumors.

#### **Mr. Friedman**

- reminded everyone that there will be a Luau at Oak Hill on Friday, March 20.
- announced that next Thursday will be the "Make it Matter" fundraiser event for the endowment.

#### **Mrs. Anderson**

- noted that she will not be able to attend the Luau at Oak Hill Friday night.
- thanked Spinelli for taking care of her.

#### **Mr. Blenner**

- thanked his students for coming tonight.
- noted that on March 11 he toured the District Office and the facilities around the District Office; he thanked Dr. Jolly, Mr. Deason, and Mr. Loehr for that opportunity.
- noted that he sponsored his neighbor for a jog-a-thon at Oak Hill.
- announced that he will not be able to attend the next Board Meeting due to Open House at his school on April 1.

At this time Alyson Collier, from the CEEE, thanked Turner Construction and several others for donating to the "Make It Matter" event on Thursday, March 26.

#### **Dr. Jolly**

- noted that tickets are available for \$12.50 to the "Make It Matter" event.
- also noted that he will be working with Dee in the CHS Cafeteria soon.
- toured Oak Hill with Scott Loehr and David Grimes today.

#### **Mr. Wilson**

- noted that there is a new proposal from the Veteran's Administration that will make service-connected wounded veterans pay for their own private insurance.

### **CONSENT AGENDA**

1. Approved Adoption of Minutes from March 4, 2009 Regular Meeting
2. Approved Adoption of Minutes from March 4, 2009 Special Meeting
3. Approved Certificated Personnel Transactions
4. Approved Classified Personnel Transactions
5. Approved 2008/09 Local Agreement for Child Care Development Services - CCDF School Age Resource - Contract #CSCC-8236
6. Approved Payroll Orders: July 2008 through February 2009
7. *This item was pulled for separate consideration*

**CONSENT AGENDA (continued)**

**Motion:** Friedman                      **Vote:** General Consent  
**Second:** Blenner

**CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION**

7.      **Approved Supplemental Agenda (Vendor Warrants)**

**Motion:** Friedman                      **Ayes:** Anderson, Blenner, Friedman, Williams  
**Second:** Blenner                      **Abstain:** Wilson

Angela Espinosa inquired as to why Bannon Creek Elementary was listed on Consent Agenda Item 5. It was noted that we are not liable for them, they are part of the group we are in. She also stated that she thought the Nextel bills were a bit high and asked if it was possible to bring down the cost of the Nextel bills. Mr. Deason noted that the district receives a very good rate since they have been customers with Nextel for such a long time.

Anne Cowan, mentioned that she noticed how large the Board packets are and asked if that amount of paper was used each time a packet is made? Dr. Jolly stated that this packet was large because of the policies being reviewed. He also stated that when policies are being reviewed those copies are generally reused for the second reading.

**INFORMATION ITEMS**

1.      Seminar: "Algebra for All: Are You Ready? Fractions Part Two" - L. Heslin, K. Leclaire & S. White (WCR)

**BUSINESS ITEMS**

**B.      APPROVED - First Reading: Board Policies/Regulations/Exhibits**

It was requested that BP/AR 1340, AR 5144.1, BP/AR 6162.51 and AR 6162.52 be pulled out to be discussed individually. There was a motion to approve all of the other policies as presented.

**Motion:** Friedman                      **Vote:** General Consent  
**Second:** Blenner

**BP/AR 1340**

There was a motion to approve this policy with a change to the AR to say "citizen" instead of "person" in two locations on the first page.

**Motion:** Friedman                      **Vote:** General Consent  
**Second:** Blenner

**AR 5144.1**

It was asked if there are any significant changes, but there are not.

**Motion:** Friedman                      **Vote:** General Consent  
**Second:** Blenner

**BUSINESS ITEMS (continued)**

BP/AR 6162.51

It was asked if there are any significant changes, but there are not.

**Motion:** Friedman      **Vote:** General Consent  
**Second:** Blenner

AR 6162.52

There were not any significant changes.

**Motion:** Blenner      **Vote:** General Consent  
**Second:** Williams

**C. APPROVED - Second Interim Report for Fiscal Year 2008/09**

Jeanne Bess presented to the Board the Second Interim Report for the Fiscal Year 2008/09.

**Motion:** Blenner      **Vote:** General Consent  
**Second:** Friedman

**ADVANCE PLANNING**

**a. Future Meeting Dates:**

- i. Regular Meeting: Wednesday, April 1, 2009 @ 6:00 p.m. - Wilson C. Riles Middle School – Multi Purpose Room*

**b. Suggested Agenda Items: none**

The Board adjourned for a 15 minute break at 7:08 p.m. before going back into Closed Session.

**Motion:** Blenner      **Vote:** General Consent  
**Second:** Friedman

**CONTINUATION OF CLOSED SESSION – 7:22 p.m.**

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION** - President Wilson announced that the Board had met in Closed Session, and in the matter of:

**3. Public Employee Performance Evaluation (Certificated) Superintendent (G.C.§54957)**

No action was taken.

**ADJOURNMENT – 8:06 p.m.**

**Motion:** Friedman      **Vote:** General Consent  
**Second:** Blenner

Respectfully submitted,

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Dr. Kevin J. Jolly, Superintendent  
Secretary to the Board of Trustees

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Libby A. Williams, Clerk  
Board of Trustees

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Adoption Date

*Center Joint Unified School District*

<b>AGENDA REQUEST FOR:</b>	
<b>Dept./Site:</b> Superintendent's Office	<b>Action Item</b> <u>    X    </u>
<b>To:</b> Board of Trustees	<b>Information Item</b> <u>          </u>
<b>Date:</b> April 1, 2009	<b># Attached Pages</b> <u>    1    </u>
<b>From:</b> Dr. Kevin J. Jolly, Superintendent	
<b>Principal/Administrator Initials:</b> <u>                                </u>	

**SUBJECT: Resolution # 29/2008-09: Authorizing Payment To Board Member For Missed Meeting**

Trustee Blenner is unable to attend the April 1, 2009 Board Meeting due to a scheduled Open House at the school site that he teaches.

**RECOMMENDATION: The Center Joint Unified School District Board of Trustees approve Resolution # 29/2008-09, Authorizing Payment To Board Member For Missed Meeting.**

# CONSENT AGENDA

# **CENTER JOINT UNIFIED SCHOOL DISTRICT**

## **Resolution # 29/2008-09**

### **Resolution Authorizing Payment To Board Member For Missed Meeting Due To Performance Of Service For The District, Illness Or Jury Duty, Or Due To A Hardship Deemed Acceptable**

**WHEREAS**, Board Bylaw 9250 provides for compensation for board members in accordance with law; and

**WHEREAS**, said Bylaw provides that members may be paid for meetings missed when the Board, by resolution, finds that at the time of the meeting he or she is performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board.

#### **IT IS HEREBY RESOLVED, that:**

1. The Governing Board hereby finds that Trustee Blenner was performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable at the time of the Board meeting.

2. The Governing Board directs that Trustee Blenner shall be paid full compensation for the month of April, 2009 as provided for in board Bylaw 9250.

**PASSED AND ADOPTED** by the Governing Board of the Center Joint Unified School District at a duly noticed Board meeting on April 1, 2009, within the district boundaries, in Roseville, California.

**Ayes:**

**Noes:**

**Absent:**

**Abstentions:**

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Nancy Anderson, Member

---

Gary Blenner, Member

---

Matthew L. Friedman, Member

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Libby A. Williams, Clerk

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Donald E. Wilson, President

# *Center Joint Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** Personnel Department

**Action Item** X

**Date:** April 1, 2009

**Information Item**

**To:** Board of Trustees

**# Attached Pages** 1

**From:** George Tigner, Director of Personnel



**Subject:** Certificated Personnel Transactions

**Resignation**

Robert Crandell, Center High School

**Retirements**

Rich Simas, Antelope View Charter School  
Barbara Swerdlow, Dudley Elementary School

**Transfer**

David Myers, Dudley Elementary School

**Recommendation:** Approve Certificated Personnel Transactions as Submitted

**CONSENT AGENDA**

**Resignation**

Robert Crandell has resigned his position as Math Teacher, Center High School, effective end of day on March 27, 2009.

**Retirements**

Rich Simas has submitted his intent to retire from his position as Principal, Antelope View Charter School, effective June 30, 2009.

Barbara Swerdlow has submitted her intent to retire from her position as Second Grade Teacher, Dudley Elementary School, effective end of day on May 29, 2009.

**Transfer**

David Myers will be transferring from his position as Kindergarten Teacher, Dudley Elementary School, to Music Teacher at Wilson Riles Middle School, effective August 3, 2009.



Center Unified School District


**AGENDA REQUEST FOR:**

**Dept./Site:**           **Personnel Department**

**Date:**                 **April 1, 2009**                                 **Action Item**   X  

**To:**                   **Board of Trustees**                                 **Information Item**         

**From:**              **George Tigner,**                                 **# Attached Pages**   1    
                            Director of Personnel



**SUBJECT: CLASSIFIED PERSONNEL TRANSACTIONS**

**RETIREMENT: Alvera Cavazos, Transportation Department**

**RECOMMENDATION: Approve Classified Personnel Transactions as Submitted**

# CONSENT AGENDA

Alvera Cavazos, Bus Driver, will retire on May 29, 2009.

## *Center Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** OAK HILL ELEMENTARY

**Date:** MARCH 18, 2009

**To:** BOARD OF TRUSTEES

**From:** DAVID GRIMES

**Action Item** XXX

**Information Item**

**# Attached Pages** 5

**Principal's Initials:** DEG

**SUBJECT:**

Oak Hill Elementary School requests approval for Oak Hill 4<sup>th</sup> graders' annual 3-day field trip to Sierra Outdoor School near Sonora, CA. The dates for next year's trip are April 14-16, 2010.

Oak Hill students have been attending this Outdoor School, operated by Clovis Unified School District, for twelve years. Curriculum is designed to enhance the learning of 4<sup>th</sup> grade state standards including California History, Geography, and Geology; Ecology and Conservation; and Biology. It is a highlight of the 4<sup>th</sup> grade year for Oak Hill students.

With trip approval from the Board of Trustees before April 18, 2009, Sierra Outdoor School will waive its usual \$1,000 deposit and hold Oak Hill's dates for the 2009-10 school year.

**CONSENT AGENDA**

Facsimile Cover Sheet

*Date Sensitive Materials*

**SIERRA OUTDOOR SCHOOL  
AGREEMENT  
FOR  
2009-2010 SCHOOL YEAR**

*Please Deliver To Site Principal/Vice  
Principle/GIS/Office Manager*

**School: Oak Hill Elementary**

**Fax: 916-338-7538**

**From: Michael Olenchak, Director**

**Phone: 209-532-3691**

**Fax: 209-532-4196**

**Agreements must be returned by April 13, 2009 to  
hold your date for the following school year.**



## Sierra Outdoor School at Five Mile Creek

2-20-09

Operated by Clovis Unified School District

To: Principals, Vice Principals and District Business Managers  
From: Michael Olenchuk, Director, Sierra Outdoor School  
Re: 2009-2010 Agreements

Terry Bradley, Ed.D.  
District Superintendent  
1450 Herndon Avenue  
Clovis, California 93611-0599

Michael Olenchuk, Director  
15700 Old Oak Ranch Road  
Sonoma, California 95370  
Voice: (209) 532-3691  
FAX: (209) 532-4196

Dear Fellow Educator,

As we prepare for the 2009-2010 school year, I am happy to announce that our building and renovation process has been completed. Over the last three years we have renovated every dormitory, remodeled our kitchen, and expanded our dining hall. In addition, we have updated our water distribution system and created a native plant walk. We look forward to completing our native plant project this spring. All of these improvements have been completed to enhance your stay. On the curriculum side, we have updated and improved our courses allowing for great amounts of time spent learning out in the field.

We understand that the economy has dealt education a hard blow this year, and we have endeavored to keep our prices low and competitive. Due to increases in our operational costs we have had to make a minimal price adjustment for the next school year. Our fee schedule is as follows: Overnight-\$116.00, 3-Day-\$162.00, 4-Day-\$198.00 and 5-Day-232.00.

As you negotiate the agreement process for next year, please completely review the contract. Take special care to note the sections associated with the 95% billing procedure. This is often the most misunderstood portion of the agreement. The numbers provided by the visiting school are utilized by Sierra Outdoor School to build a master calendar. While those numbers are stated as projections, they determine when a week has reached capacity and is closed.

Sierra Outdoor School encourages schools that have the appropriate demographics to use categorical funds. We are happy to work with those schools to ensure that all of the requirements are met to meet the guidelines of those categorical funding sources.

The agreements are due April 18, 2009 with full school board approval. Those schools that cannot get school board approval by April 18, 2009 will need to provide a \$1000.00 deposit to hold reserve their date for an additional month. If the agreement is not school board approved by May 18, 2009 that date will be released and open to other schools or schools requesting a date change.

As mentioned previously, the due date for the agreement is April 18, 2009. While you may have requested a date change it is important to return your agreement with the dates that are currently assigned. After April 18, 2009 I will begin the process of changing dates for schools that have requested such.

We look forward to working with you again next year. The outdoor science experience is one that your students will remember for a lifetime. We appreciate that you go the extra mile in making this experience happen for your students.

Respectfully,

Michael Olenchuk, Director Sierra Outdoor School

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In cooperation with the Stanislaus National Forest- Sonoma, California 95370

Website: <http://www.clovisusd.k12.ca.us/sos>

**CLOVIS UNIFIED SCHOOL DISTRICT**  
**SIERRA OUTDOOR SCHOOL**  
Terry Bradley, Ed.D., Superintendent  
15700 Old Oak Ranch Road, Sonora, California 95370  
**AGREEMENT**

THIS AGREEMENT, is made and entered into between CLOVIS UNIFIED SCHOOL DISTRICT (hereinafter "CUSD") and (hereinafter "Group/School/District").

**Oak Hill Elementary**

**WITNESSETH**

WHEREAS, CUSD operates an outdoor education facility known as the Sierra Outdoor School ("SOS"), which is located at 15700 Old Oak Ranch Road, Sonora, California 95370. The SOS has available lodging and teaching facilities for students to learn about nature and the environment.

WHEREAS, CUSD desires to make available and Group/School/District desires to have its students or members ("participants") use the SOS' lodging and teaching facilities for the purpose of teaching them about nature and the environment and other educational purposes.

WHEREAS, it is mutually beneficial for CUSD and Group/School/District to have the arrangement as set forth in this Agreement.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

**I. GROUP/SCHOOL/DISTRICT SHALL:**

- A. Provide transportation for its participants and personnel to and from the SOS, and to and from classes and activities while at the SOS in accordance with a schedule to be formulated by the Director of the SOS or his or her designee, and the Group/School/District. Provide one vehicle (i.e., automobile or van) that could be used if someone has to leave unexpectedly or be transported for medical care.
- B. Provide one teacher/supervisor per class during the period that its participants attend the SOS.
- C. Provide adult chaperones during the period that its students are in attendance at the SOS at a minimum ratio of one adult to ten students (1:10) in addition to the classroom teacher, group leader or supervisor.
- D. Pay a \$.50 lab fee per participant for owl pellets and a \$.50 lab fee per participant for arrow heads class if these classes are selected during the schools visit.
- E. Cooperate with the SOS's staff in availing the teachers, supervisors and adult chaperones of the necessary pre-attendance planning or post-attendance follow-up to ensure that the objectives of the program are carried out.
- F. Ensure that participants are equipped with suitable clothing and bedding while attending said program.
- G. Ensure that each person attending the SOS has received all immunizations required by the California Health and Safety Code, including but not limited to those set forth in Sections 3380 et seq. and 120325 et seq., and that each person has no disease or health condition which is contagious or communicable to other persons.
- H. Provide, at its own expense throughout the term of this Agreement, general liability insurance that provides coverage for bodily injury, property damage, and personal injury arising out of the actual or alleged acts, omissions or negligence of Group/School/District and/or its officers, employees, agents, students, or volunteers relating to this Agreement. Such insurance coverage shall be in an amount equal to the greater of (1) the insurance currently maintained by Group/School/District or (2) \$1,000,000 per occurrence for bodily injury, property damage and personal injury. CUSD and its Board of Trustees and members thereof, officers, employees, agents and volunteers shall be named as additional insureds on the general liability insurance. Group/School/District shall also ensure that insurance coverage is provided for all vehicles and automobiles that will be used for transportation at the SOS in an amount of not less than One Million Dollars (\$1,000,000) per occurrence.
- I. Provide SOS with the projected number of participants as indicated on the signature page of this Agreement and agree that the Group/School/District will be responsible for payment for no less than 95 percent of the projected number of participants, in the event that the actual numbers of participants are less than 100% of the projected numbers.
- J. Request, in writing, at least 30 days prior to arrival, space for additional participants. These requests will be granted as space is available.
- K. Make payment for the actual number of participants or 95% of projections for the Group/School/District who will attend the SOS within (30) days of receipt of billing by CUSD.
- L. NOTIFY THE SOS (30) DAYS BEFORE THE SCHEDULED ATTENDANCE DATE OF THE ACTUAL NUMBER OF PARTICIPANTS, INCLUDING A COMPUTER GENERATED LIST FROM THE GROUP/SCHOOL/DISTRICT'S CLERK IDENTIFYING ANY FREE OR REDUCED STUDENTS. IF PARTICIPANT NUMBERS FALL TO OR BELOW 95% OF PROJECTIONS LISTED ON THIS AGREEMENT, THE BILLING WILL REFLECT A RATE ASSESSED BASED ON NO MORE THAN 95% OF ORIGINAL PROJECTED NUMBERS.
- M. Indemnify, defend and hold harmless CUSD and its Board of Trustees and members thereof, officers, employees, agents and volunteers from and against actions, causes of action, damage, liability, loss, claims, costs and expenses, including attorney's fees and costs, for damages to property or injuries to person arising out of the acts or omissions of the Group/School/District and/or its officers, employees, agents, volunteers or students related to this Agreement.
- N. Ensure that all Group/School/District employees, agents and volunteers who will be at SOS have complied with finger printing and background checks as required by applicable laws, including but not limited to Education Code sections 45125 et seq.
- O. Provide the special education, related services, supplementary aids and services, accommodations, and/or modifications required by the Individuals with Disabilities Education Act ("IDEA"), its implementing regulations, and related California law and regulations, and/or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as specified in the individualized education program ("IEP") or Section 504

- Plan or Medical Care Plans of its participants. Also any transportation as required by a participant's IEP or Section 504 Plan or Medical Care Plan shall be provided to and from the SOS, and to and from scheduled SOS classes and activities by the Group/School/District.
- P. Due to CUSD's waiting list, return a signed copy of this Agreement before 4-13-09 to maintain an existing time slot. Failure to do so before this date may result in a forfeiture of the time slot. In the event that the Group/School/District is waiting for school board approval and is unable to return the Agreement by the specified date, a \$1000.00 non-refundable deposit must be received by SOS by 4-13-07 to reserve the time slot for 30 days. This deposit will be applied to the invoice at the completion of your stay.

## II. CUSD SHALL:

- A. Where requested, provide a program in outdoor science, conservation, and environmental education in accordance with standards as set forth by the California State Department of Education.
- B. Provide, at its own expense throughout the term of this Agreement, general liability insurance that provides coverage for bodily injury, property damage, and personal injury arising out of the actual or alleged acts, omissions or negligence of CUSD and/or its officers, employees, agents, students, or volunteers relating to this Agreement. Such insurance coverage shall be in an amount equal to the greater of (1) the insurance currently maintained by CUSD or (2) \$1,000,000 per occurrence for bodily injury, property damage and personal injury.
- C. Provide basic first aid supplies for participants and other personnel of the Group/School/District during the period they are attending the SOS.
- D. Have the sole discretion to prohibit or exclude any person from the SOS for health or safety reasons, including but not limited to communicable or contagious diseases, disciplinary problems, or other acts or conditions which in CUSD's determination threatens the health or safety of other persons attending the SOS.
- E. Where requested, provide food and food services for participants during their stay at the SOS (Monday through Sunday).
- F. Provide an instructional packet for the Group/School/District prior to arrival at the SOS. This packet will include instructions, a map, clothing and equipment lists. This information is available online at [www.clovisusd.k12.ca.us/SOS](http://www.clovisusd.k12.ca.us/SOS).
- G. Indemnify, defend and hold harmless Group/School/District and its officers, employees, agents and volunteers from and against actions, causes of action, damage, liability, loss, claims, costs and expenses, including attorney's fees and costs, for damages to property or injuries to person arising out of the acts or omissions of CUSD and/or its officers, employees, agents, volunteers or students related to this Agreement.

## III. PAYMENT AND ADMINISTRATIVE FEE.

- A. In consideration for the services performed, the Group/School/District agrees to pay CUSD a per participant fee of \$ 162.00 for the actual cost of providing an instructional program, use of facilities, and for continuing capital outlay expenditures, maintenance, and other costs of the program pursuant to sections 8763 and 8764 of the California Education Code.
- B. RESERVATIONS ARE MADE A YEAR IN ADVANCE TO LOCK IN SPECIFIC DATES. IF THE GROUP/SCHOOL/DISTRICT'S PROJECTED PARTICIPANT NUMBERS FALL TO OR BELOW 95%, IT WILL BE BILLED BASED ON 95% OF THE NUMBERS LISTED ON THIS AGREEMENT AT SIGNING.
- C. AN ADMINISTRATIVE FEE, AS SET FORTH BELOW, SHALL BE CHARGED TO AND PAID BY THE GROUP/SCHOOL/DISTRICT FOR TERMINATING THIS AGREEMENT AND/OR CANCELING ITS PARTICIPATION AT THE SOS UNDER THIS AGREEMENT. TERMINATION RATES ARE BASED ON THE NUMBER OF CALENDAR DAYS BETWEEN THE DATE SOS RECEIVES NOTICE OF THE TERMINATION OR CANCELLATION AND THE DATE OF THE GROUP/SCHOOL/DISTRICT'S SCHEDULED ARRIVAL AT THE SOS.

### TERMINATION

### RATE (COST BASED ON PROJECTED NUMBER OF PARTICIPANTS)

360-121 DAYS	\$1000.00
120-91 DAYS	50% OF PROJECTED COST BASED ON PROJECTED NUMBER OF PARTICIPANTS
90-61 DAYS	65% OF PROJECTED COST BASED ON PROJECTED NUMBER OF PARTICIPANTS
60-31 DAYS	80% OF PROJECTED COST BASED ON PROJECTED NUMBER OF PARTICIPANTS
30 DAYS OR LESS	100% OF PROJECTED COST BASED ON PROJECTED NUMBER OF PARTICIPANTS

D. IF THE GROUP/SCHOOL/DISTRICT'S TRANSPORTATION CARRIER ELECTS NOT TO TRANSPORT ITS PARTICIPANTS TO THE SOS, AN ADDITIONAL BUS FEE WILL BE ASSESSED. BUS FEES ARE SUBJECT TO CHANGE BASED ON DURATION AND MILEAGE.

## IV. TERMS AND TERMINATION OF AGREEMENT.

This Agreement is effective 4-13-09 and shall continue until the Group/School/District's departure from the SOS, or until termination of this Agreement by either party, whichever is earlier. Either party may terminate this Agreement upon written notice to the other party. An administrative fee shall be assessed against the Group/School/District as set forth in Article III.

## V. ADDITIONAL PROVISIONS.

- A. Assignment. This Agreement shall not be assignable by the Group/School/District without the written consent of CUSD, except to a successor in interest.
- B. Entire Agreement. This Agreement represents the total and complete understanding of the parties regarding the subjects set forth herein. Any other oral understandings or prior understandings shall have no force or effect.
- C. Amendment of Agreement. This Agreement cannot be changed or supplemented orally and may be modified or suspended only by written instrument executed by the parties.
- D. Authorized Signatories. The signatories of this Agreement warrant that they represent the respective parties herein and are authorized to commit to all provisions in this Agreement on behalf of the respective parties.

E. Modification of Program. CUSD RESERVES THE RIGHT TO MODIFY A GROUP/SCHOOL/DISTRICT'S PROGRAM IN THE EVENT THAT THE GROUP/SCHOOL/DISTRICT ARRIVES LATE AT THE SOS.

F. Limit on Participants. Due to space availability, CUSD reserves the right to limit the number of adult participants, in excess of the 1:10 ratio set forth in Section I.C., wishing to attend from a Group/School/District if the number of students or minor participants attending during the reservation period is significantly higher than the projected participant numbers listed in this Agreement at the time of signing. Paragraph 1 of Section I outlines the procedure for bringing additional students over the number indicated on the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement of the day and year set forth herein below.

Dated: 2-11-09

CLOVIS UNIFIED SCHOOL DISTRICT  
By: \_\_\_\_\_

Michael Olenchak  
Michael Olenchak, Director  
Sierra Outdoor School

SCHOOL YEAR: 2009-2010

DATES OF ATTENDANCE AT THE SIERRA OUTDOOR SCHOOL: April 14-16

Please complete the information below

FORMS NOT COMPLETEDLY FILLED OUT WILL BE RETURNED

Governing Board Approval Date \_\_\_\_\_

Projected Number of Participants 90 students / 20 adults

Number of Chaperones (1:10 Ratio) 1:5

Teacher/Contact Patrick Muldoon  
(Print)

Teacher/Contact E-mail pmuldoon@centerusd.k12.ca.us

Contact Phone Number (916) 338-6460

Authorization:

Participant Fee

\$ 162.00

Governing Board/Business Manager/Principal

Of Center Unified School District  
Group/School/District

Title Principal, Oak Hill Elem.

By David Grimes  
Print Signatory's Name

David Grimes  
Authorized Signature

Date Signed March 18, 2009

PLEASE SIGN AND RETURN A COPY OF THIS AGREEMENT BY MAIL OR FAX TO:

SIERRA OUTDOOR SCHOOL  
15700 OLD OAK RANCH ROAD  
SONORA, CALIFORNIA 95370  
FAX (209) 532-4196  
QUESTIONS? (209) 532-3691

Billing Address:

Name/School \_\_\_\_\_

School District \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

J:\wdocs\00021\154\agt\00146084.DOC

Notes

Receipt Stamp



# Center Unified School District

## AGENDA REQUEST FOR:

Dept./Site: Center High School

Date: March 17, 2009

Action Item ☒ X

To: CUSD Board of Trustees

Information Item ☐

From: Steve Thiessen

# Attached Pages 25

Principal's Initials 

## SUBJECT:

### CENTER HIGH SCHOOL FBLA TO STATE LEADERSHIP CONFERENCE

Cathy Cummings, Center High School FBLA Advisor, is requesting approval to take approximately 7-8 members of the Future Business Leaders of America club to the 2009 State Leadership Conference, April 23-26, 2009, at the Hyatt Regency in Santa Clara, California. Chaperones will be Mrs. Cummings and parent Manju Dhaliwa (has been cleared as a volunteer) if needed.

Transportation will be by car or train and has not yet been determined.

Funding for this trip will be supported through personal money, ASB-FBLA, Voc Ed-Carl Perkins, and fundraising events. The group will go on special business tours, Great America, restaurants in the area, local mall and/or area colleges.

Competitions and conference workshops take place at the Hyatt Regency. We will leave after school on April 23, 2009. Students will miss school on Friday, April 24, 2009. We will return on Sunday, April 26, 2009.

Attached is the 2009 State Leadership packet, information letter, and permission forms.

**RECOMMENDATION:** Approve attendance at FBLA State Leadership Conference.

CONSENT AGENDA

March 11, 2009

Dear Parent/s:

By virtue of placing in the Top 5 in their respective events at the Northern California Section Conference in Williams, your child has been invited to compete at the FBLA State Conference. This state conference pulls winners from each of the 5 regions around the state of California. There will be over 1,000 students competing, lots of workshops, general sessions, entertainment, and networking. The conference will be held at the Hyatt Regency in Santa Clara on April 23 – April 26. You can go online to [www.cafbla.org](http://www.cafbla.org) to look over the entire packet for this conference.

The cost of the conference is expensive! The total student cost will depend upon how many students commit to go. FBLA will subsidize a portion of the costs. However, I need to get a commitment from your son/daughter **NOW** in order to take the next step in determining student cost.

**\*\*\*\*\*I am asking for a \$25 non-refundable deposit payable to CHS – FBLA due to ASB NO LATER THAN Friday, March 13<sup>th</sup>. Once I see the pool of students, then we can determine YOUR cost.**

**For your information, here is an estimated cost of the conference:**

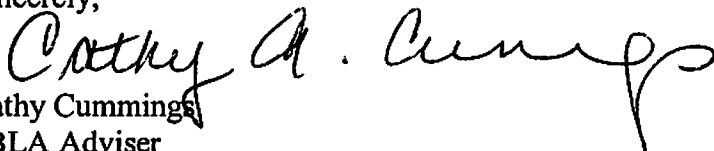
- \$85 Registration (early bird price)
- \$136 Hotel **per** night x 3 nights (four people in a room)
- ???? Transportation (yet to be determined)
- \$30 Great America Tickets
- \$10 Bus for business tour
- \$125 Food (approximate) \*\*4 day conference
- \$50 Miscellaneous spending (approximate)
- \$FBLA will pay for one meal

We will probably leave Thursday in the morning. I would like to take the students on a business tour in the Bay area on the way down. Most likely Jelly Belly Factory; however, this is a tentative idea. Students will probably miss 2 days of school if we decide on a business tour. More detail later.

Parents, this is a tremendous conference. We will use as much FBLA money as possible. Hopefully, our student store will generate some good profits over the next month to help our student amount.

If you have any questions, please feel free to contact me.

Sincerely,



Cathy Cummings  
FBLA Adviser

[ccummings@centerusd.k12.ca.us](mailto:ccummings@centerusd.k12.ca.us)  
339-4750



**Commitment Form: Please return this form and your receipt for the deposit to Mrs. Cummings no later than Friday, March 13, 2009.**

My son/daughter \_\_\_\_\_ will be attending the State Leadership Conference in Santa Clara on April 23-26. I understand the **\$25** deposit amount is **non refundable**. Total student costs will be determined at a later date.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Name (**print**)

\_\_\_\_\_  
Student Signature



# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

## 2009 State Leadership Conference

Permit to Attend ~ Release of Claim for Damages ~  
Emergency Medical Treatment Authorization

School Center HS Phone 916-339-4750  
Adviser Cathy Cummings E-mail ccummings@centerusd.k12.ca  
Name of Student \_\_\_\_\_ Date \_\_\_\_\_  
Home Address \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Date of Birth \_\_\_\_\_

*This is to certify that \_\_\_\_\_ has my permission to attend the above named FBLA activity. I also do hereby, on behalf of \_\_\_\_\_ absolve and release the school officials, the FBLA chapter advisers, and the California FBLA state staff and directors from any claims for personal injuries that may be sustained while he/she is enroute to and from or during the FBLA sponsored activity.*

Adviser Signature Cathy A. Cummings  
School Official Signature \_\_\_\_\_

*I authorize the above named adviser or California FBLA state representatives to secure the services of a doctor or hospital in the event of an emergency. I agree to incur the expenses for necessary services in the event of an accident or illness and to provide for their payment.*

Student Signature \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_

### Medical Information:

Known allergies (drug or natural): \_\_\_\_\_

Special medication being taken: \_\_\_\_\_

Date of last tetanus shot: \_\_\_\_\_

History of heart condition, diabetes, asthma, epilepsy or rheumatic fever: \_\_\_\_\_

Any physical restrictions: \_\_\_\_\_

Other conditions: \_\_\_\_\_

Family doctor: \_\_\_\_\_ Phone: \_\_\_\_\_

Parent or Guardian phone—Work: \_\_\_\_\_ Home: \_\_\_\_\_ Other: \_\_\_\_\_

### Insurance Information:

Insurance company name: \_\_\_\_\_

Policy number: \_\_\_\_\_

Coverage: \_\_\_\_\_



# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

## 2009 State Leadership Conference

Code of Conduct Form

Student Name (print/type) \_\_\_\_\_

School (print/type) \_\_\_\_\_

FBLA, as an integral part of the Business Education programs in California, offers training to students with career objectives in business and office occupations. Because individual conduct and appearance is a phase of this training, it becomes the responsibility of all persons to see that proper conduct is adhered to at all times from the time students leave home until they return home.

Attendance at any FBLA sponsored conference or activity is a special privilege. Knowing that any organization is judged largely by the behavior of its individual participants, the following Code of Conduct is subscribed to for members, guests, and advisers who attend California FBLA activities and conferences.

1. All students attending a conference must be paid members of FBLA.
2. All chapter members attending FBLA conferences are expected to attend *all sessions* of the conference.
3. All persons shall behave in a courteous and respectful manner refraining from language and actions that might bring discredit upon themselves, their school, their home, their friends, the conference, or upon the FBLA organization.
4. Because conference attendees are guests using the facilities, special care should be taken not to deface or destroy any property. Do not throw *anything* out of windows or over balconies. Any damages to any property or furnishings in the hotel rooms or buildings must be paid for by the individual or chapter involved.
5. Dress regulations established for the conference shall be business attire as defined by the FBLA Dress Code.
6. Curfew regulations shall be interpreted to mean that each person shall be in his/her room and shall begin ½ hour after the last scheduled activity unless stated otherwise in the conference program. Conference area participants not staying in the hotel shall be off the grounds of the hotel by the curfew.
7. Student delegates shall (1) keep their adult advisers informed of their activities and whereabouts at all times, (2) not use their own cars or ride in cars belonging to others during the conference, unless accompanied by an authorized adviser, and (3) not engage in dating activities with students not attending the conference.
8. NO ALCOHOLIC BEVERAGES OR ILLEGAL DRUGS in any form shall be possessed or used at any time under any circumstances on public or private property. Smoking is prohibited.
9. Identification badges are to be worn at all conference activities.

I have read and agree to abide by the California FBLA Code of Conduct. I also agree that the school officials, the FBLA chapter adviser(s), or the FBLA Board of Directors, have the right to send me home from the activity at my expense, provided that in their opinion, the seriousness of the violation of the Code of Conduct warrants it.

Student Signature \_\_\_\_\_ Parent Signature \_\_\_\_\_

Adviser Name (type/print) Cathy Cummings Date 3/12/09

**ADVISERS:** Please bring two copies of the Code of Conduct and the Medical Release forms for each student with you to the conference. One copy must be turned in when you pick up your conference registration packet and will be kept by the state chapter. The second copy should be kept in your possession while you are at the conference.

# PRELIMINARY CONFERENCE SCHEDULE

*This schedule is subject to change. Please check the conference program for final schedule.*

## Thursday, April 23

- 1 pm                      Conference Headquarters  
Competitive Events Headquarters  
Judges' Meeting Room
- 5—7:30 pm              Conference Registration  
Bring Silent Auction Items to Conference Headquarters
- 7 pm                      State Officer Candidates' Meeting
- 7 pm  
(Session 1)              **Written Tests—Collaborative—Team**  
Banking and Financial Systems  
Entrepreneurship  
Global Business  
Management Decision Making  
Network Design  
**Written Tests—Individual**  
Future Business Leader  
Help Desk  
Parliamentary Procedure
- Performances**  
(Finalist performance times will be pre-assigned)  
American Enterprise  
Community Service  
Internet Application Programming  
Partnership with Business
- 8:00 pm                      **Entertainment/Learning**  
Rocket Arena: Experiential Learning Lab  
Board Games
- 8:15 pm  
(Session 2)              **Written Tests—Collaborative—Team**  
Banking and Financial Systems  
Entrepreneurship  
Global Business  
Management Decision Making  
Network Design  
**Written Tests—Individual**  
Future Business Leader  
Help Desk  
Parliamentary Procedure
- 9:45 pm  
(Session 3)              **Written Tests—Same as Sessions 1 and 2**
- 10:15 pm                      State Officers' Rehearsal
- 11:30 pm                      Finalists posted—Times Assigned
- Banking and Financial Systems
  - Entrepreneurship
  - Future Business Leader
  - Global Business
  - Help Desk
  - Management Decision Making
  - Network Design
  - Parliamentary Procedure
- 11 pm-6 am                      Curfew (In your own rooms)

## PRELIMINARY CONFERENCE SCHEDULE, CONTINUED

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### Friday, April 24

7 am	Conference Headquarters (Silent Auction Items accepted here!) Competitive Events Headquarters Judges' Meeting Room																				
7—4 pm	Campaign Booths Open Exhibits Open																				
7:15 am	Bus leaves for business tours																				
7:30—10:00 am	Conference Registration																				
8—4 pm	Silent Auction Open																				
8:30 am	Client Service Preliminary—Sequestered and Performance																				
8:30 am	Emerging Business Issues—Sequestered and Performance																				
8:30 am	Job Interview																				
8:30 am	Advisers' Meeting																				
9 am	Future Business Leader Interview																				
9 am	Workshops																				
10:30—12:15 pm	First General Session																				
12:30 pm	Business Plan Performance																				
1 pm	Impromptu Speaking Preliminary —Sequestered and Performance																				
1 pm	Business Financial Plan Performance																				
1:30 pm	Creed Contest—Sequestered and Performance																				
1:30 pm (Session I)	Seating — Group Testing—Session I Schools will be assigned alphabetically by school name to a Group Testing Session. All members from the same school must test at the same time.																				
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## PRELIMINARY CONFERENCE SCHEDULE, CONTINUED

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### Friday, April 24 (Continued)

5 pm	Help Desk—Sequestered and Performance
5 pm	Parliamentary Procedure Performance—Sequestered and Performance
5 pm (Session III)	Seating—Group Testing—Session III For all members in schools who had conflicts with other testing. Remember that all students from the same school in the same event must test at the same time.
5:15-6:30 pm (Session III)	<b>Group Testing—Session III</b> The tests are the same as those offered in Sessions I and II.
7 – 8:00 pm	Campaign Caucus
8 pm	Finalists posted for Impromptu Speaking Finalists posted for Client Service
8:30-9:45 pm	Sections Meetings
10—12:00 pm	"Blue Jeans for Babies" Dance
12:30-6:00 am	Curfew (In your own rooms)

### Saturday, April 25

7 am	Conference Headquarters Competitive Events Headquarters Judges' Headquarters
7:30-8:30 am	Voting Delegates Meeting
8:45 am (Session I)	Seating—Group Skills Written Testing—Session I Students from the same school must take the test at the same time.
9-10 am (Session I)	<b>Group Skills Written Test—Session I</b> <div> <div>Computer Applications Database Design and Applications Desktop Publishing (team)</div> <div>Spreadsheet Applications Word Processing I Word Processing II</div> </div>
9 am	Business Ethics—Sequestered and Performance
9 am	Impromptu Speaking Finals—Sequestered and Performance
9:30 am	Entrepreneurship—Team Performance—Sequestered and Performance
10 am (Session II)	Seating—Group Skills Written Testing—Session II Students from the same school must take the test at the same time.
10:15-11:15 am (Session II)	<b>Group Skills Written Test—Session II</b> Same tests as those offered in Session I
10 am	Business Presentation—Performance
10 am	Digital Video Production—Performance
10 am	E-Business—Performance



## **PRELIMINARY CONFERENCE SCHEDULE, CONTINUED**

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### **Saturday, April 25 (Continued)**

10 am	Web Site Development—Performance
10 am	New Section Officers/Advisers Meeting
12:30 pm	Network Design—Sequestered and Performance
12:30-5:30 pm	Paramount's Great America
12:30 pm	L. Byram Bates Scholarship Interviews—Sequestered and Interview
1 pm	Global Business—Sequestered and Team Performance
1 pm	Management Decision Making—Sequestered and Team Performance
1:30 pm	Client Service Finals—Sequestered and Performance
1:30 pm	Desktop Application Programming Performance
2 pm	California Awards Committee Meeting
2:30 pm	State Officers' Rehearsal
8 pm	Celebration of Excellence Awards Session
10:30 pm	Winners' Meeting for NLC
10:30 pm	Awards Dance
11 pm	Reception for Advisers
10:30-12:30 pm	Awards Dance
1 am-6:00 am	Curfew ( <b>In your own rooms</b> )

### **Sunday, April 26**

8 am	Conference Headquarters Competitive Events Headquarters
8—10 am	Pick up Reports and Materials
9—10 am	Nondenominational Church Service
9—10 am	Breakfast for Outgoing State Officers/Advisers/Board of Directors
10—12 noon	Outgoing/New State Officers and Advisers Meeting

# 2009 FBLA STATE LEADERSHIP CONFERENCE

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(Cummings)



# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

## 2009 State Leadership Conference

Conference Fact Sheet

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## 2009 FBLA STATE LEADERSHIP CONFERENCE — OVERVIEW

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### Welcome to Santa Clara

Welcome to the Bay Area and the 2009 California State Leadership Conference. We look forward to your attendance!

## Conference Registration

### Who Can Attend

The State Leadership Conference is open to FBLA members, advisers, and guests. An adviser is the person responsible for the local FBLA chapter. Students who have paid dues for the 2008–2009 school year may attend. A guest is a family member, school administrator, businessperson, etc. Students and advisers may not register as guests. Guests are welcome; however, if the guest is not registered, seating will not be available at the Awards of Excellence program.

### Conference Registration

Access the Online Conference Registration form by going to [www.cafbla.org](http://www.cafbla.org).

### Registration Fee

The Regular Conference Registration fee is \$85 per person. The Late Conference Registration fee is \$90 per person.

## Hotel Information

### Hotel Location/Shuttle

The Hyatt Regency Santa Clara is located next to Paramount's Great America. Transportation to the hotel will be on your own. (There is no shuttle service.) A taxi will be approximately \$20. There will be complimentary parking in the hotel's parking garage.

### Hotel Reservations

The hotel reservation form must be completed and **e-mailed or faxed** by March 27. A check must be mailed to the hotel or credit card number must accompany the form. Reservations that are FAXED must include a credit card number. Use the Fax number listed on the form. The Hyatt Regency will honor reservations as received. However, the number and types of rooms needed must also be taken into consideration. The sooner you get your reservations in, the better, as you might be housed in the overflow hotel.

### Check-In Procedure

Upon arriving at the hotel, the local chapter adviser should register the chapter delegation for hotel rooms and conference materials. Schools are encouraged to have their students remain on the bus or in an area outside the hotel lobby while the adviser checks in the chapter. This will help reduce crowding, noise, and confusion.

## Conference Opportunities

### Entertainment/Learning

**Rocket Arena:** James Li, Southern Section President, is the mastermind of this fun but hands-on learning experience—the first-ever team vs. team, Apprentice-style business simulation at an FBLA conference! Try your executive skills, test innovative ideas, and lead your team to victory and some prizes in this intense assembly line-style game. Step up or be fired! Player spaces are limited, so get there fast on Thursday night.

**Board Games:** A variety of board games will be provided, so network with fellow FBLA members and have fun!

## 2009 FBLA STATE LEADERSHIP CONFERENCE — OVERVIEW, CONTINUED

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<b>Fun Attraction</b>	Time has been set aside in the conference program for a visit to <b>Great America</b> on Saturday or Sunday with discounted tickets of only \$30 (regular price approx. \$50). Tickets may be purchased using the form in this packet. However, remember to check the conference schedule to see that you will have free time to do so. Since it is across the street from the hotel, you will be able to walk to Paramount's Great America.
<b>Workshops</b>	Workshops will be presented on Friday morning and afternoon. See program for specific workshops, descriptions, locations, and times.
<b>Business Tours</b>	Tours have been arranged to IDEO Palo Alto and to Trimble Navigation, Ltd. in Sunnyvale on Friday, April 24. Space is limited to 25 on each tour, so submit the tour form to reserve seats on a first-come first-served basis. There is a nonrefundable fee for bus transportation of \$10 per person.
<b>Exhibits and Campaigns</b>	Exhibits and the state officer campaign booths will be open on Friday from 7 am to 4 pm. Visit this area to support the exhibitors and find out about the candidates running for state office.
<b>Silent Auction</b>	Each of the chapters and each of the sections are being asked to bring a nicely packaged basket, box, or container of interesting products which will be used for the <b>Silent Auction</b> . These silent auction donations can be for students only, for advisers only, or for both depending on the contents and cost. <b>Make this a fun project for your chapter!</b> Bring some extra cash and join in the fun of bidding.
<b>"Blue Jeans for Babies"</b>	Have fun and help California FBLA support the March of Dimes by attending the "Blue Jeans for Babies" dance on Friday evening. All members donating \$1 may wear blue jeans/denim, but all other aspects of business casual clothing must be followed.
<b>Voting Delegates</b>	Two voting delegates from each chapter will participate in the voting delegates' session on Saturday morning. Voting delegate ribbons will be in the chapter registration packet and must be worn.
<b>Parade of Presidents</b>	The Parade of Presidents will be held during the Awards Session on Saturday evening. The local chapter president should attend the practice prior to the session. The actual time of the practice will be listed in the conference program or announced.

### Conference Policies

<b>Code of Conduct/ Emergency Form</b>	The Code of Conduct must be discussed with students attending and proper Emergency Form signatures obtained. <b>Two copies per student are needed—one to submit at registration and one for the adviser to keep.</b> You may use the emergency medical form provided or your district form. Forms must be submitted at registration before conference materials are obtained.
<b>Student ID</b>	Name badges must be worn to all conference activities. Students competing must show a photo ID. This photo ID must be presented in order for the student to enter the testing room. Faxed copies will not be accepted, and no one will be allowed to enter the testing room without an ID.
<b>Calculators/Electronic Devices</b>	Calculators will be provided by the state chapter for those events that require them to complete the test. Members should NOT bring their own calculators, or any other electronic device, to the testing room.

# FBLA IMAGE AND DRESS CODE

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**Guidelines for Advisers.** Advisers must discuss the Dress Code, Code of Conduct, and following points with the members attending the conference so that FBLA will create the best image possible.

- Along with the proper attire, extending courtesies and behaving in a professional manner while at the conference will project the type of image we would like for FBLA.
- Respect the need for quiet in the hotel hallways. We are not the only guests in the hotel. Loud behavior in the hallway or in your room is not appropriate at any time.
- Respect hotel property. Guests are responsible for any damages or missing items in the hotel rooms.
- Be considerate and courteous while using the elevators. Push only the button for your floor; allow people to enter and exit easily; and be considerate of the time restrictions that everyone has.

**Purpose.** The purpose of the dress code is to uphold the professional image of the association and its members and to prepare students for the business world. **Professional attire** is required for all attendees at all general sessions, competitive events, section meetings, workshops, and other activities unless stated otherwise in the conference program. Conference nametags are part of the dress code and must be worn at all times while participating in conference activities. The Dress Code Policy describes in detail and spirit the professional and polished look expected of members and advisers. While the policy may not cover every fashion trend and detail, FBLA reserves the right to determine dress code eventualities and interpretations.

## **Professional Attire — Appropriate male attire.**

- Business suit with collared dress shirt, and necktie; or a Sport coat, dress slacks, collared shirt, and necktie; or Dress slacks, collared shirt, and necktie.
- Banded collared shirt may be worn only if sport coat or business suit is worn.
- Dress shoes and socks are required. (no white socks)

## **Professional Attire — Appropriate female attire.**

- Business suit; or a Business pantsuit; or a skirt or dress slacks with blouse or sweater; or a Business dress.
- Dress shoes and nylons are required when wearing skirts or dresses.

## **Business Casual — Appropriate male attire:**

- Polo or collared shirt.
- Casual slacks (e.g. Dockers; no denim or shorts).
- Leather loafers or dressy slip-ons (no athletic shoes, flip flops, or canvas shoes).
- Patterned or solid-colored socks.

## **Business Casual — Appropriate female attire:**

- Polo or collared shirt or sweater.
- Casual slacks (e.g. Dockers; no denim or shorts), or a skirt.
- Sandals, slides, boots, flats, or mid-heel shoes.

## **Inappropriate Attire for both men and women:**

- Capri pants.
- Jewelry in visible body piercing, other than ears.
- Denim or chambray fabric clothing of any kind, e.g. overalls, shorts, skorts, stretch or stirrup pants, exercise or bike shorts.
- Backless, see-through, tight-fitting, spaghetti straps, strapless, extremely short, or low-cut blouses/tops/dresses/skirts.
- Sandals, athletic shoes, industrial work shoes, hiking boots, bare feet, or over-the-knee boots.
- Athletic wear, including sneakers.
- Hats or flannel fabric clothing.
- Bolo ties.
- Visible foundation garments.

**Casual Attire** may be worn for specified conference events. Cut-off jeans, spandex or Lycra garments, midriff tops, and bathing suits are not appropriate casual attire. Shoes and shirts must be worn at all times.

For the **Awards Session**, it is appropriate to wear either the regular conference attire, or semi-formal or formal wear.

**Fashion note:** Many new fashions 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.

## Summary of Who is Eligible to Compete at the SLC

- **FIRST PLACE WINNERS AT SECTION CONFERENCE**  
Creed Contest
  
- **FIRST AND SECOND PLACE WINNERS AT SECTION CONFERENCE**  
Job Interview                                      Public Speaking II  
Public Speaking I
  
- **FIRST, SECOND, AND THIRD PLACE WINNERS AT SECTION CONFERENCE**  
Parliamentary Procedure\*
  
- **FIRST, SECOND, THIRD, FOURTH, AND FIFTH PLACE WINNERS AT SECTION CONFERENCE\*\***

Accounting I***	FBLA Principles & Procedures***
Accounting II	Future Business Leader
Business Calculations	Global Business
Business Communication	Introduction to Business***
Business Law	Introduction to Business Communication***
Business Math***	Introduction to Technology Concepts***
Business Procedures	Management Decision Making
Computer Applications	Marketing
Computer Problem Solving	Personal Finance
Cyber Security	Sports Management
Database Design and Applications	Spreadsheet Applications
Economics	Technology Concepts
Entrepreneurship	Word Processing I
	Word Processing II
  
- **INDIVIDUAL EVENTS BEGINNING AT SLC (DUES PAID BY MARCH 1)**

Client Service (1 per chapter)  
Desktop Application Programming (Up to 3 members per chapter)  
Electronic Career Portfolio (1 entry per chapter)  
Help Desk (1 per chapter)  
Impromptu Speaking (1 per chapter; competitor may also enter one individual written only event if schedule allows)  
Internet Application Programming (Up to 3 members per chapter)  
Introduction to Parliamentary Procedure (Up to 3 members per chapter—Grades 7-10)\*\*\*\*  
Networking Concepts (Up to 3 members per chapter)

Wild Card Entries (two per school—can be used for any “written test” event which started at the section level; no member may use more than one wild card)
  
- **INDIVIDUAL/TEAM EVENTS BEGINNING AT SLC (DUES PAID BY MARCH 1)**

Business Financial Plan (1 entry per chapter up to 3 members)	Digital Video Production (1 entry per chapter up to 3 members)
Business Plan (1 entry per chapter up to 3 members)	E-Business (1 entry per chapter up to 3 members)
Business Presentation (1 entry per chapter up to 3 members)	Web Site Development (1 entry per chapter up to 3 members)
  
- **Team Events Beginning at SLC (dues paid by March 1)**

Banking and Financial Systems (1 team of 2 or 3 per chapter)	Emerging Business Issues (1 team of 2 or 3 members per chapter)
Business Ethics (1 team of 2 or 3 per chapter)	Network Design (1 team of 2 or 3 members per chapter)
Desktop Publishing (1 team of 2 members per school)	
  
- **CHAPTER EVENTS BEGINNING AT SLC (DUES PAID BY MARCH 1, CHECK REPORT DUE DATES)**

American Enterprise Project Report	Local Chapter Annual Business Report
Community Service Project Report	Partnership with Business Project Report

**If you have a competitor who qualified at section but who is not competing at SLC, please notify your section director immediately. This will allow the next eligible member to be notified to participate.**

- \* Any student wishing to qualify for national parliamentary may become eligible by entering and taking the test at the state conference. Enter this intent on the registration form.
- \*\* The number of competitors is determined by the number who took the test at your section conference. Refer to your section winners' list.
- \*\*\* Only wild card entrants must submit proof of grade level circled in red with registration form. Transcripts with accounting courses circled are required for Accounting I wild card entrants.
- \*\*\*\* All entrants must submit proof of grade level circled in red with registration form.

# PRELIMINARY CONFERENCE SCHEDULE

*This schedule is subject to change. Please check the conference program for final schedule.*

## Thursday, April 23

- |                        |   |
|------------------------|---|
| 1 pm                   | Conference Headquarters<br>Competitive Events Headquarters<br>Judges' Meeting Room  |
| 5—7:30 pm              | Conference Registration<br>Bring Silent Auction Items to Conference Headquarters  |
| 7 pm                   | State Officer Candidates' Meeting   |
| 7 pm<br>(Session 1)    | <b>Written Tests—Collaborative—Team</b><br>Banking and Financial Systems<br>Entrepreneurship<br>Global Business<br>Management Decision Making<br>Network Design<br><b>Written Tests—Individual</b><br>Future Business Leader<br>Help Desk<br>Parliamentary Procedure<br><br><b>Performances</b><br>(Finalist performance times will be pre-assigned)<br>American Enterprise<br>Community Service<br>Internet Application Programming<br>Partnership with Business |
| 8:00 pm                | <b>Entertainment/Learning</b><br>Rocket Arena: Experiential Learning Lab<br>Board Games   |
| 8:15 pm<br>(Session 2) | <b>Written Tests—Collaborative—Team</b><br>Banking and Financial Systems<br>Entrepreneurship<br>Global Business<br>Management Decision Making<br>Network Design<br><b>Written Tests—Individual</b><br>Future Business Leader<br>Help Desk<br>Parliamentary Procedure  |
| 9:45 pm<br>(Session 3) | <b>Written Tests—Same as Sessions 1 and 2</b>   |
| 10:15 pm               | State Officers' Rehearsal   |
| 11:30 pm               | Finalists posted—Times Assigned <ul style="list-style-type: none"><li>▪ Banking and Financial Systems</li><li>▪ Entrepreneurship</li><li>▪ Future Business Leader</li><li>▪ Global Business</li><li>▪ Help Desk</li><li>▪ Management Decision Making</li><li>▪ Network Design</li><li>▪ Parliamentary Procedure</li></ul>   |
| 11 pm-6 am             | Curfew ( <b>In your own rooms</b> )   |

## PRELIMINARY CONFERENCE SCHEDULE, CONTINUED

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### Friday, April 24

7 am	Conference Headquarters (Silent Auction items accepted here!) Competitive Events Headquarters Judges' Meeting Room																				
7—4 pm	Campaign Booths Open Exhibits Open																				
7:15 am	Bus leaves for business tours																				
7:30—10:00 am	Conference Registration																				
8—4 pm	Silent Auction Open																				
8:30 am	Client Service Preliminary—Sequestered and Performance																				
8:30 am	Emerging Business Issues—Sequestered and Performance																				
8:30 am	Job Interview																				
8:30 am	Advisers' Meeting																				
9 am	Future Business Leader Interview																				
9 am	Workshops																				
10:30—12:15 pm	First General Session																				
12:30 pm	Business Plan Performance																				
1 pm	Impromptu Speaking Preliminary —Sequestered and Performance																				
1 pm	Business Financial Plan Performance																				
1:30 pm	Creed Contest—Sequestered and Performance																				
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## PRELIMINARY CONFERENCE SCHEDULE, CONTINUED

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### Friday, April 24 (Continued)

5 pm	Help Desk—Sequestered and Performance
5 pm	Parliamentary Procedure Performance—Sequestered and Performance
5 pm <b>(Session III)</b>	Seating—Group Testing—Session III <b>For all members in schools who had conflicts with other testing. Remember that all students from the same school in the same event must test at the same time.</b>
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7 – 8:00 pm	Campaign Caucus
8 pm	Finalists posted for Impromptu Speaking Finalists posted for Client Service
8:30-9:45 pm	Sections Meetings
10—12:00 pm	"Blue Jeans for Babies" Dance
12:30-6:00 am	Curfew <b>(In your own rooms)</b>

### Saturday, April 25

7 am	Conference Headquarters Competitive Events Headquarters Judges' Headquarters						
7:30-8:30 am	Voting Delegates Meeting						
8:45 am <b>(Session I)</b>	Seating—Group Skills Written Testing—Session I <b>Students from the same school must take the test at the same time.</b>						
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10 am	Business Presentation—Performance						
10 am	Digital Video Production—Performance						
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## **PRELIMINARY CONFERENCE SCHEDULE, CONTINUED**

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### **Saturday, April 25 (Continued)**

10 am	Web Site Development—Performance
10 am	New Section Officers/Advisers Meeting
12:30 pm	Network Design—Sequestered and Performance
12:30-5:30 pm	Paramount's Great America
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1 am-6:00 am	Curfew ( <b>In your own rooms</b> )

### **Sunday, April 26**

8 am	Conference Headquarters Competitive Events Headquarters
8—10 am	Pick up Reports and Materials
9—10 am	Nondenominational Church Service
9—10 am	Breakfast for Outgoing State Officers/Advisers/Board of Directors
10—12 noon	Outgoing/New State Officers and Advisers Meeting

## **CONFERENCE CURFEW**

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California FBLA prides itself on the exemplary behavior of our students at conferences. The curfews that are established for overnight conferences are an important part of maintaining this tradition.

### **Guidelines for Advisers**

- Discuss curfew and consequences for violation with the members attending the conference.
- Remember that the adviser cannot overrule the established curfew.
- Check all students' rooms each night to be sure that the curfew has been followed.

### **Curfew Definition**

Each student is in his or her own assigned hotel room at the curfew time specified in the conference program. The student may not leave the hotel room until 6:00 am the following morning.

### **Consequences for Curfew Violation**

It is the adviser's responsibility to take appropriate action for curfew violations. Schools that repeatedly abuse curfew may not be allowed to participate in future conferences. School officials will be notified if rules are flagrantly violated.

The Board of Directors will assist advisers in enforcing curfew by checking hotel floors after curfew. If problems exist, the appropriate adviser(s) will be notified to take corrective action.

### **Curfew Hours**

Thursday, April 23	11:00 pm – 6:00 am
Friday, April 24	12:30 am – 6:00 am
Saturday, April 25	1:00 am – 6:00 am

**If we all do our part, there should not be any curfew problems.**

# CHECKLIST FOR DATES AND MAILINGS—WATCH RECEIVED/POSTMARKED

Date	Item or Activity	What to Do
February 1-March 24	<b>ONLINE CONFERENCE REGISTRATION Available</b> (for Pre Judged and Regular) - \$85 per attendee)	<a href="http://www.cafbla.org">www.cafbla.org</a>
February 13	<b>Conference Registration Deadline for Pre-Judged Events</b> Membership Dues Deadline (to be eligible for Pre-Judged Events) Online Conference Registration Deadline (to be eligible for Pre-Judged Events) Conference Registration Payment Deadline (to be eligible for Pre-Judged Events) Send with printed Conference Registration Confirmation Summary <b>Checks payable to California FBLA</b>	<b>Send \$85 per attendee</b> <a href="http://www.fbla-pbl.org">www.fbla-pbl.org</a> <a href="http://www.cafbla.org">www.cafbla.org</a> Joe McFarland, Business Manager 440 Woodhill Drive Redding, CA 96003 <a href="mailto:businessmanager@cafbla.org">businessmanager@cafbla.org</a>
Feb. 13 <b>POSTMARKED</b>	<b>Pre-Judged Event Entries Deadline</b> Business Ethics Entry Business Financial Plan Entry Business Plan Entry Business Presentation Entry E-business Entry Electronic Career Portfolio Entry Emerging Business Issues Entry Digital Video Presentation Entry Desktop Application Programming Entry Internet Application Programming Entry Website Development Entry	Send entries to be judged to: Kiki Nakauchi, SLC Chair 745 Claremont Drive Morgan Hill, CA 95037  Phone: (408) 779-9996 <a href="mailto:kikinakauchi@aol.com">kikinakauchi@aol.com</a>
March 1	<b>Membership Dues Deadline</b> (to be eligible for SLC)	<a href="http://www.fbla-pbl.org">www.fbla-pbl.org</a>
March 1 <b>RECEIVED</b>	<b>Business Achievement Awards—Individual</b> -Future -Leader -Business -America	<a href="http://www.fbla-pbl.org">www.fbla-pbl.org</a> ; make sure completed level is signed off by adviser
March 6 <b>RECEIVED</b>	<b>L. Byram Bates Scholarship Application Deadline</b>	Kiki Nakauchi
March 6 <b>RECEIVED</b>	<b>State and National Officer Candidate Applications</b>	Kiki Nakauchi
March 13 <b>RECEIVED</b>	<b>School-Site Testing Request Form Deadline</b> School-Site Testing Form for Qualifiers: -Accounting II -Spreadsheet Applications -Computer Applications -Word Processing I -Database Design & Applications -Word Processing II -Desktop Publishing	Jayne Campbell 5415 Winding Way Auburn, CA 95602 <a href="mailto:competition@cafbla.org">competition@cafbla.org</a> Phone: 559-355-7428
March 20 <b>POSTMARKED</b>	<b>Written Reports Deadline</b> American Enterprise Project Entry Community Service Project Entry Partnership with Business Entry <b>Interview Materials Deadline</b> Future Business Leader Materials Job Interview	Kiki Nakauchi
March 24	<b>Conference Registration Deadline for Regular Participants--\$85</b> Online Conference Registration Deadline (to be eligible for regular registration fee) Conference Registration Payment Dead line (to be eligible for regular registration fee) Send with printed Conference Registration Confirmation Summary	<a href="http://www.cafbla.org">www.cafbla.org</a> Joe McFarland Checks Payable to California FBLA
March 24 <b>RECEIVED</b>	<b>State Recognition Awards Deadline</b> State Project Recognition Forms -Government Awareness Project (GAP) -Middle Level Chapter Project -Professional Division Membership Project -Adopt-A-Chapter Project -March of Dimes Project (Mission LIFT) Internship Project FBLA Goes Green	Kiki Nakauchi
March 25-March 30	<b>ONLINE CONFERENCE REGISTRATION AVAILABLE</b> (for LATE registration) - \$90 PER ATTENDEE	<b>Send \$90 per Attendee</b>
March 27 <b>RECEIVED</b>	<b>Hotel Reservation Deadline</b> Hotel Reservation Form (FAX or EMAIL)  <b>Hotel Payment Deposit (Mail Check)</b>	<b>FAX or EMAIL FORM</b> to Jeannie Nguyen, Reservations Hyatt Regency Santa Clara FAX: 408-510-6449 Email: <a href="mailto:jeannienгуyen@hyatt.com">jeannienгуyen@hyatt.com</a> <b>MAIL CHECK ONLY</b> to Jeannie Nguyen, Reservations Hyatt Regency Santa Clara 5101 Great America Parkway Santa Clara, CA 95054

## CHECKLIST FOR DATES AND MAILINGS—WATCH RECEIVED/POSTMARKED

March 27 <b>POSTMARKED</b>	<b>School-Site Testing Completed Entries</b>	Jayne Campbell
March 30 <b>POSTMARKED</b>	<b>Local Chapter Annual Business Report Entry</b> (For competition only)	Kiki Nakauchi
March 30 <b>POSTMARKED</b>	<b>Final Program of Work Progress Form (POW) for BA<sup>2</sup> Chapter Recognition</b>	Kiki Nakauchi
March 30 <b>POSTMARKED</b>	<b>Gold Seal Chapter Deadline</b> Final Program of Work Progress (POW) form attached to One copy of Local Chapter Annual Business Report	Your Section Director
March 30 <b>RECEIVED</b>	<b>Conference Registration Deadline for LATE Participants (\$90 per attendee)</b> Online Conference Registration Deadline (late registration) Conference Registration Payment Deadline (late registration) Send with printed Conference Registration Confirmation Summary	<a href="http://www.cafbla.org">www.cafbla.org</a>  Joe McFarland Checks payable to California FBLA
March 30 <b>RECEIVED</b>	<b>SPECIAL OPPORTUNITIES</b> <b>Business Tours</b> Transportation Form and Payment <b>Great America</b> Form and Payment <b>SLC Grams</b> Form and Payment <b>Silent Auction Monetary Donation</b> Form (and payment if donation only)  <b>Membership Market Share Award</b> Form	<a href="http://www.cafbla.org">www.cafbla.org</a>  <a href="http://www.cafbla.org">www.cafbla.org</a> Byron Lee <a href="http://www.cafbla.org">www.cafbla.org</a> Alan Mello <a href="http://www.cafbla.org">www.cafbla.org</a> Kiki Nakauchi <a href="http://www.cafbla.org">www.cafbla.org</a> Kiki Nakauchi   Kiki Nakauchi
March 30	<b>Last Day to Change Event Registration</b>	<a href="http://www.cafbla.org">www.cafbla.org</a>
April 23, 24, 25	<b>Conference Forms</b> Code of Conduct Forms Emergency Medical Treatment Release Form	Conference Registration/ Conference Headquarters
April 23, 24	<b>Silent Auction Basket Donations</b>	Conference Headquarters

### CONFERENCE CONTACT INFORMATION

<b>General Questions/State Recognition Awards/Conference Materials/SLC Grams/Silent Auction</b> Kiki Nakauchi 745 Claremont Drive Morgan Hill, CA 95037 <a href="mailto:kikinakauchi@aol.com">kikinakauchi@aol.com</a> (408) 779-9996	<b>Online Registration Questions</b> Sue Christensen  <a href="mailto:communicationsmanager@cafbla.org">communicationsmanager@cafbla.org</a> (951) 206-2638 (after 4 pm)
<b>Competitive Events</b> Jayne Campbell 5415 Winding Way Auburn, CA 95602 <a href="mailto:competition@cafbla.org">competition@cafbla.org</a> (559) 355-7428	<b>Hotel Reservations and Deposit</b> Jeannie Nguyen Hyatt Regency Santa Clara 5101 Great America Parkway Santa Clara, CA 95054 <a href="mailto:jeannie.nguyen@hyatt.com">jeannie.nguyen@hyatt.com</a> (408) 510-6451
<b>California FBLA Payments</b> Joe McFarland 440 Woodhill Drive Redding, CA 96003 <a href="mailto:businessmanager@cafbla.com">businessmanager@cafbla.com</a> (530) 243-7408	<b>Great America Tickets</b> Alan Mello 201 Stanbridge Court Danville, CA 94526 <a href="mailto:amello@gmail.com">amello@gmail.com</a> (408) 439-3869
<b>BusinessTours</b> Byron Lee Homestead High School 21370 Homestead Road Cupertino, CA 95014 <a href="mailto:byron_lee@fuhsd.org">byron_lee@fuhsd.org</a> (408) 522-2525	<b>Need Help!</b> Judy Nunes FLBA Program Coordinator P. O. Box 102 Cottonwood, CA 96022 <a href="mailto:programcoordinator@fbia.org">programcoordinator@fbia.org</a> (949) 551-3252

### CALIFORNIA FBLA SECTION DIRECTORS

<b>Bay Section: Kiki Nakauchi</b> 745 Claremont Dr., Morgan Hill, CA 95073 <a href="mailto:kikinakauchi@aol.com">kikinakauchi@aol.com</a> (408) 779-9996	<b>Inland Section: Stephanie Fluitt</b> 33891 Plum Tree Lane, Yucaipa, CA 92399 <a href="mailto:inlanddirector@cafbla.org">inlanddirector@cafbla.org</a> (909) 910-8185 (cell)
<b>Central Section: Robert Franklin</b> Los Banos High School 1966 11 <sup>th</sup> Street, Los Banos, CA 93635 <a href="mailto:rfranklin@losbanosusd.k12.ca.us">rfranklin@losbanosusd.k12.ca.us</a> (209) 826-6033, ext. 122	<b>Northern Section: Pam Stalley</b> Williams High School P. O. Box 7, Williams, CA 95987 <a href="mailto:northerndirector@cafbla.org">northerndirector@cafbla.org</a> (530) 473-5369, ext. 11328
<b>Gold Coast Section: Matt Gray</b> 4326 Country Meadow Street Moorpark, CA 93021 <a href="mailto:goldcoastdirector@cafbla.org">goldcoastdirector@cafbla.org</a> (323) 369-5634 (cell)	<b>Southern Section: Danielle Tolentino Tuason</b> P. O. Box 4061 Santa Fe Springs, CA 90670 <a href="mailto:southerndirector@cafbla.org">southerndirector@cafbla.org</a> (562) 682-8531 (cell)

Note: \*Address labels are attached on the last page for your convenience in sending in the materials.

# Online Registration Instructions

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For the 2009 State Leadership Conference, California FBLA will be using the online registration system which is directly linked to the national membership registration system used to register members.

From February 1 to **midnight March 31, 2009**, a link to the conference registration system will be available on the home page of the California FBLA web site located at <http://www.cafbla.org>. Click on the link to open the log-in page for the conference registration system. (Detailed instructions are on the next page, if necessary.)

Your students will not appear in the system as available to register for the conference if their membership dues are not yet recorded as **PAID** in the national membership system. All registrants must be paid members of FBLA by **MARCH 1**. However, any student to be entered in one of the competitive events having a **February 13** postmark deadline must have membership dues paid prior to that date. **Be sure to allow for time for nationals to post your dues payment if you are mailing a check to the national office. Even credit card payments take up to three days to post.**

It is the adviser's responsibility to follow all event guidelines when registering students. If an event requires students to first qualify in that event at the section level, be sure that the student has made that cut point. If an event is limited to a certain number of entrants or grade levels, the adviser is responsible to make sure that his/her chapter registers according to those guidelines.

**Please contact your section director immediately if a section qualifying student from your chapter cannot attend the SLC so that the student next in line can be notified and necessary changes in the registration database can be made.** In addition, each chapter will be allowed to register up to two students as "wildcards" in a written event.

The system will time out about 20 minutes after you log in. 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 of the entries, the system will take you to a screen where you will be able to review and print your registration summary. A copy of the summary will be emailed to you and to conference personnel. **In addition, please print at least four copies of the Registration Summary for the following:**

- Your business office to generate your back up for your check payable to: **California FBLA**
- For your files
- Send with transcripts (for required events)
- Mail with your check to: Joe McFarland, Business Manager  
440 Woodhill Drive  
Redding, CA 96003

Direct questions regarding the use of the online registration system to:

**Sue Christensen**  
Cell: 951-206-2638 (after 4 pm please)  
[communicationsmanager@cafbla.org](mailto:communicationsmanager@cafbla.org)

Direct questions regarding SLC to:  
**Kiki Nakauchi, Conference Chair**  
[kikinakauchi@aol.com](mailto:kikinakauchi@aol.com)  
Phone: 408-779-9996

# Detailed Online Registration Information

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## Log In

- Online Registration Link is available at <http://www.cafbla.org>
- Follow prompt to go to log in page
- Log In is the same as your Online Membership Log In
  - User name: Enter Your Chapter Number
  - Password: Service

## Step One: Contact Information

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

## Step Two: Adviser Registration

- Update Adviser List (Only adviser(s) on the list may register for the conference as advisers, others need to be added as guests/chaperones.)
- Click the check boxes for the advisers registering for this conference
- Designate years of service

## Step Three: Student Registration

- Only online paid members are listed  
**\*\*Deadline for Membership is March 1. All competitors' membership dues must be received by the national office and posted by them before the student's name will be activated.**
- Procedure for Registering students
  - Check the box next to each student attending
  - Choose Current Grade
  - Choose Competitive Events
    - For team events, if the system ever asks for a Team Number, input the number 1
    - **Names of alternates, where allowed, will need to be emailed separately to [kikinakauchi@aol.com](mailto:kikinakauchi@aol.com)**
  - If you need to register more than 30 students, please move to the end to finalize after 20 minutes. Online database systems automatically time out, generally at 20 minutes, and you do not want to lose data. If you need to log back in again to complete registration, it's not a problem. The latest version of your registration status in the system will be used. Some schools need to log in and register several times to be sure that their entire team (sometimes up to 100 registrants) is entered.

**\*\*Sign up Non-Members in Step 4 (Guests/Chaperones).**

## Step Four: Guests/Chaperones

- Add any Guests/Chaperones attending and select the appropriate Registration Type  
**\*\*\*Note:** Please use this option to register any attendee who is not an active Adviser or Student Member

## Step Five: Finalize Registration

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

## Step Six: Registration Summary

- Follow the instructions in the last paragraph of the Online Registration Instructions on page 13. (Print the necessary copies and distribute as specified.)



## CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

### 2009 State Leadership Conference

Special Opportunities

#### SILENT AUCTION . . .

This is your opportunity to put together a basket, box, can (some kind of container) full of enticing items using a unique theme for the Silent Auction to be held on Friday, April 24. The contents may be for teenagers, adults, or for both, but in good taste, of course.

Chapter Name \_\_\_\_\_ Adviser \_\_\_\_\_

Adviser's Phone \_\_\_\_\_ Adviser's E-mail \_\_\_\_\_

Theme \_\_\_\_\_ Approximate Cost \_\_\_\_\_

List major contents: \_\_\_\_\_

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**Bring this form attached to your contribution to Conference Headquarters when you arrive.**

If you prefer, you may send a check for \$25 by March 30, and the conference committee will make a basket for you. Please send the check made payable to California FBLA to:

Kiki Nakauchi, SLC Chair  
745 Claremont Drive  
Morgan Hill, CA 95037

#### Membership Market Share Award . . .

Chapters must submit official proof from the school's 2008-2009 First Principal (P-1) Apportionment Report showing their official school enrollment plus FBLA membership in order to be considered for this award.

School			Adviser	
Section		Phone	E-Mail	
School Enrollment		Chapter Membership		

**Please attach 2008-2009 First Principal (P-1) Apportionment Report to this form and submit by March 30, 2009 to Kiki Nakauchi**

\*Official membership records are audited in the state office for other membership awards. An entry form is not required for membership award recognition **except** for the Market Share Award.





# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

## 2009 State Leadership Conference

Special Opportunities

Members and advisers may participate in the educational tours to IDEO Palo Alto Campus or to Trimble Navigation, Ltd. in San Jose. **Space is limited to 25 people per tour on a first-come first-served basis.** There is a bus transportation fee of \$10 per person. You **must** use provided bus transportation.

**IDEO Palo Alto Campus.** How do businesses that design consumer products come up with new ideas? What if they have an idea but need help envisioning a prototype? Usually this is done by companies internally, but in many cases the task is outsourced to IDEO. This Palo Alto Company specializes in innovation consulting. IDEO has designed products such as the Tivo remote control and recorder, General Motors' electric car charging stations, packaging for Pepsi and Kraft Foods, and many other companies large and small. They have consulted for Toyota, Logitech, Nike, Nokia, and many others. This tour will show products under development and allow students to converse with engineers and administrators. IDEO tours are always engaging, informative, and fun!

**TRIMBLE NAVIGATION, LTD.** Global Positioning Systems (GPS) are a vital technology that is used in everything from military applications to agriculture to consumer navigators. First developed by the US Defense Department, this technology quickly spread to the private sector where it was improved and refined. Today, Trimble Navigation in Sunnyvale, is the largest industrial GPS company with employees in over 26 countries. This tour, led by a Trimble engineering manager who is an FBLA professional member, will give students the opportunity to learn more about GPS, ride in a tractor, gain insight into the corporate culture of a Silicon Valley company, and much more!

### IDEO Palo Alto Campus, 7:15 am, April 24

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### Trimble Navigation, Ltd., 7:15 am, April 24

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Submit completed **FORM** and check by **March 30** to:  
Byron Lee  
Homestead High School  
21370 Homestead Road  
Cupertino, CA 95014

**Make check payable to CA FBLA and**  
**Send check with form to Byron Lee**  
  
**\$10 per person transportation only**



# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

## 2009 State Leadership Conference

Special Opportunities

**SLC Grams** . . . Here is your opportunity to publicly announce your gratitude, thanks, or congratulations! Surprise your friends, family, students, or FBLA colleagues with a personalized message in the 2009 SLC conference program.

- Wish event competitors good luck
- Congratulate your chapter on a successful year
- Thank advisers and parents for their support
- Thank school administrators and/or business partners for their support

•**MESSAGES MAY NOT BE RELATED TO STATE OFFICER CANDIDATES**

Use your imagination, but keep in mind that all ads must be professional! The cost is **\$5 per gram**. California FBLA reserves the right to edit. Please print or type the message and submit this form by March 30.

### 2009 SLC GRAM (MESSAGE)

Submit completed **FORM** and  
check by **March 30** to:  
Kiki Nakauchi, SLC Chair  
745 Claremont Drive  
Morgan Hill, CA 95037

**Make check payable to CA FBLA**  
  
**\$5 per message**

**Great America** . . . Yes! As part of the conference, reserve your tickets for this special opportunity!

**Great America is right across the street from the Hyatt Regency (walking distance)!**  
**You may use the tickets on either Saturday, April 24, or on Sunday, April 25, 2009.**

High School \_\_\_\_\_ Adviser \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
Adviser's Email \_\_\_\_\_ No. of Tickets \_\_\_\_\_

Submit completed **FORM** and check by  
**March 30** to:  
Alan Mello  
201 Stanbridge Court  
Danville, CA 94526

**Make check payable to CA FBLA**  
  
**\$30 per ticket, non-refundable**



# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA

## 2009 State Leadership Conference

Code of Conduct Form

Student Name (print/type) \_\_\_\_\_

School (print/type) \_\_\_\_\_

FBLA, as an integral part of the Business Education programs in California, offers training to students with career objectives in business and office occupations. Because individual conduct and appearance is a phase of this training, it becomes the responsibility of all persons to see that proper conduct is adhered to at all times from the time students leave home until they return home.

Attendance at any FBLA sponsored conference or activity is a special privilege. Knowing that any organization is judged largely by the behavior of its individual participants, the following Code of Conduct is subscribed to for members, guests, and advisers who attend California FBLA activities and conferences.

1. All students attending a conference must be paid members of FBLA.
2. All chapter members attending FBLA conferences are expected to attend *all sessions* of the conference.
3. All persons shall behave in a courteous and respectful manner refraining from language and actions that might bring discredit upon themselves, their school, their home, their friends, the conference, or upon the FBLA organization.
4. Because conference attendees are guests using the facilities, special care should be taken not to deface or destroy any property. Do not throw *anything* out of windows or over balconies. Any damages to any property or furnishings in the hotel rooms or buildings must be paid for by the individual or chapter involved.
5. Dress regulations established for the conference shall be business attire as defined by the FBLA Dress Code.
6. Curfew regulations shall be interpreted to mean that each person shall be in his/her room and shall begin ½ hour after the last scheduled activity unless stated otherwise in the conference program. Conference area participants not staying in the hotel shall be off the grounds of the hotel by the curfew.
7. Student delegates shall (1) keep their adult advisers informed of their activities and whereabouts at all times, (2) not use their own cars or ride in cars belonging to others during the conference, unless accompanied by an authorized adviser, and (3) not engage in dating activities with students not attending the conference.
8. NO ALCOHOLIC BEVERAGES OR ILLEGAL DRUGS in any form shall be possessed or used at any time under any circumstances on public or private property. Smoking is prohibited.
9. Identification badges are to be worn at all conference activities.

I have read and agree to abide by the California FBLA Code of Conduct. I also agree that the school officials, the FBLA chapter adviser(s), or the FBLA Board of Directors, have the right to send me home from the activity at my expense, provided that in their opinion, the seriousness of the violation of the Code of Conduct warrants it.

Student Signature \_\_\_\_\_ Parent Signature \_\_\_\_\_

Adviser Name (type/print) \_\_\_\_\_ Date \_\_\_\_\_

**ADVISERS:** Please bring two copies of the Code of Conduct and the Medical Release forms for each student with you to the conference. One copy must be turned in when you pick up your conference registration packet and will be kept by the state chapter. The second copy should be kept in your possession while you are at the conference.



# CALIFORNIA FUTURE BUSINESS LEADERS OF AMERICA 2009 State Leadership Conference

Permit to Attend ~ Release of Claim for Damages ~  
Emergency Medical Treatment Authorization

School \_\_\_\_\_ Phone \_\_\_\_\_

Adviser \_\_\_\_\_ E-mail \_\_\_\_\_

Name of Student \_\_\_\_\_ Date \_\_\_\_\_

Home Address \_\_\_\_\_ Phone \_\_\_\_\_

\_\_\_\_\_ Date of Birth \_\_\_\_\_

*This is to certify that \_\_\_\_\_ has my permission to attend the above named FBLA activity. I also do hereby, on behalf of \_\_\_\_\_ absolve and release the school officials, the FBLA chapter advisers, and the California FBLA state staff and directors from any claims for personal injuries that may be sustained while he/she is enroute to and from or during the FBLA sponsored activity.*

Adviser Signature \_\_\_\_\_

School Official Signature \_\_\_\_\_

*I authorize the above named adviser or California FBLA state representatives to secure the services of a doctor or hospital in the event of an emergency. I agree to incur the expenses for necessary services in the event of an accident or illness and to provide for their payment.*

Student Signature \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_

## Medical Information:

Known allergies (drug or natural): \_\_\_\_\_

Special medication being taken: \_\_\_\_\_

Date of last tetanus shot: \_\_\_\_\_

History of heart condition, diabetes, asthma, epilepsy or rheumatic fever: \_\_\_\_\_

Any physical restrictions: \_\_\_\_\_

Other conditions: \_\_\_\_\_

Family doctor: \_\_\_\_\_ Phone: \_\_\_\_\_

Parent or Guardian phone—Work: \_\_\_\_\_ Home: \_\_\_\_\_ Other: \_\_\_\_\_

## Insurance Information:

Insurance company name: \_\_\_\_\_

Policy number: \_\_\_\_\_

Coverage: \_\_\_\_\_

*Center Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** Wilson C. Riles Middle School

**Date:** April 1, 2009

**Action Item** \_\_\_\_\_

**To:** Board of Trustees

**Information Item**   X  

**From:** Joyce Duplissea, Principal

**# Attached Pages**   4  

**Principal's Initials:** 

**SUBJECT:**

Wilson C. Riles Middle School will be sending seventy 4.0 students and 5 staff to the River Cats game in West Sacramento on April 28, 2009. This 2008-2009 honors recognition field trip will be funded by PTA and site SLIP funds.

**CONSENT AGENDA**



**GROUP OUTING  
INVOICE  
(2009)**

update 2-26-09  
Reg# 2571

February 13, 2009

Wendy Hollis  
Wilson C. Riles Middle School  
4747 PFE Rd.  
Roseville, CA 95747

Account Number: 182873

Description	Location	Quantity	Price	Total
April 28, 2009 vs. Las Vegas (AAA School Days)	Lawn	75	\$7.00	\$ 525.00
Meal Vouchers		75	\$6.50	\$ 487.50

**Total Value:** \$1,012.50

**Handling:** \$ 5.50

**Deposit Due:** \$ 100.00

**Payment Details:**

N/A

**Please Send Payment to:**  
Sacramento River Cats Baseball Club, LLC  
400 Ballpark Dr.  
West Sacramento, CA 95691  
Fax: (916) 376-4646

**DEPOSIT DUE: UPON INVOICE**  
RESERVATIONS ARE NON-REFUNDABLE AND NON-TRANSFERABLE  
QUESTIONS? Contact your Account Executive, Melanie Levy @ (916) 376-4975

ok to pay:

*[Signature]*

\$450.00 PTA  
\$ 562.50 slip

7/11: Students who had a 4.00 gpa at the 1st semester are invited to attend The Rivercats game

ID#	Last Name	First Name	Sex	Grade	GTGPAN
15066	Abad	Arnell	M	8	4.00
13974	Cripe	Valerie	F	8	4.00
28642	Gonzalez	Angela	F	8	4.00
28693	Hargreaves	Kiana	F	8	4.00
13695	Hoang	Kimberly	F	8	4.00
14341	Hunsucker	Katelyn	F	8	4.00
16802	Lawrence	Brandy	F	8	4.00
14239	Leblanc	Leo	M	8	4.00
28760	Price	Deja	F	8	4.00
13991	Purdy	Thomas	M	8	4.00
14374	Pyorre	Stefani	F	8	4.00
13778	Saechao	Tiffany	F	8	4.00
13766	Smith	Miranda	F	8	4.00
38063	Tamizharasu	Jothika	F	8	4.00
16143	Abdelshaid	Bishoy	M	7	4.00
16282	Baltazar	Gabriel	M	7	4.00
15850	Brown	Chelsea	F	7	4.00
16257	Burdick	Cassidy	F	7	4.00
15819	Chaney	Shelby	F	7	4.00
15790	Cruz	Djanssen	M	7	4.00
22668	Diwan	Zainab	F	7	4.00
16424	Estrella	Anissa	F	7	4.00
23415	Fernandez Flores	Maria Jose	F	7	4.00
15843	Jackson	Julia	F	7	4.00
15936	Kolesnikovich	Enifer	F	7	4.00
15823	Leblanc	Rosalea	F	7	4.00
37476	Little	Elizabeth	F	7	4.00
16107	Martin	Cassidy	F	7	4.00
16156	Martinez	Kayla	F	7	4.00
15736	Mendoza	Alex	M	7	4.00
37849	Rutter	Michael	M	7	4.00
22973	Sanders	Kyana	F	7	4.00
16317	Sese	Angelino	M	7	4.00
22248	Troyer	Cheyenne	F	7	4.00
16320	Tyukayev	Angelica	F	7	4.00
15864	Woods	Bailey	F	7	4.00
15795	Wooley	Kelsey	F	7	4.00
37772	Zapanta	Kiana	F	7	4.00
21430	Calabray	Kimberly	F	6	4.00
17004	Camacho	Reginald	M	6	4.00
26337	Crayne	Steven	M	6	4.00
18308	Cripe	Natelli	F	6	4.00
18195	Diab	Mason	M	6	4.00
18205	Filchenko	Mark	M	6	4.00
37827	Hargreaves	Eric	M	6	4.00
18316	Jbeily	Elias	M	6	4.00
17738	Jones	Harvey	M	6	4.00
18055	Kaneyuki	Teresa	F	6	4.00
17008	Lee	Kenrick	M	6	4.00
18175	Mason	Brandon	M	6	4.00

Adults attending: Wendy Hollis  
 Pete Brown  
 Erma McBride  
 Lori Day  
 Shelly Heaver

20157 Mayeda	Sachiko	F	6	4.00
22129 Mayrena	Louise	F	6	4.00
20228 Mentukh	Simon	M	6	4.00
25965 Milam	Madison	F	6	4.00
18190 Patel	Shivangi	F	6	4.00
24641 Poskin	Zachary	M	6	4.00
18321 Rebello	Christopher	M	6	4.00
17750 Reynolds	Kaitlin	F	6	4.00
18193 Shannon	Remy	F	6	4.00
24367 Sherwood	Angelina	F	6	4.00
22342 Shestyuk	Yadviga	F	6	4.00
25622 Shibata	Alex	M	6	4.00
24092 Tamez	Gabriela	F	6	4.00
26418 Tarver	Ajane	F	6	4.00
19492 Thao	Lilian	F	6	4.00
37997 Torres	Maria	F	6	4.00
22607 Torres	Marielle	F	6	4.00
18347 Vu	Michelle	F	6	4.00
18030 Warren	Marissa	F	6	4.00
17988 Willey	Tommy	M	6	4.00
14108 Baker	Brittany	F	8	3.83
14356 Condie	Brandon	M	8	3.83
23616 Farry	Lance	M	8	3.83
22124 Gill	Molly	F	8	3.83
13751 Henry	Alexandrea	F	8	3.83
13984 Jbeily	Elissa	F	8	3.83
13764 Kolesnikovich	Alex	M	8	3.83
14364 Krestoff	Elizabeth	F	8	3.83
26112 Pacheco	Mechele	F	8	3.83
28289 Perez	Julian	M	8	3.83
14375 Redmond	Bradley	M	8	3.83
14703 Ringer	Melissa	F	8	3.83
13716 Schudy	Celine	F	8	3.83
13713 Swatch	Priya	F	8	3.83
16085 Affonso	Riley	F	7	3.83
16259 Burdick	Paige	F	7	3.83
22440 Davidson	Eric	M	7	3.83
23514 Devi	Sharon	F	7	3.83
15886 Diaz	Jakelen	F	7	3.83
22862 Frias	Cecilia	F	7	3.83
22536 Homan	Brooke	F	7	3.83
16314 Keyes	Samantha	F	7	3.83
22118 Kurtz	Anthony	M	7	3.83
15910 Lee	Taylor	F	7	3.83
22458 Makovey	Mary	F	7	3.83
29023 Mitchell	Sydney	F	7	3.83
26011 Noche	Jared	M	7	3.83
37784 Voloshyn	Vladyslav	M	7	3.83
22275 Andriyenko	Tatyana	F	6	3.83
37313 Annis	Trenton	M	6	3.83
37773 Arthur	Haileigh	F	6	3.83





## Educational Field Trip

★ **Pregame Educational Assembly** ★ **Educational Curriculum** ★ **Ticket Discounts** ★ **and much more!**

Your Sacramento River Cats team up with U.S. Bank to bring an education-based program designed to challenge students to learn and excel in attitude, attendance and academics. It's a great community-based field trip that is cost effective, safe and educational!

### Reserve your AAA School Day group today and receive:

- ★ An educational curriculum CD and other AAA materials for the classroom
- ★ The opportunity to schedule a **FREE U.S. Bank AAA Assembly** at your school
- ★ **Special discounted AAA ticket prices exclusive to schools**  
Receive one (1) complimentary ticket for every 25 tickets purchased
- ★ **FREE bus parking** (if you reserve by 12/31/08)

### U.S. Bank AAA School Day Agenda

Time	Activity
9:00 - 9:30 a.m.	Gates Open / Buses & Cars Arrive
9:30 - 10:30 a.m.	A.A.A. Assembly with Player Q & A
10:30 - 11:30 a.m.	Special Interactive Activity
11:30 a.m.	River Cats Baseball Game Starts

Times and agenda subject to change. Detailed agenda will be provided prior to game date.

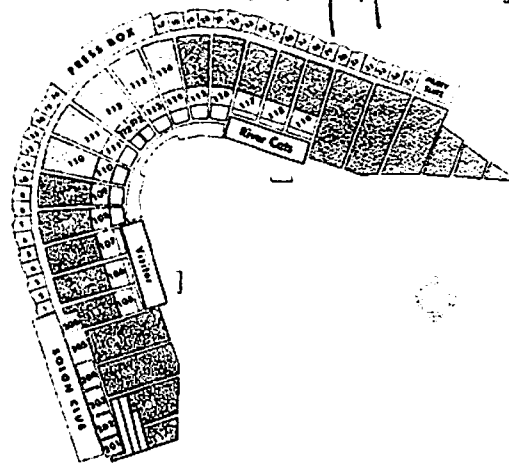
### 2008 DATES

Wed. April 15  
Tues. April 28  
Wed. May 6  
Tues. May 19  
Mon. June 1  
Wed. August 12

### U.S. Bank AAA Ticket Prices

Section	Ticket Price	Ticket with Lunch
Limited Bowl Seat	\$12	\$18.50
Bowl Seat	\$11	\$17.50
Home Run Hill	\$7	\$13.50

Lunch includes hot dog, chips, healthy snack and beverage

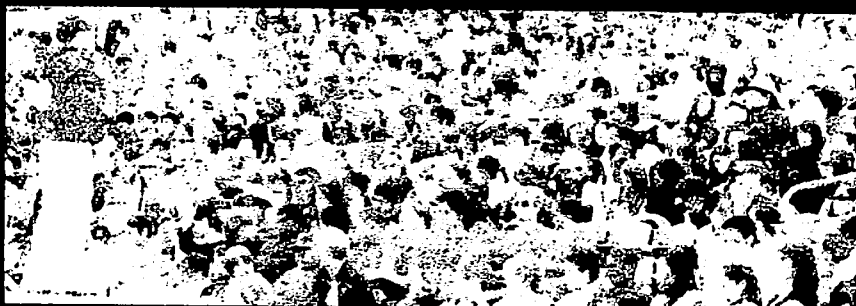


**Melinda Levy**

**916.376.4975**

"Thanks for helping our school help kids to have a positive mental attitude towards school and life. I love the interviews with players and coaches. The recognition of kids helped our group to really have school spirit."

**Paulene Johnston**  
Teacher, Starr King Elementary



**ATTITUDE  
ATTENDANCE  
ACADEMICS**



# Center Joint Unified School District

## AGENDA REQUEST FOR:

Dept./Site: Instructional Services

Date: April 1, 2009

To: Board of Trustees

From: Scott Loehr  
Assistant Superintendent  
Initials: S.L.

Action Item X

Information Item

# Attached Pages

**SUBJECT:** PROFESSIONAL SERVICE AGREEMENT

CONSULTANT'S NAME: Eaton Interpreting Services, Inc.

COMPANY NAME (if applicable)

SERVICE(S) TO BE RENDERED: Provide sign language interpreting services to deaf students and/or parents for classroom, IEP, meetings or other activities of students in Center Joint Unified School District.

DATE(S) OF SERVICE: January 1, 2009 through June 30, 2009.

PAYMENT PER DAY: \$52.50 per one-way trip/per hour  
to include evenings & weekends - AS NEEDED

TOTAL AMOUNT OF CONTRACT: \$525.00

FUNDING SOURCE: 01-0000-0-5800-102-0000-7200-003-000

RECOMMENDATION: CUSD Board of Trustees ratifies Professional Service Agreement with: Eaton Interpreting Services, Inc.

CONSENT AGENDA



Center Unified School District  
8408 Watt Avenue  
Antelope, California 95843

## PROFESSIONAL SERVICES AGREEMENT

This agreement for professional services is entered into this 1<sup>st</sup> day of January, 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: EATON INTERPRETING SERVICES, INC.

Address: 8213 VILLA OAK DRIVE, CITRUS HEIGHTS, CA 95610

Phone: 916-721-3636

Taxpayer ID#:

20-0448077

\*Full description of services to be provided:

PROVIDE SIGN LANGUAGE INTERPRETING SERVICES TO DEAF STUDENTS AND/OR PARENTS FOR CLASSROOM, IEP'S, MEETINGS, OR OTHER ACTIVITIES.

\*Payment \$ 52.50 PER HOUR \*\* \$62.50 FOR EVENINGS AND WEEKENDS

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: 1/1/09

\*Frequency of Service Dates: AS NEEDED

\*Ending Date of Service: 6/30/2009

Method of Payment and Tax Reporting: (check one)

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

X Accounts Payable-1099 Generated (Requires completion of W-9 on pg. 2 of this form)

Total amount of this contract \$ 525.00 Budget # 01-0001-005200 162-0000-7200

Reason service cannot be provided by a District employee:

INTERPRETER CERTIFICATION

Signature of CONTRACTOR \* Kim Eaton

Date: \* 3/11/09

Signature of District employee requesting service: S.2

Date: 3/19/09

Signature of Accounting Supervisor: \_\_\_\_\_

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>		X
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>		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 exercise 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? <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>		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 both 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
<b>11. Does the individual operate an <u>independent</u> trade or business that is available to the general public?</b> <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	
<b>12. Does the individual have a substantial investment in his/her business, i.e. maintains a facility, equipment, etc.?</b> <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
<b>13. Does the individual provide all materials and support services necessary for the performance of this service?</b> <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	
<b>14. Is this paid by the job or on a commission?</b>		
<b>15. Does the individual bear the cost of any travel and business expenses incurred to perform this service?</b> <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.

## 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) <b>EATON INTERPRETING SERVICES, INC.</b>	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶ _____	
	<input type="checkbox"/> Exempt from backup withholding	
	Address (number, street, and apt. or suite no.) <b>8213 VILLA OAK DRIVE</b>	
City, state, and ZIP code <b>CITRUS HEIGHTS, CA 95610</b>		
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 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								

or

Employer identification number								
2	0	0	4	4	8	0	7	7

### Part II Certification

Under penalties of perjury, I certify that:

1. 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
2. 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
3. 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 4.)

Sign  
Here

Signature of  
U.S. person ▶

*Kim Eaton*

Date ▶

*3/11/09*

### 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.

**U.S. person.** 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:

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

In 3 above, 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.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

**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.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

# *Center Joint Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** Special Education  
**Date:** April 1, 2009  
**To:** Board of Trustees  
**From:** Scott Loehr  
Assistant Superintendent  
Initials: S.L.

**Action Item**   X    
**Information Item**  
**# Attached Pages**

**SUBJECT:** 2008/2009 Individual Service Agreements

Please approve the following Individual Service Agreements for special education students to receive services at nonpublic school/agencies during the 2008/09 fiscal year.

**Individual Service Agreements:**

2008/09-112-113	Excelsior Hearing Services	\$22,228.50
2008/09-114	Rancho Learning Center	\$11,585.60

**RECOMMENDATION:** CJUSD Board of Trustees to approve 2008/2009 Individual Service Agreements for special education students to receive services.

**CONSENT AGENDA**

*Center Unified School District*

**AGENDA REQUEST FOR:**

**Dept./Site:** Wilson C. Riles Middle School

**Date:** April 1, 2009

**Action Item** \_\_\_\_

**To:** Board of Trustees

**Information Item**  X

**From:** Joyce Duplissea, Principal

**# Attached Pages**  4

**Principal's Initials:** 

**SUBJECT:**

Wilson C. Riles Middle School will be sending Joyce Duplissea and Wendy Hollis to the Region III Symposium, African-American Alliance, April 27, 2009. This is a free event hosted by SCOE.





AVID and CALSOAP



**The Region III Symposium  
African-American Alliance  
Monday, April 27, 2009  
10:00 am to 2:00 pm**

**Registration Form**

**Please complete all information** *(one form for each participant)*

Name Joyce Duplissee  
School Name/Employer Wilson C. Riles Middle/Center JUSD  
Position: ☐ Teacher ☒ Principal ☐ Vice Principal ☐ Other Admin.  
☐ Counselor Other \_\_\_\_\_  
School \_\_\_\_\_  
Home Address 4747 PFE Road  
City Roseville Zip Code 95747  
Email joyce@centerusd.k12.ca.us  
Work Phone (916) 787-8100 Fax (916) 773-4131

**Fax registration form to:**

**Peggy Parker 916-228-2404**

**or mail to**

**Sacramento County Office of Education  
Attn: Peggy Parker  
10474 Mather Blvd  
P.O. Box 269003  
Sacramento, CA 95826-9003**

If you have any questions, please contact Peggy Parker at 916-228-2761 or  
pparker@scoe.net



# **The Region III Symposium African-American Alliance**

**Monday, April 27, 2009**

**10:00 am to 2:00 pm**

## **Registration Form**

**Please complete all information** *(one form for each participant)*

Name Wendy Hollis

School Name/Employer Wilson C. Riles Middle/Center JUSD

Position: ☐ Teacher ☐ Principal ☐ Vice Principal ☐ Other Admin.

☒ Counselor Other \_\_\_\_\_

School Home Address 4747 PFE Road

City Roseville Zip Code 95747

Email whollis@centerusd.k12.ca.us

Work Phone (916) 787-8100 Fax (916) 773-4131

**Fax registration form to:**

**Peggy Parker 916-228-2404**

**or mail to**

**Sacramento County Office of Education**

**Attn: Peggy Parker**

**10474 Mather Blvd**

**P.O. Box 269003**

**Sacramento, CA 95826-9003**

**If you have any questions, please contact Peggy Parker at 916-228-2761 or  
pparker@scoe.net**

**Capital Region Advancement Via Individual Determination (CAVEED)  
and  
Sacramento California Student Opportunity Access Program (CalSOAP)**

**Invite you to attend a symposium of**

**The Region III**

**AVID African-American  
Alliance**

**on**

**Monday, April 27, 2009**

**10:00 am to 2:00 pm**

**at**

**Sacramento County Office of Education**

**Mather Room**

**10474 Mather Blvd.**

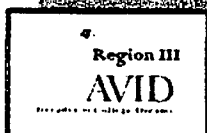
**Mather, CA 95655**

**Open to all educators interested in addressing issues facing  
the educational success of African-American students and  
closing the Achievement Gap**

**Featuring Keynote Speaker**

**Granger B. Ward**

**AVID National Executive Vice President**



**Sacramento**  
Office of Education



## Keynote Speaker



**Granger B. Ward**

AVID: Advancement Via Individual Determination is a grades 4-12 educational program that is focused on providing access to four-year colleges for economically disadvantaged, underachieving students. There are currently more than 1.5 million AVID students in the District of Columbia and 15 states.

AVID's National Vice President, Mr. Ward oversees the four AVID regions nationwide: California, Western, Central and Eastern. AVID programs are now in place in more than 3,500 middle and high schools throughout the U.S.A. There are currently more than a quarter million AVID students in the country.

Mr. Ward's responsibilities also include the expansion of AVID Elementary Urban Initiatives throughout the U.S. and overseeing the foundation and grant work for AVID nationwide. Mr. Ward was formerly superintendent of both the Manhattan High Schools in the City of New York and the Grossmont Union High School District in San Diego.

## Discussions:

- ❖ **African-American College Going Rate**
- ❖ **African-American AVID recruitment and retention**
- ❖ **Building capacity for student support**
- ❖ **Forming a professional network**

**Includes hosted luncheon**

**For information regarding registration please contact:**

**Peggy Parker (916) 228-2761**

**pparker@scoe.net**

# *Center Joint Unified School District*

<b>AGENDA REQUEST FOR:</b>	
<b>Dept./Site:</b> Superintendent's Office	<b>Action Item</b> <u>    X    </u>
<b>To:</b> Board of Trustees	<b>Information Item</b> <u>          </u>
<b>Date:</b> April 1, 2009	<b># Attached Pages</b> <u>          </u>
<b>From:</b> Dr. Kevin J. Jolly, Superintendent	

<b>SUBJECT: Second Reading: Board Policies/Regulations/Exhibits</b>	
Replace BP/AR 0520.3	Title I Program Improvement Districts
Replace BP/AR 1340	Access to District Records
Replace BP/AR 3100	Budget
Replace BP/AR 3460	Financial Reports and Accountability
Replace AR 3543	Transportation Safety and Emergencies
Replace BP/AR 4112.2	Certification
Replace BP/AR 4112.21	Interns
Replace AR 4117.14/4317.14	Postretirement Employment
Replace AR 4117.7	Employment Status Reports
Replace BP/AR 4118	Suspension/Disciplinary Action
Replace BP/AR 4131	Staff Development
Replace BP/AR 4138	Mentor Teachers
Replace BP/AR 5116.1	Intradistrict Open Enrollment
Delete E 5116.1	Intradistrict Open Enrollment
Replace BP 5131	Conduct
Replace AR 5144.1	Suspension and Expulsion/Due Process
Replace BP/AR 5145.12	Search and Seizure
Replace BP/AR 6115	Ceremonies and Observances
Replace BP/AR 6162.51	Standardized Testing and Reporting Program
Replace AR 6162.52	High School Exit Examination
Replace BP 6164.4	Identification and Evaluation for Special Education
Add BB 9012	Board Member Electronic Communications
Replace BB 9223	Filling Vacancies
Replace BB 9320	Meetings and Notices
 <b>RECOMMENDATION: CJUSD Board of Trustees approve the Second Reading of the presented Board Policies/Regulations/Exhibits.</b>	

# 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. 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).

For further information about the identification of PI districts, see the CDE's 2007 Adequate Yearly Progress Report Information Guide. 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 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

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.

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)*

## **TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

### **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)

Note: 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; see the accompanying administrative regulation. The template indicates that the addendum must be approved by the Board and sent to the CDE.

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**

Note: Education Code 52055.57 specifies actions that may be taken by the SBE, upon recommendation by the Superintendent of Public Instruction, if a district fails to make AYP by the end of the second year of PI; see the accompanying administrative regulation.

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.

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.

## **TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

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 <u>Blueprint for District Assistance and Intervention</u> provides information about the DAIT process, including the role of DAIT team members and the district's leadership team.
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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: (see next page)*



## **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*

*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

*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>*

(11/04 11/05) 11/08

# **Board Policy**

**BP 0520.3**

## **Philosophy, Goals, Objectives and Comprehensive Plans**

### **Title I Program Improvement Districts**

The Governing Board shall review and analyze districtwide performance in making adequate yearly progress toward student achievement standards, in accordance with criteria established by the State Board of Education. 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 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 under the federal No Child Left Behind Act within two years, the Board shall determine whether to participate in the voluntary Early Warning Program. If the Board elects to participate in the program, the Superintendent or designee shall conduct a voluntary self-assessment using research-based criteria provided by the CDE and revise the district's Title I plan based on the results of that assessment. (Education Code 52055.57)

(cf. 6171 - Title I Programs)

### **Program Improvement**

In the event that the district is identified for program improvement by the CDE, the Superintendent or designee shall administer a district self-assessment process, revise the district's Title I plan, notify parents/guardians, and set aside funds in accordance with law and administrative regulation. (20 USC 6316; Education Code 52055.57)

The district's Title I plan shall be approved by the Board and submitted to the CDE.

The Superintendent or designee shall utilize state and local resources available to provide technical assistance and support. He/she also shall work closely with individual school sites to raise student achievement in accordance with school plans.

(cf. 0520 - Intervention for Underperforming Schools)  
(cf. 0520.1 - High Priority Schools Grant Program)  
(cf. 0520.2 - Title I Program Improvement Schools)

The Superintendent shall regularly report to the Board regarding the implementation of the district's Title I plan.

**Legal Reference:**

**EDUCATION CODE**

52055.57 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**

2005 Accountability Progress Report Information Guide, August 2005

**U.S. DEPARTMENT OF EDUCATION GUIDANCE**

LEA and School Improvement Non-Regulatory Guidance, January 7, 2004

**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>

**Policy CENTER UNIFIED SCHOOL DISTRICT**

adopted: June 7, 2006                      Antelope, California

# CSBA Sample

## Administrative Regulation

### Philosophy-Goals-Objectives and Comprehensive Plans

AR 0520.3(a)

### TITLE I PROGRAM IMPROVEMENT DISTRICTS

Note: The following optional administrative regulation is for use by districts that receive federal Title I funds. The No Child Left Behind Act of 2001 (20 USC 6316) and Education Code 52055.57 establish requirements for districts receiving Title I funds that are identified for program improvement (PI) after failing to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive years.

#### 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:

Note: Pursuant to 20 USC 6316, the California Department of Education (CDE) must work with districts to arrange for the notification of the parents/guardians of students enrolled in a PI district. The CDE has developed a template that may be used by districts to develop the parent notification required in item #1 below, and encourages districts to include additional information regarding student achievement in the district and the steps that will be taken to improve student achievement. CDE correspondence dated August 31, 2007, indicates that the parent notification should be sent within 30 days of the district's identification. Both the CDE and the U.S. Department of Education's (USDOE) non-regulatory guidance (LEA and School Improvement Non-Regulatory Guidance, July 21, 2006) indicate that the notice should be provided directly through regular mail or electronic mail and indirectly using the Internet, the media, or public agencies.

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)

Note: Education Code 52055.57 requires PI districts 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 to analyze the needs of English learners and students with disabilities.

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)

Note: AB 519 (Ch. 757, Statutes of 2008) amended Education Code 52055.57 to provide that districts are required to complete the actions in item #3 below only when funding is provided in the state Budget Act or other statutes.

**TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

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)*

Note: The CDE recommends that districts develop an addendum to the LEA plan, rather than a complete revision, to accomplish the goals specified in item #4 below.

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

Note: Pursuant to 20 USC 6316, a PI district must reserve at least 10 percent of its Title I funds for professional development, as provided in item #4c below. This reserve may include the 10 percent of Title I funds that individual PI schools reserve for professional development; see BP 0520.2 - Title I Program Improvement Schools. However, the district may not include the amount reserved by the district to help teachers meet the definition of "highly qualified teachers"; see BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

- 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)*

**TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

- 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)*

Note: AB 519 (Ch. 757, Statutes of 2008) amended Education Code 52055.57 to require districts to complete the action in item #5 below only if funding is provided in the state Budget Act or other statutes.

- 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)

Note: USDOE non-regulatory guidance (LEA and School Improvement Non-Regulatory Guidance, July 21, 2006) clarifies that the revised LEA plan should be implemented immediately in the current school year following plan development.

- 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)

## **TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)**

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**

Note: If the district fails to make AYP by the end of the second year in PI, it is subject to corrective action pursuant to 20 USC 6316 and Education Code 52055.57. The SBE must take at least one of the following sanctions upon the recommendation of the Superintendent of Public Instruction: (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 (DAIT).

AB 519 (Ch. 757, Statutes of 2008) amended Education Code 52055.57 to require the SBE to approve objective criteria by which a district identified for corrective action will be evaluated to determine the pervasiveness and severity of its performance problems and the sanction to be imposed. These criteria will be used to determine the amount of the one-year nonrenewable grant of federal improvement funding that may be given to the district to assist in its improvement process, with the highest grants going to districts with more pervasive and severe problems.

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)

Note: Pursuant to Education Code 52055.57, a district that has received one of the sanctions listed in items #1-7 above, and has not exited the program, shall appear before the SBE within three years to review its progress. The district, DAIT, or County Superintendent may provide testimony and written data, and the SBE may approve an alternative sanction or other appropriate action.

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)

(11/04 11/05) 11/08

# **Administrative Regulation**

**AR 0520.3**

## **Philosophy, Goals, Objectives and Comprehensive Plans**

### **Title I Program Improvement Districts**

#### **Program Improvement**

Whenever the district is notified that it is identified for program improvement 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 program improvement 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. No later than 90 days after the district is identified for program improvement, contract with a county office of education or another external entity after working with the County Superintendent of Schools, for all 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 district Title I plan failed to increase student academic achievement

b. Ensuring that the district receives intensive support and expertise to implement reform initiatives in the district's Title I plan

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

4. Within three months after the district's identification for program improvement, develop or revise the district's Title I 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

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. 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. After working with the County Superintendent of Schools 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. The district shall implement the Title I 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 identification for program improvement. (20 USC

6316; 34 CFR 200.52; Education Code 52055.57)

The district shall exit program improvement status when it makes adequate yearly progress for two consecutive years. If the district fails to make adequate yearly progress by the end of the second year in program improvement, it shall be subject to corrective actions determined by the State Board of Education. (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)

Regulation      CENTER UNIFIED SCHOOL DISTRICT  
approved: June 7, 2006      Antelope, California

# CSBA Sample

## Board Policy

Community Relations

BP 1340(a)

### ACCESS TO DISTRICT RECORDS

Note: The following optional policy and accompanying administrative regulation reflect the laws regarding public access to district records under the California Public Records Act (Government Code 6252-6270). For information regarding retention of records, see BP/AR 3580 - District Records and BP/AR 5125 - Student Records.

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

Note: Government Code 6253 authorizes the district to charge a person requesting a copy of a record a fee covering the direct costs of duplication; however, no fee can be charged to a person who wishes to inspect but not copy a record. In North County Parents Organization for Children with Special Needs v. Department of Education, the court determined that direct costs include only the cost of running the copy machine and possibly the expense of the person operating it. Direct costs do not include the other costs that may be associated with the request, such as searching, reviewing, or redacting the record; assisting the requester in formulating the request; responding to the request; or employee time to sit with the requester during inspection of the record. Because it is not clearly authorized by law, districts wishing to charge for the cost of the copy machine operator should consult with legal counsel.

In addition, Government Code 6253 authorizes districts to provide faster access or access to more records than the minimum standards provided by law. According to the court in North County Parents Organization, this provision permits a district to waive or reduce its fees. For example, a district may consider waiving fees below a certain dollar threshold because the costs of collecting the fee exceed the fee amount.

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

Note: The following paragraph is optional.

## **ACCESS TO DISTRICT RECORDS (continued)**

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

### *Legal Reference:*

#### **EDUCATION CODE**

35145 *Public meetings*  
35170 *Authority to secure copyrights*  
35250 *Duty to keep certain records and reports*  
41020 *Requirement for annual audit*  
42103 *Publication of proposed budget; hearing*  
44031 *Personnel file contents and inspections*  
44839 *Medical certificates; periodic medical examination*  
49060-49079 *Pupil records*  
49091.10 *Parental review of curriculum and instruction*  
52850 *Applicability of article (School-Based Program Coordination Plan availability)*

#### **GOVERNMENT CODE**

3547 *Proposals relating to representation*  
6250-6270 *California Public Records Act*  
6275-6276.48 *Other exemptions from disclosure*  
53262 *Employment contracts*  
54957.2 *Minute book record of closed sessions*  
54957.5 *Agendas and other writings distributed for discussion or consideration*  
81008 *Political Reform Act, public records; inspection and reproduction*

#### **CALIFORNIA CONSTITUTION**

*Article 1, Section 3 Right of access to governmental information*

#### **CODE OF REGULATIONS, TITLE 5**

430-438 *Individual pupil records*

#### **COURT DECISIONS**

*International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, (2007) 42 Cal.4th 319

*Los Angeles Times v. Alameda Corridor Transportation Authority*, (2001) 88 Cal.App.4th 1381

*Kleitman v. Superior Court*, (1999) 74 Cal.App. 4th 324

*Fairley v. Superior Court*, (1998) 66 Cal.App. 4th 1414

*North County Parents Organization for Children with Special Needs v. Department of Education*, (1994) 23 Cal.App. 4th 144

#### **ATTORNEY GENERAL OPINIONS**

71 *Ops.Cal.Atty.Gen.* 235 (1988)

64 *Ops.Cal.Atty.Gen.* 186 (1981)

*Management Resources: (see next page)*

## ACCESS TO DISTRICT RECORDS (continued)

### *Management Resources:*

#### ATTORNEY GENERAL PUBLICATIONS

Summary of the California Public Records Act, 2004

#### LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

The People's Business: A Guide to the California Public Records Act, 2008

#### WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

State Bar of California: <http://www.calbar.ca.gov>

(12/92 2/99) 11/08

# **Board Policy**

## **BP 1340 Community Relations**

### **Access To District Records**

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.

(cf. 3553 - Free and Reduced Price Meals)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 6162.5 - Student Assessment)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)

#### **Legal Reference:**

##### **EDUCATION CODE**

35145 Public meetings  
35170 Authority to secure copyrights  
35250 Duty to keep certain records and reports  
42103 Publication of proposed budget; hearing  
44031 Personnel file contents and inspections  
44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)  
49060-49079 Pupil records

49091.10 Parental review of curriculum and instruction  
52850 Applicability of article (School-based Program Coordination Plan availability)  
GOVERNMENT CODE  
3547 Proposals relating to representation  
6250-6270 California Public Records Act  
6275-6276.48 Other exemptions from disclosure  
53262 Employment contracts  
54957.2 Minute book record of closed sessions  
54957.5 Agendas and other writings distributed for discussion or consideration  
81008 Public records; inspection and reproduction  
CALIFORNIA CONSTITUTION  
Article 1, Section 3 Right of access to governmental information  
CODE OF REGULATIONS, TITLE 5  
430-438 Individual pupil records  
COURT DECISIONS  
Fairley v. Superior Court, 66 Cal.App. 4th 1414 (1998)  
North County Parents Organization for Children with Special Needs v. Department of  
Education, 23 Cal.App. 4th 144 (1994)  
ATTORNEY GENERAL OPINIONS  
71 Ops.Cal.Atty.Gen. 235 (1988)  
64 Ops.Cal.Atty.Gen 186 (1981)

Policy CENTER UNIFIED SCHOOL DISTRICT  
adopted: May 26, 1999      Antelope, California

## ACCESS TO DISTRICT RECORDS

Note: Article I, Section 3 of the California Constitution (added by Proposition 59 in November 2004) grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Pursuant to this amendment, the public has a constitutional right to public information and courts are required to broadly interpret rules or laws granting access and to narrowly interpret those denying access; thus, the burden is on the district to demonstrate the need for the restriction.

The following **optional** administrative regulation lists those records defined as public and as confidential and is not intended to provide an all-inclusive list of all of the records which may be public and/or confidential.

### Definitions

Note: Government Code 6252 broadly defines a "public record" as any writing that relates to district business and is retained by the district in the normal course of district business. Thus, courts have held that records containing purely personal information (e.g., an employee's personal address list or personal correspondence) are not public records.

Emails discussing district business are considered public records. However, the law is unclear whether emails discussing district business sent from an employee's or Board member's home computer or personal digital assistant would be considered a public record that is "retained in the normal course of business" and thus subject to disclosure. If a district receives a request for such records, legal counsel should be consulted, as appropriate. See BB 9012 - Board Member Electronic Communications.

*Public records* include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

*Writing* means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

Note: SB 1732 (Ch. 63, Statutes of 2008) added Government Code 6252.7 to specify that, when Board members are entitled to access a district record, the district may not discriminate between Board members as to when and which record, or portion of the record, is to be made available. See BB 9322 - Agenda/Meeting Materials.

A *member of the public* includes any **person citizen**, except a member, agent, officer, or employee of the district acting within the scope of his/her office or employment. Governing Board members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of the Board are entitled to access to district public records on the same basis as any other **person citizen**. (Government Code 6252, 6252.5)



## **ACCESS TO DISTRICT RECORDS (continued)**

### **Public Records**

Note: While not specifically enumerated in Government Code 6252, items #1-13 below are items which fall within the definition of "public record."

Records to which the public shall have access include, but are not limited to:

Note: As added by SB 1696 (Ch. 62, Statutes of 2008), Government Code 6253.31 requires the district to make public any contract with a private entity to review, audit, or report on any aspect of the district, to the extent the contract is otherwise subject to disclosure under the Public Records Act.

1. Proposed and approved budgets and annual audit of the district (Government Code 6252; Education Code 41020, 42103)

*(cf. 3100 - Budget)*

*(cf. 3460 - Financial Reports and Accountability)*

2. Statistical compilations (Government Code 6252)

3. Reports and memoranda (Government Code 6252)

4. Notices and bulletins (Government Code 6252)

5. Minutes of public meetings (Government Code 6252)

*(cf. 9324 - Minutes and Recordings)*

6. Meeting agendas (Government Code 6252, 54957.5)

*(cf. 9322 - Agenda/Meeting Materials)*

7. Official communications between governmental branches (Government Code 6252)

8. School-based program plans (Education Code 52850)

*(cf. 0420.1 - School-Based Program Coordination)*

9. Information and data relevant to the evaluation and modification of district plans

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0440 - District Technology Plan)*

## ACCESS TO DISTRICT RECORDS (continued)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

Note: Although Government Code 6254 exempts from disclosure those records pertaining to pending litigation, the Attorney General opined in 71 Ops.Cal.Atty.Gen. 235 (1988) that records predating the filing of the documents initiating the lawsuit are not exempt from disclosure. In Fairley v. Superior Court, the court concurred and further held that documents were exempted only if prepared for use in litigation. The following item reflects the opinion of the court and the Attorney General. The Board should seek legal counsel if it believes that a tort claim or other document related to litigation should not be disclosed.

11. Tort claims filed against the district and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

*(cf. 3320 - Claims and Actions Against the District)*

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

*(cf. 9270 - Conflict of Interest)*

13. Contracts of employment and settlement agreements (Government Code 53262)

*(cf. 2121 - Superintendent's Contract)*

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

Note: Generally, the names and salaries of public employees are subject to disclosure. In International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, the California Supreme Court held that the salaries of public employees, linked to individual employee names (including peace officers), must be disclosed. The court recognized that, in some circumstances, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances of the particular individual (e.g., anonymity of an undercover police officer); however, the presumption is that salary records are open and the burden is on the district maintaining the record to demonstrate why the particular record would be exempt from disclosure.

Government Code 6254.29 specifies that the Public Records Act does not require a district to disclose a social security number and states the Legislature's intent that districts redact social security numbers from any records being disclosed to the public.

## **ACCESS TO DISTRICT RECORDS (continued)**

The Superintendent or designee shall ensure that any record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.

### **Confidential Records**

Records to which the general public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

2. Records specifically prepared for litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act are confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*

The home addresses and home telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

**ACCESS TO DISTRICT RECORDS (continued)**

- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed
  - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

*(cf. 6162.51 - Standardized Testing and Reporting Program)*  
*(cf. 6162.52 - High School Exit Examination)*

5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
7. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)

*(cf. 6163.1 - Library Media Centers)*

Note: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Governing Board.
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8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

*(cf. 9124 - Attorney)*

**ACCESS TO DISTRICT RECORDS (continued)**

9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

10. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)

11. Minutes of Board meetings held in closed session (Government Code 54957.2)

*(cf. 9321 - Closed Session Purposes and Agendas)*

12. Computer software developed by the district (Government Code 6254.9)

Note: The following item reflects an Attorney General Opinion (65 Ops.Cal.Atty.Gen. 186 (1981)) which opined that, upon request, a district must provide a person a copy of a textbook or other written instructional material unless the following circumstances apply. However, pursuant to Education Code 49091.10, parents/guardians must be allowed to inspect all instructional materials. See BP/AR 5020 - Parent Rights and Responsibilities.

13. Written instructional textbooks or other materials which, when providing a copy, would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 185 (1981))

*(cf. 5020 - Parent Rights and Responsibilities)*

14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

*(cf. 5141.6 - School Health Services)*

15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Note: Item #16 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 6255. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. Legal counsel should be consulted to determine whether a request for a record falls under this exemption.

## **ACCESS TO DISTRICT RECORDS (continued)**

16. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

### **Inspection of Records and Requests for Copies**

Note: Court decisions have held that a records request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

Every person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

## **ACCESS TO DISTRICT RECORDS (continued)**

Public records are open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Note: Government Code 6253 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 6253 also states that a district may not delay or obstruct the copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

Note: The following optional paragraph is for use by districts that charge for copies. See the accompanying Board policy.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

### **Assistance in Identifying Requested Records**

Note: Government Code 6253.1 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. This assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential.

**ACCESS TO DISTRICT RECORDS (continued)**

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)



# **Administrative Regulation**

**AR 1340  
Community Relations**

**Access To District Records**

## **Records Open to the Public**

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used or retained by the district regardless of physical form or characteristics. (Government Code 6252)

Writing means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of the district acting within the scope of his/her office or employment. Governing Board members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of the Board are entitled to access to district public records on the same basis as any other person. (Government Code 6252, 6252.5)

Records to which the public shall have access include but are not limited to:

1. The proposed and approved budgets (Government Code 6252; Education Code 42103)

(cf. 3100 - Budget)

2. Statistical compilations (Government Code 6252)

3. Reports and memoranda (Government Code 6252)

4. Notices and bulletins (Government Code 6252)

5. Minutes of public meetings (Government Code 6252)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 6252, 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between governmental branches (Government Code 6252)

8. School-based program plans (Education Code 52850)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

9. Information and data relevant to the evaluation and modification of school improvement plans

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. Tort claims filed against the district and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

(cf. 3320 - Claims and Actions Against the District)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 - Conflict of Interest)

13. Contracts of employment and settlement agreements (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

#### **Confidential Records**

Records to which the general public shall not have access include but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

2. Records specifically prepared for litigation to which the district is a party or to claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

The home addresses and home telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

a. To an agent or a family member of the individual to whom the information pertains

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

4. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

7. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)

(cf. 6163.1 - Library Media Centers)

8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

10. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)

11. Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

12. Computer software developed by the district (Government Code 6254.9)

13. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 185 (1981))

(cf. 5020 - Parent Rights and Responsibilities)

14. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

#### **Inspection of Records and Requests for Copies**

Public records are open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Every person may request a copy of any district record open to the public and not exempt

from disclosure. (Government Code 6253)

Within 10 days of receiving any request for a copy of records, the Superintendent or designee shall determine whether the request seeks copies of disclosable public records in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the district having substantial subject matter interest therein
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear

the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

#### **Assistance in Identifying Requested Records**

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement will be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Regulation      **CENTER UNIFIED SCHOOL DISTRICT**  
approved: May 18, 2005      Antelope, California

**BUDGET**

The Governing Board recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

*(cf. 0000 - Vision)*

*(cf. 3000 - Concepts and Roles)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3460 - Financial Reports and Accountability)*

*(cf. 9000 - Role of the Board)*

Note: Education Code 42122 requires that the district budget include the appropriations limit and the total annual appropriations subject to limitation, as provided below. The appropriations limit is determined pursuant to Government Code 7900-7914 and identified in a Governing Board resolution pursuant to Education Code 42132 and Government Code 7910; see AR 3460 - Financial Reports and Accountability.

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

**Budget Development and Adoption Process**

Note: Education Code 42127 gives districts a choice of budget adoption methods. Under the "single budget adoption process" (Education Code 42127(i)), the Board, by July 1, adopts and submits a "final" budget which is subsequently amended within 45 days after the state budget is adopted and when necessary in response to disapproval of the budget by the County Superintendent of Schools. Under the "dual budget adoption process" (Education Code 42127(e) and (g)), the budget that the Board adopts by July 1 serves as a "tentative" budget. By September 8, the Board must submit a revised final budget which responds to the County Superintendent's recommendations and reflects changes in projected income or expenditures after July 1.

Education Code 42127 requires districts using the single budget adoption process to notify the County Superintendent of that decision by October 31 of the preceding calendar year. According to the California Department of Education's (CDE) budget calendar, this notification should be given to the County Superintendent along with the unaudited actual data report due by September 15; see AR 3460 - Financial Reports and Accountability.

**OPTION 1: (Single Budget Adoption Process)**

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i). He/she shall annually notify the County Superintendent of Schools of the district's decision to use the single budget adoption process in the subsequent year.

**~~OPTION 2: (Dual Budget Adoption Process)~~**

~~The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the dual budget adoption process described in Education Code 42127(e) and (g).~~

## **BUDGET (continued)**

**Note:** The remainder of this section applies to all districts.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff at all levels in the development of budget projections.

**Note:** Education Code 42103 and 42127 require a public hearing prior to adoption of the budget and, in the case of the dual budget adoption process, a second public hearing prior to revising the budget; see the accompanying administrative regulation.

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 42103 and 42127.

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

**Note:** Education Code 42126 requires the district's final budget to be submitted to the County Superintendent in a format prescribed by the Superintendent of Public Instruction (SPI). The CDE requires districts to use the standardized account code structure (SACS) software; see the accompanying administrative regulation. At its discretion, the district may use a different format for communicating the budget to the Board, staff, and public but, according to the CDE, the budget that the Board formally adopts must be in the format that will be submitted to the County Superintendent and CDE. The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee shall ensure that the proposed district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the format prescribed by the Superintendent of Public Instruction (SPI) as necessary for these purposes. However, the budget that is formally adopted by the Board shall be in the state-required format.

### **Budget Advisory Committee**

**Note:** The following optional section is for use by districts that choose to establish a budget advisory committee. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties.



**BUDGET (continued)**

**OPTION 1:** The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

~~**OPTION 2:** The Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.~~

~~**OPTION 3:** The Board may establish a budget subcommittee composed exclusively of Board members.~~

Note: The following paragraph is for use by districts that selected either Option 1, 2, or 3.

The committee shall develop recommendations during the budget development process and its duties shall be assigned each year based on district needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board, Superintendent or designee.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 2230 - Representative and Deliberative Groups)*

*(cf. 3350 - Travel Expenses)*

*(cf. 9130 - Board Committees)*

*(cf. 9140 - Board Representatives)*

**Budget Criteria and Standards**

Note: Education Code 33129 requires the district to develop its budget and manage expenditures in keeping with criteria and standards adopted by the State Board of Education pursuant to Education Code 33127, as provided below. These criteria and standards are delineated in Education Code 33128 and 5 CCR 15440-15451. As amended by Register 2008, No. 20, 5 CCR 15440-15451 contain revisions in several standards and no longer require a second-tier review of the budget.

In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

Note: 5 CCR 15450, as amended by Register 2008, No. 20, establishes minimum percentages or amounts, based on the district's average daily attendance, which the district must maintain as a general fund reserve for economic uncertainty. The following paragraph may be revised to reflect the specific percentage or amount applicable to the district.

**BUDGET (continued)**

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15450.

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

**Long-Term Financial Obligations**

The district's current-year budget and multi-year projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4143/4243 - Negotiations/Consultation)*

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

*(cf. 7210 - Facilities Financing)*

*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

Note: The following two optional paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members) and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt to the extent possible using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. A district that completes a management plan describing how it will meet its OPEB obligations may, upon receiving a certification of completion from the county office of education, apply for state funding to reimburse up to \$15,000 of its costs for developing the plan. A form for submitting the management plan is available on the CDE's web site.

Regardless of the funding strategy used by the district, Governmental Accounting Standards Board (GASB) Statement 45 requires the district to report the annual expense of OPEBs and, to the extent that the OPEBs are not prefunded, to report them as a liability on the district's financial statements; see AR 3460 - Financial Reports and Accountability.

CSBA's GASB 45 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.

**BUDGET (continued)**

The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of OPEBs, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

Note: The following optional paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report.

~~When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)~~

**Budget Amendments**

Note: The following section is optional and should be revised to reflect district practice. CSBA's publication Maximizing School Board Governance: Fiscal Accountability recommends that the Board require continual review and amendment of the budget and that the Board view budget amendment as an important policy discussion that should not be considered routine or delegated to management.

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

**BUDGET (continued)**

In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

*(cf. 3110 - Transfer of Funds)*

*Legal Reference: (see next page)*

## BUDGET (continued)

### Legal Reference:

#### EDUCATION CODE

1240 Duties of county superintendent of schools  
33127-33131 Standards and criteria for local budgets and expenditures  
35035 Powers and duties of superintendent  
35161 Powers and duties, generally, of governing boards  
42103 Public hearing on proposed budget; requirements for content of proposed budget  
42120-42129 Budget requirements  
42132 Resolutions identifying estimated appropriations limit  
42602 Use of unbudgeted funds  
42610 Appropriation of excess funds and limitation thereon  
44518-44519.2 Chief business officer training program  
45253 Annual budget of personnel commission  
45254 First year budget of personnel commission

#### GOVERNMENT CODE

7900-7914 Appropriations limit  
CODE OF REGULATIONS, TITLE 5  
15060 Standardized account code structure  
15440-15451 Criteria and standards for school district budgets

### Management Resources:

#### CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006  
Maximizing School Board Governance: Understanding District Budgets, 2006  
School Finance CD-ROM, 2005

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

##### California School Accounting Manual

#### FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

#### GOVERNMENTAL ACCOUNTING STANDARDS BOARD

Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004

#### WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

California Department of Finance: <http://www.dof.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

Legislative Analyst's Office: <http://www.lao.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>

# **Center Unified**

## **Board Policy**

### **Budget**

**BP 3100**

#### **Business and Noninstructional Operations**

The Governing Board accepts responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

(cf. 0000 - Vision)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9000 - Role of the Board)

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations. (Education Code 42122)

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127.

The Superintendent shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff at all levels in the development of budget projections.

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with law.

The Superintendent or designee may appoint a budget advisory committee composed of members of the community and staff. The committee shall provide recommendations to the Superintendent during the budget development process. Duties of the committee shall be clearly defined and communicated to all members.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds. The Board also shall establish budget assumptions or parameters which may take into consideration the stability of funding sources, enrollment

trends, legal requirements and constraints, anticipated increases and/or decreases in the cost of services and supplies, use of one-time resources, categorical program requirements, scheduled salary increases, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15443.

Prior to adopting the budget, the Board shall conduct a first-tier review, and if necessary a second-tier review, to ensure that the budget meets standards and criteria adopted by the State Board of Education. (Education Code 33127, 33128, 33129; 5 CCR 15440-15452)

The Superintendent or designee shall ensure that the district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the state-required budget format as necessary for these purposes.

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures. In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, and/or other significant changes occur that impact budget projections.

(cf. 3110 - Transfer of Funds)

**Legal Reference:**

**EDUCATION CODE**

- 33127 Development of standards and criteria for local budgets and expenditures
- 33128 Standards and criteria
- 33129 Standards and criteria; use by local agencies
- 35035 Powers and duties of superintendent
- 35161 Powers and duties, generally, of governing boards
- 42103 Public hearing on proposed budget; requirements for content of proposed budget; publication of notice of hearing
- 42120-42129 Budget requirements
- 42132 Resolutions identifying estimated appropriations limit
- 42602 Use of unbudgeted funds
- 42610 Appropriation of excess funds and limitation thereon
- 44518-44519.2 Chief business officer training program
- 45253 Annual budget of personnel commission
- 45254 First year budget of personnel commission

**GOVERNMENT CODE**

7900-7914 Expenditure limitations

**CODE OF REGULATIONS, TITLE 5**

15060 Standardized account code structure

15440-15452 Criteria and standards for school district budgets

**Management Resources:**

**CSBA PUBLICATIONS**

Maximizing School Board Governance: Budget Planning and Adoption, 2005

Maximizing School Board Governance: Understanding District Budgets, 2005

**CDE PUBLICATIONS**

California School Accounting Manual

**GOVERNMENTAL ACCOUNTING STANDARDS BOARD**

Statement 34, Basic Financial Statements and Management's Discussion and Analysis -  
For State and Local Governments, June 1999

Statement 45, Accounting and Financial Reporting by Employers for Post-employment  
Benefits Other Than Pensions, June 2004

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California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

California Department of Finance: <http://www.dof.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

Legislative Analyst's Office: <http://www.lao.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>

**Policy CENTER UNIFIED SCHOOL DISTRICT**

Adopted: March 2, 2005      Antelope, California



**BUDGET**

**Budget Advisory Committee**

Note: The following optional section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy.

Membership of the district's budget advisory committee may include representatives of each of the following groups:

1. Governing Board members, provided that less than a majority of the Board serves on the committee

*(cf. 9140 - Board Representatives)*

2. District and school site administrators
3. Representatives of bargaining units
4. Certificated and/or classified staff
5. Parents/guardians
6. Representatives of the business community and/or other community members
7. Students

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 2230 - Representative and Deliberative Groups)*

*(cf. 9130 - Board Committees)*

Note: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the Board policy.

The committee's duties may include, but not necessarily be limited to:

1. Making recommendations regarding budget priorities
2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications
4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

## **BUDGET (continued)**

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

*(cf. 3350 - Travel Expenses)*

### **Initial Budget Adoption**

Note: Under the authority granted by Education Code 42126, the Superintendent of Public Instruction (SPI) has established a requirement that district budgets be reported using the standardized account code structure (SACS) software. SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE) California School Accounting Manual provides guidance regarding coding of revenues and expenditures.

On or before July 1 of each year, the Board shall adopt a budget which adheres to the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42126, 42127)

Before adopting the district budget for the subsequent fiscal year, the Board shall hold a public hearing. The agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127)

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

Note: Pursuant to Education Code 42103, the County Superintendent of Schools must publish the location, dates, and times at which the district's proposed budget may be inspected, as well as the location, date, and time of the public hearing described above. This notice must be published in a newspaper of general circulation 10-45 days before the hearing. The following paragraph is optional.

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing.

During the hearing, any district resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

*(cf. 9323 - Meeting Conduct)*

**BUDGET (continued)**

Note: Education Code 42127 requires the district to file the adopted budget with the County Superintendent as described below. If the district fails to submit a budget, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Board.

The Superintendent or designee shall file the adopted budget with the County Superintendent no later than five days after adoption or by July 1, whichever occurs first. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

*(cf. 1340 - Access to District Records)*

**Revised Budget**

Note: Pursuant to Education Code 42127, it is the County Superintendent's responsibility to determine whether the district's adopted budget complies with state standards and criteria and whether it will allow the district to meet its current and future financial obligations. Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team's (FCMAT) Fiscal Oversight Guide and BP 3460 - Financial Reports and Accountability.

On or before August 15, the County Superintendent will approve, conditionally approve, or disapprove the district's adopted budget and report to the Board and the SPI regarding the fiscal solvency of a district with a disapproved budget, as required by Education Code 1240 and 42127. If disapproved or conditionally approved, the County Superintendent must provide the Board with recommendations regarding revision of the budget and the reasons for those recommendations. The County Superintendent also may assign a fiscal advisor or may appoint a committee to review his/her recommendations.

The district should select the appropriate option below reflecting the budget adoption process selected by the Board; see the accompanying Board policy. Districts using the single budget adoption process pursuant to Education Code 42127(i) (Option 1) must respond to a disapproved budget on or before September 8. Districts using the dual budget adoption process pursuant to Education Code 42127(e) and (g) (Option 2) must hold a second public hearing prior to adopting a revised budget on or before September 8. For districts using the dual budget adoption process, the requirement to adopt a revised budget applies regardless of whether the initial budget was approved or disapproved by the County Superintendent.

**OPTION 1: (Single Budget Adoption Process)**

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which are consequently necessary. (Education Code 42127)

If the County Superintendent disapproves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting on or before September 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

**BUDGET (continued)**

**~~OPTION 2: (Dual Budget Adoption Process)~~**

~~On or before September 8, the Board shall adopt and file a revised budget with the County Superintendent which reflects: (Education Code 42127)~~

- ~~1. — Changes in projected income or expenditures subsequent to July 1~~
- ~~2. — Any response to the County Superintendent's recommendations on the initial budget~~

~~Before revising the budget, the Board shall hold a second public hearing regarding the proposed revisions in accordance with Education Code 42103. In addition, if the initial budget was disapproved by the County Superintendent, the public hearing shall include a review by the Board and the County Superintendent of the disapproval and the County Superintendent's recommendations. (Education Code 42127)~~

~~The revised budget and supporting data shall be maintained and made available for public review. (Education Code 42127)~~

**Budget Review Committee for Disapproved Budgets**

Note: The following optional section applies to all districts. With either budget adoption process, Education Code 42127 requires the County Superintendent to approve or disapprove the district's revised budget by October 8.

If the County Superintendent disapproves the revised budget, he/she is required by Education Code 42127 and 42127.1 to call for the formation of a budget review committee unless the Board and the County Superintendent agree to waive the committee requirement and the CDE agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3.

~~If the district's revised budget is disapproved by the County Superintendent, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)~~

Note: Pursuant to Education Code 42127.2, if the Board fails to select the budget review committee from a list of candidates provided by the SPI within five working days of receiving the list, as provided in item #1 below, the SPI will select and convene the committee within 10 working days from the date the Board received the candidate list.

~~This committee shall consist of either: (Education Code 42127.1, 42127.2)~~

- ~~1. — Three persons selected by the Board from a list of candidates provided by the SPI, who shall be selected within five working days after receiving the list of candidates~~

**BUDGET (continued)**

2. ~~A regional review committee convened by the County Superintendent with the approval of the Board~~

Note: Pursuant to Education Code 42127.2, the budget review committee must, by October 31, submit its recommendation as to whether the district's budget should be approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget.

~~If the budget review committee recommends disapproval of the district budget, the Board may submit a response no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)~~

~~If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by November 30, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)~~

~~Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)~~

# **Administrative Regulation**

## **AR 3100 Business and Noninstructional Operations**

### **Budget**

#### **Budget Adoption and Submission Process**

Before adopting the district budget for the subsequent fiscal year, the Governing Board shall hold a public hearing. An agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127)

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing.

During the hearing, any district resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

(cf. 9320 - Meetings and Notices)  
(cf. 9323 - Meeting Conduct)

The district's budget shall be presented in the format prescribed by the Superintendent of Public Instruction. (Education Code 42126)

The Superintendent or designee shall file the adopted budget with the County Superintendent no later than five days after adoption or by July 1, whichever occurs first. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

(cf. 1340 - Access to District Records)

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which are consequently necessary. (Education Code 42127)

If the County Superintendent disapproves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting on or before September 8.

**The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)**

**Regulation      CENTER UNIFIED SCHOOL DISTRICT**  
**approved: June 7, 2006      Antelope, California**

**FINANCIAL REPORTS AND ACCOUNTABILITY**

Note: The following policy is optional and should be revised to reflect district practice.

The Governing Board is committed to ensuring the fiscal health of the district and providing public accountability. The Board shall adopt sound fiscal policies, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3430 - Investing)*

*(cf. 4143/4243 - Negotiations/Consultation)*

*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall provide the Board with financial reports throughout the year in accordance with law and as otherwise requested by the Board.

Note: The following optional paragraph sets the Board's expectation that the district's financial reports will adhere to generally accepted financial and accounting standards. The Governmental Accounting Standards Board (GASB) is a nonprofit agency that establishes financial and accounting standards for state and local government agencies, including school districts.

The Superintendent or designee shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education. He/she shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

*(cf. 3400 - Management of District Assets/Accounts)*

Note: Further information about the financial reports described in items #1-4 below is provided in the accompanying administrative regulation.

Based on financial reports provided by the Superintendent or designee and in accordance with law and administrative regulation, the Board shall:

1. Approve and file an annual statement of the district's receipts and expenditures for the preceding fiscal year (Education Code 42100)
2. Adopt a resolution identifying the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year (Education Code 42132; Government Code 7910)
3. Approve interim fiscal reports and certify whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and two subsequent fiscal years (Education Code 42130, 42131)



**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

4. Provide for an annual audit, select an independent auditor, and review the audit report (Education Code 41020, 41020.3)

The independent auditor shall present the audit report to the Board at a public meeting and the Board shall have an opportunity to ask questions of the auditor and request further information about the audit findings.

The Board shall regularly communicate the district's financial position to the public and shall use financial reports to determine what actions and budget amendments, if any, are needed to ensure the district's financial stability.

Note: The Fiscal Crisis and Management Assistance Team (FCMAT), which advises districts on fiscal management and works with insolvent districts, has identified 15 predictors of fiscal distress common in districts needing state intervention. These conditions include a governance crisis; absence of communication to educational community; lack of interagency cooperation; failure to recognize year-to-year trends (e.g., declining enrollment or deficit spending); flawed projections for average daily attendance; failure to maintain reserves; insufficient consideration of long-term bargaining agreement effects; flawed multi-year projections; inaccurate revenue and expenditure estimations; poor cash flow analysis and reconciliation; bargaining agreements beyond state cost-of-living adjustment; no integration of employee position control with payroll; limited access to timely personnel, payroll, and budget control data and reports; escalating general fund encroachment; and lack of regular monitoring of categorical programs. See FCMAT's Fiscal Oversight Guide for further information.

When the County Superintendent of Schools reviews the district's budget (see AR 3100 - Budget), he/she is required by Education Code 42127 and 42127.6 to consider whether more than three of these predictors are present. If so, or if the district is showing fiscal distress under state criteria and standards for budgets or interim reports, specified in 5 CCR 15440-15451 and 15453-15464 and as amended by Register 2008, No. 20, the County Superintendent must investigate whether the district may be unable to meet its financial obligations for the current or subsequent two fiscal years.

If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall act quickly to identify and resolve these conditions. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to advise the district on fiscal matters.

Note: When a district is fiscally insolvent and is considering applying to the state for an emergency apportionment that exceeds 200 percent of the recommended reserve for that district, Education Code 41326 requires the Board to first discuss the need for that apportionment at a regular or special meeting. At that meeting, the Board must receive testimony from parents/guardians, exclusive representatives of employees, and other community members. If the district receives such an apportionment, it is subject to the conditions set forth in Education Code 41326, including assumption of all the Board's legal rights, duties, and powers by a state-appointed administrator.

## **FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

### **Audit Committee**

**Note:** The following optional section may be revised to reflect district practice. Although it is the responsibility of district staff to prepare financial statements and the responsibility of the independent auditor to assure that the information in the statements is reliable and fairly presented, establishment of an audit committee provides an additional mechanism to ensure fiscal responsibility, as well as providing an opportunity for community participation. Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees.

The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9130 - Board Committees)*

*(cf. 9140 - Board Representatives)*

The committee shall serve in an advisory capacity and may:

1. Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit
3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses
4. Participate with the independent auditor in presenting the audit report to the Board
5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

*Legal Reference: (see next page)*

## **FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

### *Legal Reference:*

#### **EDUCATION CODE**

1240 Duties of County superintendent of schools  
14500-14508 Financial and compliance audits  
17150 Public disclosure of non-voter-approved debt  
17170-17199.5 California School Finance Authority  
33127 Standards and criteria for local budgets and expenditures  
33128 Standards and criteria; inclusions  
33129 Standards and criteria; use by local agencies  
35035 Powers and duties of superintendent  
41010-41023 Accounting system  
41326 Emergency apportionment  
41344 Repayment of apportionment significant audit exceptions  
41344.1 Appeals of audit findings  
41455 Examination of financial problems of local districts  
42100-42105 Requirement to prepare and file annual statement  
42120-42129 Budget requirements  
42130-42134 Financial reports and certifications  
42140-42142 Public disclosure of fiscal obligations  
42637 County Superintendent review of district's financial and budgetary conditions  
42652 Revocation or suspension of warrant authority

#### **GOVERNMENT CODE**

3540.2 School district; qualified or negative certification; proposed agreement review and comment  
7900-7914 Appropriations limit  
16429.1 Local agency investment fund  
53646 Reports of investment policy and compliance

#### **CODE OF REGULATIONS, TITLE 5**

15060 Standardized account code structure  
15070 Submission of reports using standardized account code structure  
15440-15451 Criteria and standards for school district budgets  
15453-15464 Criteria and standards for school district interim reports

### *Management Resources:*

#### **CSBA PUBLICATIONS**

*Maximizing School Board Governance: Fiscal Accountability, 2006*

#### **CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS**

*New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007*

*1208.00 Audit Resolution Process: Repayment Plans*

#### **FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS**

*Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006*

#### **GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS**

*Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999*

*Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004*

*Management Resources continued: (see next page)*

## FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

### *Management Resources: (continued)*

#### *U.S. GENERAL ACCOUNTING OFFICE AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY (PCIE) PUBLICATIONS*

*Financial Audit Manual*, revised 2003

#### *U.S. OFFICE OF MANAGEMENT AND BUDGET CIRCULARS*

*A-133 Audits of States, Local Governments, and Non-Profit Organizations*

#### *STATE CONTROLLER PUBLICATIONS*

*Standards and Procedures for Audits of California K-12 Local Educational Agencies* (annual publication)

#### *WEB SITES*

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

California Association of School Business Officials: <http://www.casbo.org>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fsg>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

School Services of California: <http://www.sscal.com>

State Controller's Office: <http://www.sco.ca.gov>

U.S. Government Accounting Office: <http://www.gao.gov>

U.S. Office of Management and Budget: <http://www.whitehouse.gov/omb>

# **Board Policy**

## **Financial Reports And Accountability**

BP 3460

### **Business and Noninstructional Operations**

The Governing Board is committed to ensuring the fiscal health of the district and providing public accountability. The Board shall adopt sound fiscal policies, oversee the district's financial condition, and ensure that the financial systems support the district's goals for student achievement.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3430 - Investing)

(cf. 9000 - Role of the Board)

The Superintendent or designee shall provide the Board with financial reports throughout the year in accordance with law and as otherwise requested by the Board.

The Superintendent or designee shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education.

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3440 - Inventories)

The Board shall regularly communicate the district's financial position to the public and shall use financial reports to determine what actions and budget amendments, if any, are needed to ensure the district's financial stability.

If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall act quickly to identify and resolve these conditions. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to advise the district on fiscal matters.

### **Audit Committee**

The Board may establish an audit committee composed of staff knowledgeable in fiscal matters, other staff, and representatives of the community. The committee shall serve in an advisory capacity to the Board and shall:

1. Make recommendations regarding the selection of the external independent auditor
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit
3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses
4. Participate with the independent auditor in presenting the audit report to the Board
5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

(cf. 1220 - Citizen Advisory Committees)

**Legal Reference:**

**EDUCATION CODE**

14500-14508 Financial and compliance audits  
17150 Public disclosure of non-voter-approved debt  
33127 Standards and criteria for local budgets and expenditures  
33128 Standards and criteria; inclusions  
33129 Standards and criteria; use by local agencies  
35035 Powers and duties of superintendent  
41010-41023 Accounting system  
41326 Emergency apportionment  
41344 Repayment of apportionment significant audit exceptions  
41344.1 Appeals of audit findings  
41455 Examination of financial problems of local districts  
42100-42105 Requirement to prepare and file annual statement  
42127.6 School district operations monitoring; financial obligation nonpayment  
42130-42134 Financial reports and certifications  
42140-42142 Public disclosure of fiscal obligations

**GOVERNMENT CODE**

3540.2 School district; qualified or negative certification; proposed agreement review and comment  
16429.1 Local agency investment fund  
53646 Reports of investment policy and compliance  
**CODE OF REGULATIONS, TITLE 5**  
15070 Submission of reports using standardized account code structure

**15453-15463 Criteria and standards for school district interim reports**

**Management Resources:**

**CSBA PUBLICATIONS**

Maximizing School Board Governance: Fiscal Accountability, 2005

**CDE COMMUNICATIONS**

1208.00 Audit Resolution Process: Repayment Plans

**GOVERNMENTAL ACCOUNTING STANDARDS BOARD**

Statement 34, Basic Financial Statements and Management's Discussion and Analysis -  
For State and Local Governments, June 1999

Statement 45, Accounting and Financial Reporting by Employers for Post-employment  
Benefits Other Than Pensions, June 2004

**U.S. GENERAL ACCOUNTING OFFICE AND PRESIDENT'S COUNCIL ON  
INTEGRITY AND EFFICIENCY (PCIE) PUBLICATIONS**

Financial Audit Manual, revised 2003

**STATE CONTROLLER PUBLICATIONS**

Standards and Procedures for Audits of California K-12 Local Educational Agencies  
(annual publication)

**WEB SITES**

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California County Superintendents Educational Services Association:  
<http://www.ccsesa.org>

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

School Services of California: <http://www.sscal.com>

State Controller's Office: <http://www.sco.ca.gov>

U.S. Government Accounting Office: <http://www.gao.gov>

**Policy CENTER UNIFIED SCHOOL DISTRICT**

**adopted: March 2, 2005      Antelope, California**

**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Unaudited Actual Receipts and Expenditures**

Note: Education Code 42100 requires that the following report be submitted to the County Superintendent of Schools on a form prescribed by the Superintendent of Public Instruction (SPI). The California Department of Education (CDE) requires that this report be made using the standardized account code structure (SACS) software.

The Superintendent or designee shall prepare a statement of all unaudited actual receipts and expenditures of the district for the preceding fiscal year, using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). On or before September 15, the Governing Board shall approve this statement and file it with the County Superintendent of Schools. (Education Code 42100)

**Gann Appropriations Limit Resolution**

The Board shall adopt a resolution by September 15 of each year to identify the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the district during the preceding year, as determined pursuant to Government Code 7900-7914. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

**Interim Reports**

The Superintendent or designee shall submit two interim fiscal reports to the Board, the first report covering the district's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the district for public review. (Education Code 42130)

*(cf. 1340 - Access to District Records)*

Note: Education Code 42130 requires that the interim reports be based on the criteria and standards adopted by the State Board of Education pursuant to Education Code 33127. These criteria and standards are delineated in 5 CCR 15453-15464, as amended by Register 2008, No. 20, and address the areas listed in the following paragraph.

The interim report 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 year. The review shall be based on criteria and standards adopted by the State Board of Education which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, and facilities maintenance. The review shall also consider



**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130, 42131; 5 CCR 15453-15464)

Within 45 days after the close of the period reported, the Board shall approve the interim fiscal report and certify, on the basis of the interim report and any additional financial information known by the Board to exist at the time of certification, whether the district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent fiscal year. The certification shall be classified as one of the following: (Education Code 42130, 42131)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

Note: Education Code 42130 and 42131 require that the interim report and certification be submitted to the County Superintendent in a format or on forms prescribed by the SPI. The CDE requires that these be reported using the SACS software.

Upon receiving the certification, the County Superintendent is required by Education Code 42131 to send any qualified or negative certification, along with the interim report, to the State Controller and the SPI.

The Superintendent or designee shall submit a copy of the interim report and certification to the County Superintendent using the state's SACS, as prescribed by the SPI. (Education Code 42130, 42131)

Note: Education Code 42131 gives the County Superintendent 75 days after the close of the reporting period to change the district's positive certification to qualified or negative. Districts may appeal the County Superintendent's determination to the SPI as noted below.

If the district submits a positive certification that is subsequently changed by the County Superintendent to a qualified or negative certification, the district may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

Note: Whenever the district receives a qualified or negative certification, Education Code 42131 requires the County Superintendent, within 75 days after the close of the reporting period, to submit his/her comments on the certification to the State Controller and the SPI and report any remedial action proposed or taken under the authority granted to the County Superintendent by Education Code 42127.6. Pursuant to

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

Education Code 42127.6, the County Superintendent shall take one or more of the following actions: (1) assign a fiscal expert to advise the district on its financial problems; (2) conduct a study of the financial and budgetary conditions of the district which includes, but is not limited to, a review of internal controls; (3) direct the district to submit a financial projection of all fund and cash balances as of June 30 of the current year and subsequent fiscal years as required by the County Superintendent; (4) require the district to encumber all contracts and other obligations, prepare appropriate cash flow analyses and monthly or quarterly budget revisions, and appropriately record all receivables and payables; (5) direct the district to submit a proposal for addressing the fiscal conditions that resulted in the determination that the district may not be able to meet its financial obligations; (6) withhold compensation for Board members and the Superintendent if requested financial information is not provided; and/or (7) assign the Fiscal Crisis and Management Assistance Team (FCMAT) to review and provide recommendations to improve the district's teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. Education Code 42131 also authorizes the State Controller to conduct an audit or review of the financial condition of any district having a negative or qualified certification.

Pursuant to Education Code 42652, a district that receives a qualified or negative certification also may lose the County Superintendent's or SPI's approval to draw warrants on the county treasury. Furthermore, pursuant to Education Code 42133, a district that receives a qualified or negative certification must have the County Superintendent's approval before issuing any certificates of participation, tax anticipation notes, revenue bonds, or other non-voter-approved debt (see section on "Non-Voter-Approved Debt" below).

Whenever the district receives a qualified or negative certification as determined by the Board or the County Superintendent, it shall cooperate in the implementation of any remedial actions taken by the County Superintendent under the authority granted to him/her pursuant to Education Code 42131.

Note: Education Code 42637 authorizes the County Superintendent, at any time during the fiscal year if he/she concludes that the district's budget does not comply with state standards and criteria, to conduct a comprehensive review of the financial and budgetary conditions of the district and report his/her findings to the Board at a public meeting. According to FCMAT's Fiscal Oversight Guide, this provision requires the County Superintendent to exercise this authority when the district receives a negative certification and authorizes him/her to do so when the district receives a qualified certification. After receiving such a report, the Board must respond to the recommendations within 15 days.

Whenever the County Superintendent conducts a comprehensive review of the district's financial and budgetary conditions after determining that the district's budget does not comply with state standards and criteria for fiscal stability, the Board shall review the County Superintendent's recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of its proposed actions on the recommendations. (Education Code 42637)

If the second interim report of the fiscal year is accompanied by a qualified or negative certification as determined by the Board or the County Superintendent, the Superintendent or

## **FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

designee shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement that reports data for the period ending April 30 and projects the district's fund and cash balances as of June 30. (Education Code 42131)

Note: Whenever a district with a qualified or negative certification is negotiating a collective bargaining agreement, it must allow the county office of education 10 working days to review and comment on the proposed collective bargaining agreement pursuant to Government Code 3540.2; see BP 4143/4243 - Negotiations/Consultation.

### **Audit Report**

Note: Pursuant to Education Code 41020, the Board must, no later than May 1 of each year, arrange for an audit of all the district's funds. However, if the Board has not provided for an audit by April 1, the County Superintendent shall do so at the district's cost. Thus, the following paragraph reflects the April 1 deadline.

By April 1 of each year, the Board shall provide for an audit of the district's books and accounts or the County Superintendent shall make arrangements to provide for that audit. (Education Code 41020)

The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

Note: Education Code 41020 requires districts to select an auditor from a directory of certified public accountants and public accountants deemed by the State Controller as qualified to conduct audits of local education agencies. The Controller is required to publish this directory by December 31 of each year.

In addition, Education Code 41020.5 prohibits the Board from employing any accountant identified by the State Controller as ineligible based on failure of past audits to comply with provisions of the K-12 annual audit guide. The State Controller will annually notify districts of ineligible accountants by the first day of March.

To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

Note: Education Code 41020 requires that districts rotate auditors as specified below. However, the district may request that the Education Audit Appeals Panel (EAAP) waive this requirement if no otherwise eligible auditor is available to perform the audit.

The Board shall not select any public accounting firm to provide audit services if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the district in each of the six previous fiscal years. (Education Code 41020)

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

While a 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 Accounting Standards, Amendment #3, published by the U.S. Government Accounting Office. (Education Code 41020)

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. (Education Code 41020)

*(cf. 3430 - Investing)*

*(cf. 3451 - Petty Cash Funds)*

*(cf. 3452 - Student Activity Funds)*

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

Note: The Governmental Accounting Standards Board (GASB) Statement 34 contains requirements for the contents of the district's annual audited financial reports, as specified below. Under GASB 34, the district is required to provide budgetary comparison information, including the district's original budget, in its annual report.

The district's audited financial report shall include:

1. Management's discussion and analysis, which shall introduce the basic financial statements and provide an analytical overview of the district's financial activities, including:
  - a. An objective and easily readable analysis of the district's financial activities based on currently known facts, decisions, and conditions
  - b. Comparisons of the current year to the prior year
  - c. An analysis of the district's overall financial position, enabling a determination as to whether that position has improved or deteriorated as a result of the year's activities
  - d. An analysis of significant changes that occur in funds and significant budget variances
  - e. A description of capital asset and long-term debt activity during the year
  - f. A description of currently known facts, decisions, and conditions that are expected to have a significant effect on the district's financial position
2. Basic financial statements, including:

## FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

- a. Districtwide financial statements, consisting of a statement of net assets and a statement of activities which report all of the assets, liabilities, revenues, expenses, and gains and losses of the district
  - b. Fund financial statements, consisting of a series of statements that focus on information about the district's major governmental and enterprise funds, including its blended component units
  - c. Notes to the financial statements that are essential to a user's understanding of the basic financial statements
3. Supplementary information required by the Governmental Standards Accounting Board (GASB), including, but not limited to, budgetary comparison schedules

By January 31 of each year, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

*(cf. 9322 - Agenda/Meeting Materials)*

Note: The following paragraph is optional. Although Education Code 41020.3 requires that the Board review the audit report by January 31 of each year, as provided above, CSBA's publication Maximizing School Board Governance: Fiscal Accountability recommends that the Board conduct this review before the audit is filed with the County Superintendent, CDE, and State Controller.

~~To the extent possible, the Board's review shall occur prior to December 15 to provide the Board and the community an opportunity to review the audit before it is submitted to local and state agencies.~~

No later than December 15, the Superintendent or designee shall file the report of the audit for the preceding fiscal year with the County Superintendent, the California Department of Education, and the State Controller. (Education Code 41020)

Note: Pursuant to Education Code 41344 and 41344.1, the district may informally or formally appeal an audit finding to the EAAP within the timelines noted below, when the audit finding requires the district to repay an apportionment or pay a penalty. If it finds that there has been substantial compliance with the law, the EAAP 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)

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)****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**

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 42133, a district that has a qualified or negative certification in any fiscal year 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 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)

Note: Education Code 17150.1, as added by AB 2197 (Ch. 128, Statutes of 2008), requires the above notices to be made no later than 30 days before the approval of the debt in the case of certificates of participation and imposes this notice requirement on other debt instruments that are secured by real property and do not require voter approval.

In the case 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, notice shall be provided 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)

Note: Pursuant to Education Code 17150 and 17150.1, the County Superintendent and county auditor may, within 15 days of receiving the above notices from the district, comment publicly to the Board regarding the capability of the district to repay the debt obligation.

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)****Other Postemployment Benefits Report (GASB 45)**

Note: GASB Statement 45 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 non-pension benefits for retired employees). Implementation of these requirements is phased in over three years based on the district's revenues as of June 30, 2000: fiscal year 2007-08 for districts with revenues over \$100 million, 2008-09 for districts with revenues between \$10-100 million, and 2009-10 for districts with revenues under \$10 million. 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. The decision as to whether, and how much, to prefund the benefits is at the Board's discretion; see BP 3100 - Budget.

The state 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 (5 CCR 15453, 15464). These reports are included in the SACS software used to develop budget and interim reports.

CSBA's GASB 45 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.

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, the district's financial statements shall report the annual expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over the retiree's 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, 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). 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.

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.

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

**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)



# **Administrative Regulation**

## **Financial Reports And Accountability**

AR 3460

### **Business and Noninstructional Operations**

#### **Interim Reports**

The Superintendent or designee shall submit two interim fiscal reports to the Governing Board, the first report covering the district's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the district for public review. (Education Code 42130)

(cf. 1340 - Access to District Records)

Within 45 days after the close of the period reported, the Board shall assess the interim report on the basis of criteria adopted by the State Board of Education pursuant to Education Code 33127 and on current information regarding the adopted state budget, district property tax revenues if any, and ending balances for the preceding year. The Board shall approve the fiscal report and send it to the County Superintendent of Schools in a format or on forms prescribed by the Superintendent of Public Instruction. In addition, the Board shall submit its certification of the district's financial status based on current projections, in accordance with the following: (Education Code 42130, 42131; 5 CCR 15453-15463)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

If the second interim report of the fiscal year is accompanied by a qualified or negative certification as determined by the Board or subsequently by the County Superintendent, the Superintendent or designee shall, no later than June 1, provide to the County Superintendent, the Controller, and the Superintendent of Public Instruction a financial statement that reports data for the period ending April 30 and projects the district's fund and cash balances as of June 30. (Education Code 42131)

Whenever the district has a qualified or negative certification, it shall allow the county office of education at least 10 working days to review and comment on any proposed

agreement with exclusive representatives of employees. The district shall provide the County Superintendent with all information relevant to provide an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

#### **Annual Statement of Receipts and Expenditures**

On a form prescribed by the Superintendent of Public Instruction, the Superintendent or designee shall prepare a statement of all receipts and expenditures of the district for the preceding fiscal year. On or before September 15, the Board shall approve this statement and file it with the County Superintendent. (Education Code 42100)

#### **Appropriations Limit Resolution**

The Board shall adopt a resolution by September 15 of each year to identify the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the district during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132)

#### **Audit Report**

By April 1 of each year, the Board shall either provide for an audit of the district's books and accounts or make arrangements with the County Superintendent to provide for that audit. (Education Code 41020)

The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

To conduct the audit, the Board shall select a certified public accountant, or public accountant licensed by the State Board of Accountancy, from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

The Board shall not select any public accounting firm to provide audit services if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the district in each of the six previous fiscal years. (Education Code 41020)

While a firm is performing the audit of the district, it shall not provide any nonauditing, management or other consulting services except as provided in Government Accounting Standards, Amendment #3, published by the U.S. Government Accounting Office. (Education Code 41020)

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. (Education Code 41020)**

**(cf. 3430 - Investing)**

**(cf. 3451 - Petty Cash Funds)**

**(cf. 3452 - Student Activity Funds)**

**(cf. 3551 - Food Service Operations/Cafeteria Fund)**

**The district's audited financial reports shall include:**

- 1. Management's discussion and analysis, which shall introduce the basic financial statements and provide an analytical overview of the district's financial activities, including:**
  - a. An objective and easily readable analysis of the district's financial activities based on currently known facts, decisions, and conditions**
  - b. Comparisons of the current year to the prior year**
  - c. An analysis of the district's overall financial position, enabling a determination as to whether that position has improved or deteriorated as a result of the year's activities**
  - d. An analysis of significant changes that occur in funds and significant budget variances**
  - e. A description of capital asset and long-term debt activity during the year**
  - f. A description of currently known facts, decisions, and conditions that are expected to have a significant effect on the district's financial position**
- 2. Basic financial statements, including:**
  - a. Districtwide financial statements, consisting of a statement of net assets and a statement of activities which report all of the assets, liabilities, revenues, expenses, and gains and losses of the district**
  - b. Fund financial statements, consisting of a series of statements that focus on information about the district's major governmental and enterprise funds, including its blended component units**
  - c. Notes to the financial statements that are essential to a user's understanding of the basic financial statements**
- 3. Supplementary information required by the Governmental Standards Accounting Board, including but not limited to budgetary comparison schedules**

No later than December 15, the Superintendent or designee shall file the report of the audit for the preceding fiscal year with the County Superintendent, the California Department of Education, and the State Controller. (Education Code 41020)

By January 31 of each year, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

(cf. 9322 - Agenda/Meeting Materials)

#### **Non-Voter-Approved Debt Report**

Whenever the Board approves the issuance of certificates of participation bonds, revenue bonds, or any agreement for financing school construction, the Superintendent or designee shall notify the County Superintendent 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. Within 15 days, the County Superintendent and county auditor may comment publicly to the Board regarding the district's capability to repay the debt. (Education Code 17150)

#### **Accrued Benefits and Claims Report**

The Superintendent or designee shall plan for the implementation of the Governmental Accounting Standards Board Statement 45, including the procurement of a qualified actuary to determine the district's annual expense and liability for post-employment health and welfare benefits. In addition, the Superintendent or designee shall recommend actions to the Board to mitigate the financial impact to the district of any unfunded liabilities.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

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 Board shall disclose, as a separate agenda item, whether or not it will reserve in the budget sufficient amounts to fund the present value of these claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Regulation    CENTER UNIFIED SCHOOL DISTRICT  
approved: June 7, 2006    Antelope, California

# CSBA Sample

## Administrative Regulation

**Business and Noninstructional Operations**

AR 3543(a)

### TRANSPORTATION SAFETY AND EMERGENCIES

#### Safety Equipment

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. (Education Code 39838; 13 CCR 1242)

**Note:** Pursuant to Vehicle Code 27316, 27316.5, and 13 CCR 1201, any school bus purchased or leased for use in California must be equipped with a passenger restraint system if the bus was manufactured on or after the dates specified in law, as described below. Although it is the manufacturer's responsibility to ensure installation of appropriate passenger restraint systems in accordance with law, the district should be aware that buses manufactured or purchased from outside California may need to be modified to comply with the state's requirements.

The Superintendent or designee shall ensure that any school bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus designed for carrying more than 16 passengers and the driver and is manufactured on or after July 1, 2005
2. Is a Type 2 school bus or student activity bus designed for carrying 16 or fewer passengers and the driver, or designed for carrying 20 or fewer passengers and the driver and having a manufacturer's vehicle weight rating of 10,000 pounds or less, and is manufactured on or after July 1, 2004

**Note:** The following optional paragraph reflects legislative intent of Vehicle Code 27316.

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

**Note:** The following optional paragraph may be expanded to specify the steps that should be taken by the driver to reasonably ensure that all passengers are properly restrained (e.g., verbal instructions to students, visual inspection), which may vary depending on the age/grade levels of the students.

## TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Bus drivers shall be informed of procedures to be followed to reasonably enforce proper use of the passenger restraint system.

### Safe Bus Operations

Note: Pursuant to Education Code 39834, any Governing Board member, employee, or other person who knowingly operates or permits operation of a school bus in excess of its seating capacity is guilty of a misdemeanor. However, the Board is authorized to adopt policy that allows seating capacities to be exceeded in cases of emergency; see BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

Note: Vehicle Code 34501.6 mandates any district that provides student transportation to adopt procedures that limit bus operation when atmospheric conditions reduce visibility, as described below, and that give drivers for school activity trips discretionary authority to discontinue operation when it is unsafe.

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 3540 - Transportation)*

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 3542 - School Bus Drivers)*

Note: Vehicle Code 23123 prohibits any person from driving a motor vehicle while using a wireless telephone, except under the conditions described below. Pursuant to the definitions in Vehicle Code 415 and 545, a "motor vehicle" would include a school bus or student activity bus. In addition, Vehicle Code 23125 prohibits a person from driving a school bus while using a wireless telephone except for work-related or emergency purposes.

A person shall not drive a motor vehicle while using a wireless telephone, except under the following conditions: (Vehicle Code 23123, 23125)

1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving

## **TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

2. For emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity
3. In the case of a school bus driver, for work-related purposes

*(cf. 3513.1 - Cellular Phone Reimbursement)*  
*(cf. 4040 - Employee Use of Technology)*

Note: Vehicle Code 23123.5, as added by SB 28 (Ch. 270, Statutes of 2008), prohibits any person from driving a motor vehicle while using an electronic wireless communications device for text-based communication, as provided below.

A person shall not drive a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

*(cf. 3515.2 - Disruptions)*

### **Transportation Safety Plan for Boarding and Exiting Buses**

Note: The district should modify items #1-2 below to reflect grade levels offered by the district. A district that does not maintain any of grades prekindergarten through 8 should delete items #1-2.

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall include all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112



## **TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

### **Notifications**

Note: The following section is for use by districts that offer any of grades prekindergarten through 6 and should be revised to reflect the grade levels offered by the district.

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall contain: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. A description of the school bus danger zone
5. Instructions for safety while walking to and from school bus stops

*(cf. 5145.6 - Parental Notifications)*

### **Student Instruction**

All students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 39831.5)

The Superintendent or designee shall ensure that instruction is provided to students as follows:

1. The Superintendent or designee shall annually provide appropriate instruction in safe riding practices and emergency evacuation drills to each student who receives home-to-school transportation in a school bus. (5 CCR 14102)

**TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

Note: Item #2 below is for use by districts that offer any of grades prekindergarten through 8 and should be revised to reflect the grade levels offered by the district.
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2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
  - a. Proper loading and unloading procedures, including escorting by the driver
  - b. How to safely cross the street, highway, or private road
  - c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
  - d. Proper passenger conduct

*(cf. 5131.1 - Bus Conduct)*

- e. Bus evacuation procedures
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

Each time the above instruction is given, the following information shall be documented: (Education Code 39831.5)

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating

**TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol. (Education Code 39831.5)

- 3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
  - a. Location of emergency exits
  - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

*Legal Reference: (see next page)*

## TRANSPORTATION SAFETY AND EMERGENCIES (continued)

### *Legal Reference:*

#### EDUCATION CODE

39830-39842 Transportation, school buses

51202 Instruction in personal and public health and safety

#### PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

#### VEHICLE CODE

415 Definition of motor vehicle

545-546 Definition of school bus and school pupil activity bus

22112 Loading and unloading passengers

23123 Use of wireless telephone prohibited while driving motor vehicle

23123.5 Text communications prohibited while driving motor vehicle

23125 Use of wireless telephone prohibited while driving school bus

27316 Passenger restraint systems

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses

34501.6 School buses; reduced visibility

34508 California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses

#### CODE OF REGULATIONS, TITLE 5

14100-14105 School buses and student activity buses

#### CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety

#### CODE OF FEDERAL REGULATIONS, TITLE 49

571.1-571.500 Motor vehicle standards, including school buses

### *Management Resources:*

#### WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

California Association of School Transportation Officials: <http://www.castoways.org>

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tm>

California Highway Patrol: <http://www.chp.ca.gov>

National Coalition for School Bus Safety: <http://www.ncsbs.org>

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration:

<http://www.nhtsa.dot.gov>

(7/04 3/08) 11/08

# **Administrative Regulation**

**AR 3543**

## **Business and Noninstructional Operations**

### **Transportation Safety And Emergencies**

#### **Safety Equipment**

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. (Education Code 39838; 13 CCR 1242)

The Superintendent or designee shall ensure that any school bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus designed for carrying more than 16 passengers and the driver and is manufactured on or after July 1, 2005
2. Is a Type 2 school bus or student activity bus designed for carrying 16 or fewer passengers and the driver, or designed for carrying 20 or fewer passengers and the driver and having a manufacturer's vehicle weight rating of 10,000 pounds or less, and is manufactured on or after July 1, 2004

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Bus drivers shall be informed of procedures to be followed to reasonably enforce proper use of the passenger restraint system.

#### **Safe Bus Operations**

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be moved immediately to ensure their safety.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

(cf. 3516.5 - Emergency Schedules)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

A driver shall not use a wireless telephone while driving a school bus, student activity bus, or other motor vehicle, except under the following conditions: (Vehicle Code 23123, 23125)

1. For emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity
2. For work-related purposes
3. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving

(cf. 3513.1 - Cellular Phone Reimbursement)

(cf. 4040 - Employee Use of Technology)

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

#### **Transportation Safety Plan for Boarding and Exiting Buses**

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall include all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

#### **Notifications**

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall address: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. The school bus danger zone
5. Safety while walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

#### **Student Instruction**

All students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 39831.5)

The Superintendent or designee shall ensure that instruction is provided to students as follows:

1. Each school year, the Superintendent or designee shall provide appropriate instruction in safe riding practices and emergency evacuation drills. Each student who receives home-to-school transportation in a school bus shall be required to receive this instruction. (5 CCR 14102)
2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)

- a. Proper loading and unloading procedures, including escorting by the driver
- b. How to safely cross the street, highway, or private road
- c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
- d. Proper passenger conduct

(cf. 5131.1 - Bus Conduct)

- e. Bus evacuation procedures
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

Each time the above instruction is given, the following information shall be documented: (Education Code 39831.5)

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number



**k. Additional remarks**

**This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol. (Education Code 39831.5)**

**3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)**

**a. Location of emergency exits**

**b. Location and use of emergency equipment**

**This instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)**

**Legal Reference:**

**EDUCATION CODE**

**39830-39842 Transportation, school buses**

**51202 Instruction in personal and public health and safety**

**PENAL CODE**

**241.3 Assault against school bus driver**

**243.3 Battery against school bus driver**

**VEHICLE CODE**

**545-546 Definition of school bus and school pupil activity bus**

**22112 Loading and unloading passengers**

**23123 Use of wireless telephone prohibited while driving motor vehicle**

**23125 Use of wireless telephone prohibited while driving school bus**

**27316 Passenger restraint systems**

**34500 California Highway Patrol responsibility to regulate safe operation of school buses**

**34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses**

**34501.6 School buses; reduced visibility**

**34508 California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses**

**CODE OF REGULATIONS, TITLE 5**

**14100-14105 School buses and student activity buses**

**CODE OF REGULATIONS, TITLE 13**

**1200-1293 Motor carrier safety**

**CODE OF FEDERAL REGULATIONS, TITLE 49**

**571.1-571.500 Motor vehicle standards, including school buses**

**Management Resources:**

#### **WEB SITES**

**California Association of School Business Officials: <http://www.casbo.org>**

**California Association of School Transportation Officials: <http://www.castoways.org>**

**California Department of Education, Office of School Transportation:**

**<http://www.cde.ca.gov/ls/tn>**

**California Highway Patrol: <http://www.chp.ca.gov>**

**National Coalition for School Bus Safety: <http://www.ncsbs.org>**

**National Transportation Safety Board: <http://www.nts.gov>**

**U.S. Department of Transportation, National Highway Traffic Safety Administration:**

**<http://www.nhtsa.dot.gov>**

**Regulation      CENTER UNIFIED SCHOOL DISTRICT**  
**approved: June 18, 2008      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, and education specialist credentials and reviews and approves credential applications in accordance with Education Code 44200-44399. Unless otherwise specified, an internship credential is valid for two years, a preliminary credential for five years, and a clear credential for five years.

SB 1104 (Ch. 576, Statutes of 2008) amended Education Code 44260 and 44260.1 to revise the minimum requirements for both the preliminary and clear designated subjects career technical education credentials and to specify that, notwithstanding these requirements, the holder of such a preliminary or clear credential must satisfy, for each course he/she is assigned to teach, any district-established requirements pertaining to years of recent experience in the subject or years of teaching experience, as applicable.

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 in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

*(cf. 4111/4211/4311 - Recruitment and Selection)*

*(cf. 4112.21 - Interns)*

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

*(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. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

All teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

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

Note: Pursuant to 5 CCR 80021-80021.1, the district may employ persons with (1) a short-term staff permit (STSP) when needed to immediately staff classrooms based on unforeseen circumstances or (2) a provisional internship permit (PIP) when the district has conducted a diligent search but has been unable to recruit a credentialed teacher. Those permits replaced the emergency permits in the areas of multiple subject, single subject, and education specialist. Education Code 44300.1 also authorizes the district, when it has conducted a diligent search but has been unable to recruit a credentialed teacher, to request issuance of

**CERTIFICATION (continued)**

a visiting faculty permit to a person who possesses specified qualifications. In addition, pursuant to Education Code 44225.7, the district may request a credential waiver from the CTC or may request an emergency permit for what are commonly called "long-term substitute permits" in areas such as resource specialist, Crosscultural, Language and Academic Development (CLAD) or Bilingual, Crosscultural, Language and Academic Development (BCLAD), or library media services. Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

When a credentialed teacher or intern is not available, the district may request that the CTC issue a short-term staff permit, provisional internship permit (PIP), visiting faculty permit, emergency permit, or credential waiver under the conditions and limitations provided in state or federal law.

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 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.

When requesting a PIP, the Board shall approve, as an action item at a public Board meeting, a notice of intent to employ the applicant in the identified position. (5 CCR 80021.1)

Before requesting a visiting faculty permit or emergency permit, the Board shall annually approve a Declaration of Need for Fully Qualified Educators as an action item at a regularly scheduled public Board meeting. (Education Code 44300.1; 5 CCR 80026)

The Superintendent or designee shall provide support and guidance to noncredentialed teachers in accordance with law to ensure the quality of the instructional program. He/she also may provide assistance and support to staff holding preliminary credentials to help them meet the qualifications required for the professional clear credential.

*(cf. 4131 - Staff Development)*

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4138 - Mentor Teachers)*

**National Board for Professional Teaching Standards Certification**

Note: The National Board for Professional Teaching Standards (NBPTS) provides advanced certification to teachers who voluntarily fulfill a rigorous certification process. Pursuant to Education Code 44395-44399, contingent upon state funding, one-time incentive awards may be available to NBPTS-certified teachers who agree to teach at a high-priority school (i.e., a school ranked in the bottom half of the Academic Performance Index) for at least four years and who teach at least 50 percent of a full-time position. Education Code 44395 encourages districts to inform all teachers about the program. It also encourages, but does not require, districts to provide release time and support to teachers to complete the NBPTS certification process, which may be subject to negotiations with employee organizations. The following optional section is for use by districts that wish to encourage teacher participation in the NBPTS program and may be revised to reflect district practice.

## **CERTIFICATION (continued)**

The Board encourages district teachers to voluntarily seek additional certification from the National Board for Professional Teaching Standards which demonstrates advanced knowledge and teaching skills.

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. The Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program contingent upon funding.

*(cf. 4161.3 - Professional Leaves)*

### ***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*  
41520-41522 *Teacher Credentialing Block Grant*  
42647 *Eligibility to issue warrants*  
44066 *Limitations on certification requirements*  
44200-44399 *Teacher credentialing, especially:*  
44250-44277 *Credential types; minimum requirements*  
44279.1-44279.7 *Beginning Teacher Support and Assessment Program*  
44300-44302 *Emergency permits and visiting faculty permits*  
44320.2 *Teachers' performance assessment*  
44325-44329.5 *District interns*  
44330-44355 *Certificates and credentials*  
44380-44387 *Alternative certification program*  
44395-44399 *National Board for Professional Teaching Standards*  
44420-44440 *Revocation and suspension of credentials*  
44450-44468 *University internship program*  
44560-44562 *Certificated Staff Mentoring Program*  
44735 *Teaching as a Priority Block Grant*  
44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*  
56060-56063 *Substitute teachers in special education*

#### **CODE OF REGULATIONS, TITLE 5**

6100-6125 *Teacher qualifications, No Child Left Behind Act*  
80001-80674.6 *Commission on Teacher Credentialing*

#### **UNITED STATES CODE, TITLE 20**

6311 *Parental notifications*  
6312 *Title I local educational agency plan*  
6319 *Highly qualified teachers*  
7801 *Definitions, highly qualified teacher*

*Legal Reference continued: (see next page)*

## **CERTIFICATION (continued)**

### *Legal Reference: (continued)*

#### **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 CODED CORRESPONDENCE**

*08-11 Approval of Amendments to Title 5 Regulations Pertaining to Multiple Subject, Single Subject or Education Specialist Short-Term Staff Permit, July 18, 2008*

*08-09 New Online Credential View and Print Process, July 3, 2008*

*07-23 Visiting Faculty Permit, December 14, 2007*

*07-19 Designated Subjects Career Technical Education Teaching Credential, December 14, 2007*

#### **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

*Teacher Supply in California: A Report to the Legislature, April 2008*

*Standards of Quality and Effectiveness for Professional Teacher Induction Programs, June 2008*

*The Administrator's Assignment Manual, rev. September 2007*

*Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, rev. March 2007*

*California Standards for the Teaching Profession, July 1997*

#### **U.S. DEPARTMENT OF EDUCATION GUIDANCE**

*Improving Teacher Quality State Grants, rev. October 5, 2006*

#### **WEB SITES**

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

*California Department of Education: <http://www.cde.ca.gov>*

*California Teacher Credentialing Examinations: <http://www.ctcexams.nesinc.com>*

*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

*Commission on Teacher Credentialing, Commission's 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>*

(3/04 11/05) 11/08

# **Board Policy**

## **BP 4112.2 Personnel**

### **Certification**

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

- (cf. 4111 - Recruitment and Selection)
- (cf. 4112.21 - Interns)
- (cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
- (cf. 4112.23 - Special Education Staff)
- (cf. 4113 - Assignment)
- (cf. 4116 - Probationary/Permanent Status)
- (cf. 4121 - Temporary/Substitute Personnel)
- (cf. 5148 - Child Care and Development)

When a fully credentialed teacher is not available, the district may employ a person with a short-term staff permit or provisional internship permit under the conditions and limitations provided in state and federal law.

As necessary, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

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

### **National Board for Professional Teaching Standards Certification**

The Governing Board encourages district teachers to voluntarily seek additional certification from the National Board for Professional Teaching Standards which demonstrates advanced knowledge and teaching skills.

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. The Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program contingent upon funding.

**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  
41520-41522 Teacher Credentialing Block Grant  
42647 Drawing of warrants  
44066 Limitations on certification requirements  
44200-44405 Teacher credentialing, especially:  
44225.6 CTC annual report on availability of teachers  
44251 Period of credentials  
44252 Standards and procedures for issuance; proficiency testing of basic skills  
44252.5 State basic skills assessment required for certificated personnel  
44258.9 Monitoring of teacher assignments by county superintendent  
44259 Minimum requirements for teaching credential  
44259.5 Standards for teachers of all students, including English language learners  
44270.3-44270.4 Out-of-state credentials, administrative services  
44274.2-44275.4 Out-of-state credentials  
44277 Requirements for maintaining valid credentials  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44320.2 Teachers performance assessment  
44325-44329 District interns  
44330-44355 Certificates and credentials  
44395-44399 National Board for Professional Teaching Standards  
44464 Period of validity of internship credential  
44468 Early completion of internship program  
44500-44508 Peer Assistance and Review Program for Teachers  
44662 Performance evaluation; Stull Act review  
44735 Teaching as a priority block grant  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education

**CODE OF REGULATIONS, TITLE 5**

6100-6125 Teacher qualifications, No Child Left Behind Act  
80001-80674.6 Commission on Teacher Credentialing

**UNITED STATES CODE, TITLE 20**

6311 Parental notifications  
6312 District Title I plan  
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:**

**CSBA POLICY ADVISORIES**

Teacher Credentialing Commission Eliminates Emergency Permits, August 2003

**COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE**

03-0021 Alignment of Emergency Permits and Credential Waivers with No Child Left Behind

**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, December 19, 2002

**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>

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

**Policy CENTER UNIFIED SCHOOL DISTRICT**

adopted: June 7, 2006      Antelope, California

**CERTIFICATION**

**Registration**

Note: To receive authorization to work in a school district, credential holders must register their credentials with either the county office of education or the district. Option 1 below is for use when the county office of education provides for the registration of credentials pursuant to Education Code 44330. Option 2 is for use by unified districts or districts with over 10,000 ADA which provide for the registration of credentials pursuant to Education Code 42647 and 44332.5.

5 CCR 80001 provides that the official record of a credential may be in either paper or electronic format. However, as of September 1, 2008, the Commission on Teacher Credentialing (CTC) no longer routinely prints or provides a paper copy of the credential. The CTC's web site includes an online service through which districts may verify the certification of their employees.

**~~OPTION 1: (County office registration)~~**

~~Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the county office of education a valid credential issued by the Commission on Teacher Credentialing (CTC) authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 44330, 44857)~~

**OPTION 2: (District registration for unified districts or districts with over 10,000 ADA)**

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the district a valid credential issued by the Commission on Teacher Credentialing (CTC) authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 42647, 44332.5, 44857)

**Basic Skills Proficiency Test**

Note: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has passed the California Basic Educational Skills Test (CBEST) or is exempted from the requirement by law. Pursuant to Education Code 44252, persons who have been granted a credential by the CTC generally have passed the test as a condition of obtaining the credential.

Education Code 44252 and 44830 describe circumstances under which certificated employees may be exempt from the requirement to pass the CBEST. SB 1186 (Ch. 518, Statutes of 2008) amended Education Code 44252 to add exemptions for certificated employees who have applied for an eminence credential pursuant to Education Code 44262 or who have achieved scores on the writing, reading, and mathematics sections of the Scholastic Aptitude Test (SAT) Reasoning Test, the enhanced ACT English and mathematics tests, or the California State University (CSU) Early Assessment Program that are sufficient to waive the CSU's English placement test and entry-level math examination.

## **CERTIFICATION (continued)**

The district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his/her credential unless that person has passed the California Basic Educational Skills Test (CBEST) in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 4121 - Temporary/Substitute Personnel)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

The district may hire a certificated teacher who has not taken the CBEST if he/she has not yet been afforded the opportunity to take the test. The employee shall take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results. (Education Code 44830)

Note: Pursuant to Education Code 44274.2, an out-of-state credentialed teacher issued a five-year preliminary California credential by the CTC must meet the CBEST requirement within one year of the date that the CTC issues the preliminary credential, unless exempted by law as described above, or else the credential will become invalid. An out-of-state credentialed teacher may apply for a one-year nonrenewable California preliminary credential pending completion of the CBEST requirement, but in such cases the teacher is required by Education Code 44252 to pass a district basic skills proficiency test. Passage of the district proficiency test is not a substitute for meeting the CBEST requirement within one year of issuance of the preliminary credential.

An out-of-state prepared teacher shall complete the CBEST requirement within one year of being issued a California preliminary credential by the CTC unless he/she has completed a basic skills proficiency test in another state or is otherwise exempted by law. An out-of-state prepared teacher applying to the CTC for a one-year nonrenewable credential pending completion of the CBEST requirement shall pass the district's basic skills proficiency test which is at least equivalent to the district test required for high school graduation. (Education Code 44252, 44274.2)

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.2 - Certificate of Proficiency)*

*(cf. 6162.5 - High School Exit Examination)*

Note: Pursuant to Education Code 44252 and 44830, persons holding or applying for a designated subjects special subjects credential must be assessed with a district basic skills proficiency test, unless their credential requires possession of a bachelor's degree in which case they are required to pass the CBEST. When such persons are employed by a consortium of districts or a joint powers agreement, the test may instead be established by the boards of those entities.

## **CERTIFICATION (continued)**

As amended by SB 1186 (Ch. 518, Statutes of 2008), Education Code 44830 does not require persons holding a designated subjects career technical education credential to be assessed with the CBEST or district proficiency test.

A person holding or applying for a designated subjects special subjects credential which does not require possession of a bachelor's degree shall pass the district proficiency test in lieu of the CBEST. (Education Code 44252, 44830)

Note: The following optional paragraph is for use by districts that choose to charge a fee for the locally developed test as allowed by Education Code 44252 and 44830.

The district shall charge a fee to cover the costs of developing, administering, and grading the district proficiency test.

### **Short-Term Staff Permit**

Note: 5 CCR 80021 establishes the short-term staff permit (STSP) to immediately fill teacher vacancies based on unforeseen circumstances. Pursuant to 5 CCR 80021, the CTC will issue the STSP only once to an individual and for no more than one year, expiring at the end of the district's school year. As amended by Register 2008, No. 26, 5 CCR 80021 defines the end of the school year as no later than July 1, unless the permit is being used for a summer school assignment in which case it shall expire no later than September 1. 5 CCR 80021 was also amended to provide examples of "acute staffing needs" that justify the issuance of the STSP, as provided in items #1-5 below.

The district may request that the CTC issue a short-term staff permit (STSP) to an applicant who meets the qualifications specified in 5 CCR 80021 whenever there is a need to immediately fill a classroom based on an acute staffing need, including, but not limited to, the following circumstances: (5 CCR 80021)

1. Enrollment adjustments require the addition of another teacher.
2. The teacher of record is unable to finish the school year due to approved leave or illness.
3. The applicant needs additional time to complete preservice requirements for enrollment into an approved internship program.

*(cf. 4112.21 - Interns)*

4. The applicant is unable to enroll in an approved internship program due to timelines or lack of space in the program.
5. A third-year extension of an internship program is unavailable or the applicant has withdrawn from an internship program.

## **CERTIFICATION (continued)**

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

*(cf. 4131 - Staff Development)*

3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

### **Provisional Internship Permit**

Note: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms when an appropriately credentialed teacher cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued in one-year increments for no more than two years and may not be renewed for a second year unless the permit holder has taken all of the subject-matter examinations listed on the permit.

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

*(cf. 4111/4211/4311 - Recruitment and Selection)*

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist each permit holder.

**CERTIFICATION (continued)**

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

**Visiting Faculty Permits**

Note: The following section is optional. Pursuant to Education Code 44300.1, the CTC may issue visiting faculty permits authorizing instruction in K-12 departmentalized classes to individuals who possess specified qualifications; verification of basic skills proficiency is not a requirement for this permit. Issuance of such a permit requires the employing district to provide the CTC with justification for the permit as provided below.

The district may request that the CTC issue a visiting faculty permit authorizing an individual to teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements,

## **CERTIFICATION (continued)**

contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach

Note: Pursuant to Education Code 44300.1, the district must submit a declaration of need as provided in item #2 below. According to CTC Coded Correspondence 07-23, the district should use the CTC form for Declaration of Need for Fully Qualified Educators. The Board's approval of the declaration must not be on the consent agenda and the motion must be entered in the minutes of the meeting; see the accompanying Board policy.

2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

## **Credential Waiver/"Long-Term Substitute" Emergency Permits**

Note: Pursuant to Education Code 44225.7, the district may apply to the CTC for an emergency permit pursuant to Education Code 44300 or a credential waiver pursuant to Education Code 44225(m) when it is unable to place a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, at a school site. Emergency permits for multiple subject, single subject, and education specialist candidates were replaced with the STSP and PIP, so currently emergency permits are issued only for what are commonly called "long-term substitute" permits such as those authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD) or Bilingual, Crosscultural, Language and Academic Development (BCLAD), or library media services.

In order to qualify for this waiver or permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an internship program or are scheduled to complete preliminary credential requirements within six months. SB 1186 (Ch. 518, Statutes of 2008) amended Education Code 44225.7 to revise the priority order for recruitment as provided in items #1-2 below and to add a requirement that the district provide orientation, guidance, and assistance to candidates scheduled to complete preliminary credential requirements within six months.

If the district is unable to place at a school site a teacher who has completed a teacher preparation program, the district 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 internship program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by the district

If an individual who meets the criteria specified in item #1 or 2 above is not available to the district, the district may, as a last resort, request from the CTC a credential waiver or an emergency permit for the assignment of an individual who does not meet those criteria. (Education Code 44225.7; 5 CCR 80023, 80026)

**CERTIFICATION (continued)**

The district may request an emergency permit authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD), Bilingual, Crosscultural, Language and Academic Development (BCLAD), or library media services.

Note: As a condition of receiving a credential waiver or emergency permit, Education Code 44225.7 and 5 CCR 80023 and 80026 require the Board to annually certify that it has made reasonable efforts to recruit a fully prepared teacher. Pursuant to 5 CCR 80026, in the case of emergency permits, the Declaration of Need for Fully Qualified Educators must be approved by the Board at a regularly scheduled public Board meeting and cannot be on the consent agenda; see the accompanying Board policy.

In order to request an emergency permit, the district shall annually submit the Board-approved Declaration of Need for Fully Qualified Educators on a form provided by the CTC, including certification that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7; 5 CCR 80023, 80026)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation to teaching which shall, to the extent reasonably feasible, occur before he/she begins a teaching assignment. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

*(cf. 4117.14/4317.14 - Postretirement Employment)*

**Emergency Substitute Teaching Permits**

Note: The CTC issues emergency substitute permits that authorize service as a day-to-day substitute, including the (1) emergency 30-day substitute permit, (2) emergency career substitute teaching permit, (3) emergency substitute permit for prospective teachers, and (4) emergency substitute permit for career technical education. 5 CCR 80025-80025.5 specify restrictions pertaining to the number of days that each type of permit holder may substitute for any one teacher during the school year, as noted in items #1-4 below.

The district may employ for day-to-day substitute teaching, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person holding an emergency 30-day substitute permit, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)



**CERTIFICATION (continued)**

2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency substitute permit for career technical education shall teach only in a program of technical, trade, or vocational education and not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Note: 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to item #1 or 4 above. The CTC form for the Statement of Need may be found online at the Commission's Information Guide, which may be accessed only by employers.

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

# **Administrative Regulation**

## **AR 4112.2 Personnel**

### **Certification**

### **Registration**

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the district a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 42647, 44332.5, 44857)

### **Basic Skills Proficiency Test**

Prior to being hired by the Governing Board, all certificated persons, whether hired on a permanent, temporary, or substitute basis, shall pass a basic skills proficiency test in reading, writing, and mathematics, unless specifically exempted from this requirement by law or by fulfilling an alternative indicator of basic proficiency authorized by law. (Education Code 44252, 44252.6, 44830)

Certificated persons who have not held a position requiring certification within 39 months of employment and who have not taken the state basic skills proficiency test may be hired as temporary employees, provided they pass a basic skills proficiency test developed and administered by the district. Such employees shall subsequently take the state test within one year of employment. (Education Code 44830)

(cf. 4121 - Temporary/Substitute Personnel)

Persons holding a designated subjects/special subjects credential or vocational designated subject credential shall not be required to take the state basic skills proficiency test unless their specific credential requires the possession of a baccalaureate degree. Instead, these persons shall be assessed with district proficiency criteria established by the Board for these credentials, which shall be at least equivalent to the district test required for graduation from high school. (Education Code 44252, 44830)

Persons holding a designated subjects/special subjects credential or a vocational designated subject credential shall be charged a fee to take the district proficiency test.

### **Out-of-State/Country Credentials**

The district may employ an out-of-state applicant who has met the requirements for a

preliminary or professional clear credential from the Commission on Teacher Credentialing (CTC) pursuant to Education Code 44252, 44274.2, and 44275.4.

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4131.1 - Beginning Teacher Support/Induction)

### **Short-Term and Provisional Internship Permits**

Whenever there is a need to fill a classroom immediately based on an unforeseen need, the district may request that the CTC issue a short-term staff permit to an applicant who meets the qualifications specified in 5 CCR 80021. In such cases, the district shall: (5 CCR 80021)

1. Verify that it has conducted a local recruitment for the short-term staff permit being requested

(cf. 4111 - Recruitment and Selection)

2. Verify that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques, and has assigned a mentor teacher for the term of the permit

(cf. 4131 - Staff Development)

(cf. 4138 - Mentor Teachers)

3. Submit written justification for the permit signed by the Superintendent or designee

The district may request that the CTC issue a provisional internship permit to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify that: (5 CCR 80021.1)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

(cf. 4112.21 - Interns)

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

2. Orientation, guidance, and assistance will be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the teacher is expected to teach and effective instruction and classroom management

techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist each permit holder. (5 CCR 80026.5)

3. The district will assist the permit holder in developing a personalized plan through a district-defined assessment that would lead to subject-matter competence related to the permit.

4. The district will assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and will assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.

5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a provisional internship permit. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

Holders of either of the above permits shall be authorized to provide the same service as a holder of a teaching credential. (5 CCR 80021, 80021.1)

#### **Emergency Substitute Teaching Permits**

The district may employ, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person with a 30-day emergency substitute permit shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025)

2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)

3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)

4. A person authorized for day-to-day substitute teaching shall not serve as a special education substitute for more than 20 days for any one teacher during the school year. (5

**CCR 80025.4)**

**5. A person with an emergency substitute permit for vocational education shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)**

**Before employing any person pursuant to 5 CCR 80025 or 80025.5, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)**

**Regulation      CENTER UNIFIED SCHOOL DISTRICT**  
**approved: May 2, 2007      Antelope, California**

# CSBA Sample

## Board Policy

### Certificated Personnel

BP 4112.21(a)

### INTERNS

**Note:** The following optional policy may be revised to reflect district practice.

Internship programs allow individuals to be fully paid teachers of record while completing a professional preparation program. "University internship programs" are administered by colleges and universities in partnership with school districts pursuant to Education Code 44450-44468, and "district internship programs" are administered by school districts in consultation with colleges or universities pursuant to Education Code 44325-44329.5 and 44830.3. In addition, Education Code 44380-44387 establishes an alternative certification program, designed to attract individuals into the teaching profession and address teacher shortages, which must be operated as either a university or district intern program. Any of these programs may receive additional funding by satisfying specified requirements of an enhanced internship program pursuant to Education Code 44387. See the accompanying administrative regulation for requirements related to all of these programs.

The Governing Board may employ interns to fulfill the district's need for additional instructional resources and to assist future teachers in meeting state credentialing requirements by linking teaching theory with practice.

The Superintendent or designee may enter into an agreement with an accredited college or university to provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall ensure that the district collaborates with the college or university in the selection, placement, support, and performance assessment of interns.

*(cf. 4111/4211/4311 - Recruitment and Selection)*

**Note:** To be employed as an intern, an individual must possess a proper internship credential issued by the Commission on Teacher Credentialing (CTC) authorizing the same service as a regular multiple subject, single subject, or education specialist credential.

Before recommending a candidate for the internship credential, the internship program must certify that the candidate possesses the required qualifications and has completed a mandatory preservice training. The CTC took action in December 2007 to align the university internship program with the district internship program by requiring all intern candidates to complete at least 120 clock hours, or the semester or quarter unit equivalent, of preservice training which includes foundational preparation in general pedagogy, including classroom management and planning, reading/language arts, subject-specific pedagogy, human development, and teaching English learners; see CTC Coded Correspondence 08-03.

In addition, the CTC's Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary and Single Subject Teaching Credentials (including internship programs) states that, because an intern is expected to perform the duties of a fully credentialed teacher before he/she has completed the teacher preparation program, it is important that the district review the candidate's prior experiences and personal qualifications to determine if he/she is adequately prepared for the position.

The Superintendent or designee shall ensure that interns employed by the district possess an appropriate internship credential from the Commission on Teacher Credentialing (CTC) and

## **INTERNS (continued)**

that their prior experiences and personal qualifications adequately prepare them for the responsibilities of the position.

*(cf. 4112.2 - Certification)*

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

An intern may be assigned to provide the same service as a holder of a regular credential in accordance with the authorizations specified on the internship credential. (Education Code 44454, 44325, 44326, 44830.3)

*(cf. 4113 - Assignment)*

Note: Districts must employ only "highly qualified" teachers to teach core academic subjects in accordance with the No Child Left Behind Act (NCLB) (20 USC 6319, 7801). Pursuant to 5 CCR 6100-6112, persons who are currently enrolled in an approved internship program for less than three years will be considered to have met NCLB requirements if they also hold at least a bachelor's degree and have met other requirements for demonstrating subject matter competence. See BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

To be assigned to teach core academic subjects, as defined in law, an intern must meet 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)*

Note: The CTC's Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary and Single Subject Teaching Credentials require participating districts and postsecondary institutions to certify, as a condition of initial and continuing program accreditation, that interns will not displace certificated employees.

The employment classification of interns is complex. Districts should consult with legal counsel as to the appropriate terms of employment for interns.

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable. Interns shall not displace certificated district employees.

*(cf. 4116 - Probationary/Permanent Status)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

Note: Interns participating in any district or university internship program must be provided support and guidance by qualified district or university personnel; see the accompanying administrative regulation. In addition, pursuant to Education Code 44560-44562, interns in "staff priority schools," defined as schools with an aggregate Academic Performance Index at or below the 30th percentile in any of the five previous years, may be assigned a mentor teacher under the Certificated Staff Mentoring Program; see BP/AR 4138 - Mentor Teachers.

## **INTERNS (continued)**

AB 2057 (Ch. 223, Statutes of 2008) amended Education Code 44279.1 to clarify that interns are not eligible to participate in the Beginning Teacher Support and Assessment induction program; see BP 4131.1 - Beginning Teacher Support/Induction.

Interns shall receive systematic supervision and guidance 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 maintain frequent communication with the interns they are assigned to assist.

*(cf. 4131 - Staff Development)*

*(cf. 4138 - Mentor Teachers)*

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated at least once every year in accordance with Board policy and the district's collective bargaining agreement.

*(cf. 4115 - Evaluation/Supervision)*

Note: Pursuant to Education Code 44328 and 44830.3, after an intern has completed service sufficient to meet program standards and performance assessments, the Governing Board may recommend to the CTC that the district intern be awarded a preliminary teaching credential or, if he/she meets the applicable requirements, a professional clear credential. Education Code 44468 contains similar provisions for interns who fulfill the early completion option for either the university or district internship program; see the accompanying administrative regulation. As clarified in CTC Coded Correspondence 03-0028, the internship program is not required to be a prescribed length, but must be of sufficient length to provide adequate opportunity for the intern to meet CTC standards and demonstrate performance of required teaching skills and knowledge.

When an intern has successfully completed the program, the Board may recommend to the CTC that the intern be awarded a preliminary or professional clear credential commensurate with his/her qualifications. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the program 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 teaching 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  
44253.3-44253.4 Certificate to provide services to limited-English-proficient students  
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 internship programs  
44325-44329.5 District interns  
44339-44341 Teacher fitness  
44380-44387 Alternative certification program; increased funding for internship programs  
44450-44468 Teacher Education Internship Act of 1967 (university interns)  
44560-44562 Certificated Staff Mentoring Program  
44830.3 Employing district interns  
44885.5 District interns classified as probationary employees  
52055.605 Identification of high priority schools, High Priority Schools Grant Program

#### CODE OF REGULATIONS, TITLE 5

6100-6126 No Child Left Behind teacher requirements  
13000-13017 New Careers Program  
80021.1 Provisional internship permit

80055 Internship credential

#### UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher

### *Management Resources:*

#### COMMISSION ON TEACHER CREDENTIALING CORRESPONDENCE

08-03 Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, March 3, 2008

03-0028 Changes in District Intern Programs as a Result of Senate Bill 187, December 22, 2003

Implementation of SB 57, Early Completion Internship Option, March 10, 2003

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual, 2008

CTC Credential Handbook, revised 1997

California Standards for the Teaching Profession, 1997

Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary Multiple and Single Subject Teaching Credentials (including internship programs), rev. April 2008

Standards of Quality and Effectiveness for Education Specialist Credential Programs (Including University Internship Options) and Clinical Rehabilitative Services Credential Programs, December 1996

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, rev. January 16, 2004

#### WEB SITES

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

(11/06 7/07) 11/08

# **Board Policy**

## **BP 4112.21 Personnel**

### **Interns**

The Governing Board may employ interns to fulfill the district's need for additional instructional resources and to assist future teachers in meeting state credentialing requirements by linking teaching theory with practice. The Superintendent or designee shall ensure that such persons possess appropriate internship credentials from the Commission on Teacher Credentialing (CTC).

#### **(cf. 4112.2 - Certification)**

The Superintendent or designee may enter into an agreement with an accredited college or university to provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall ensure that the district collaborates with a college or university in the selection, placement, support, and performance assessment of interns.

Interns shall not be assigned to teach any classes outside the subject area, grade levels, or classes authorized by their credentials.

#### **(cf. 4113 - Assignment)**

Any intern hired to teach core academic subjects, as defined in law, shall be required to meet 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.

#### **(cf. 4116 - Probationary/Permanent Status)**

Interns shall receive support and assistance to enhance their instructional skills and knowledge, and may be assigned a mentor teacher, when state funding is available for the mentor teacher program, at the school where the intern is employed.

#### **(cf. 4131 - Staff Development)**

#### **(cf. 4131.1 - Beginning Teacher Support/Induction)**

#### **(cf. 4138 - Mentor Teachers)**

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated at least once every year in accordance with Board policy and the district's collective bargaining agreement.

(cf. 4115 - Evaluation/Supervision)

**Legal Reference:**

**EDUCATION CODE**

300-340 English language education for immigrant children

44253.3-44253.4 Certificate to provide services to limited-English-proficient students

44253.10 Qualifications to provide specially designed academic instruction in English to limited-English-proficient students

44259 Minimum requirements for teaching credential

44279.1-44279.7 Beginning Teacher Support and Assessment System

44314 Diversified or liberal arts program

44321 CTC approval of internship programs

44325-44329 District interns

44339-44341 Teacher fitness

44380-44386 Alternative certification

44387 Increased funding for internship programs

44450-44468 Teacher Education Internship Act of 1967 (university interns)

44560-44562 Certificated Staff Mentoring Program

44830.3 Employing district interns

44885.5 District interns classified as probationary employees

52055.605 Identification of high priority schools, High Priority Schools Grant Program

**CODE OF REGULATIONS, TITLE 5**

6100-6126 No Child Left Behind teacher requirements

13000-13017 New Careers Program

80021.1 Provisional internship permit

80055 Internship credential

**UNITED STATES CODE, TITLE 20**

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

**Management Resources:**

**CTC CORRESPONDENCE**

Implementation of SB 57, Early Completion Internship Option (March 10, 2003)

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

CTC Credential Handbook, revised 1997

California Standards for the Teaching Profession, 1997

Standards of Program Quality and Effectiveness for District Intern Programs, revised 1996

**U.S. DEPARTMENT OF EDUCATION GUIDANCE**

Improving Teacher Quality State Grants, revised January 16, 2004

**WEB SITES**

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

**Commission on Teacher Credentialing: <http://www.ctc.ca.gov>**

**Policy CENTER UNIFIED SCHOOL DISTRICT  
adopted: October 17, 2007 Antelope, California**

# CSBA Sample

## Administrative Regulation

**Certificated Personnel**

AR 4112.21(a)

### **INTERNS**

Note: The following administrative regulation is optional. Districts should select the section(s) below which reflect the program(s) available within the district. In addition to meeting legal requirements, internship programs must be approved by the Commission on Teacher Credentialing (CTC) and satisfy the applicable Standards of Quality and Effectiveness.

#### **University Internship Program**

Note: The following optional section is for use by districts that participate in university internship programs pursuant to Education Code 44450-44468. University internship programs are administered by colleges or universities in partnership with districts. Districts participating in such a program should also use the section entitled "Early Completion Option" below.

The Superintendent or designee shall cooperate with a college or university in the development, implementation, and coordination of the university internship program. (Education Code 44452, 44465, 44467)

*(cf. 4112.2 - Certification)*

The Superintendent or designee may enter into an agreement with a college or university for the employment of competent and qualified college or university staff members to supervise and guide interns as they pursue their district responsibilities. (Education Code 44461)

Note: The following optional paragraph is for use by districts that pay for the supervision of interns out of district funds pursuant to Education Code 44462.

Salary payments for the supervision of interns may be made out of district funds and may be met by proportionately reducing the salaries of paid interns. In such cases, no more than eight interns may be supervised by one staff member and the district salary normally paid to interns may be reduced by no more than one-eighth to pay the supervisor's salary. The intern shall not be paid less than the minimum salary required by the state for a regularly certificated teacher. (Education Code 44462)

*(cf. 4151/4251 - Employee Compensation)*

Before an intern enrolls in any college or university program to renew his/her internship credential, the Superintendent or designee shall counsel the intern and plan a program for the first and subsequent renewals. (Education Code 44457)

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

## **INTERNS (continued)**

### **District Internship Program**

**Note:** The following optional section is for use by districts that offer district internship programs pursuant to Education Code 44325-44329 and 44830.3. District internship programs are administered by school districts in consultation with a college or university. Districts offering such a program should also use the section entitled "Early Completion Option" below.

The Superintendent or designee shall, in consultation with a college or university, develop and implement a professional development plan for district interns. This plan shall include, but not necessarily be limited to, the components described in Education Code 44830.3, including provisions for mandatory preservice training tailored to the grade level or class to be taught, additional instruction during the first year of service when required, and an annual evaluation of the district intern. (Education Code 44830.3)

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

Each district intern shall be assisted and guided by either of the following: (Education Code 44326, 44830.3)

1. A certificated employee who possesses valid certification at the same level or the same type of credential as the district intern he/she serves, and who is selected through a competitive process adopted by the Governing Board after consultation with the exclusive teacher representative unit

*(cf. 4112.2 - Certification)*

*(cf. 4138 - Mentor Teachers)*

*(cf. 4140/4240 - Bargaining Units)*

2. Personnel employed by a college or university to supervise student teachers

The Superintendent or designee shall ensure that appropriate records are maintained, showing the credit earned by each district intern. (Education Code 44327)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

**Note:** Pursuant to Education Code 44325, a district intern's credential is valid for two years, except that the credential may be valid for three years if the intern is participating in a program that leads to the attainment of a specialist credential to teach students with mild and moderate disabilities, or for four years if the intern is participating in a program that leads to the attainment of both a specialist credential and either a multiple subject or single subject teaching credential. In all cases, the district may recommend a one-year extension.

When a district intern's credential expires, the Superintendent or designee may recommend to the Commission on Teacher Credentialing (CTC) that the intern's credential be extended for one year. (Education Code 44325)

**INTERNS (continued)****Early Completion Option**

**Note:** The following section is for use by districts that offer a university internship program and/or a district internship program. The early completion option required by Education Code 44468 provides interns who are preparing for either a multiple or single subject teaching credential an opportunity to challenge the coursework of an internship program and to demonstrate teaching skills through performance assessments.

In accordance with CTC correspondence issued March 10, 2003, any internship program approved by the CTC must have a plan which includes descriptions of (1) any coursework and field experiences that will be required of all early completion interns; (2) how the program requirements will be met, how program milestones will be sequenced and met, and how early completion interns will receive advisement; (3) how interns will engage in and successfully complete the Teaching Performance Assessment (TPA); (4) the TPA plan for those who pass the Teaching Foundations Exam; (5) how interns who do not successfully complete the initial TPA tasks will be provided an individualized plan and matriculate through the regular internship program; and (6) how early completion interns will be linked/articulated with induction programs.

An intern may choose an early completion option leading to a five-year preliminary credential by completing the following requirements: (Education Code 44468)

1. Passing the CTC-approved assessment of knowledge of teaching foundations
2. Passing the CTC-approved Teaching Performance Assessment (TPA)
  - a. The intern shall first pass the assessment of teaching foundations described in item #1 before qualifying to take the TPA.
  - b. The intern may take the TPA only one time as part of the early completion option. An intern who is not successful on the TPA may complete his/her internship program and his/her scores shall be used to provide an individualized professional development plan that emphasizes preparation in areas where additional growth is warranted and waiving preparation in areas where the intern has demonstrated competence. The intern shall be required to retake and pass the TPA at the end of the internship in order to be considered for recommendation to the CTC.
3. For interns pursuing a preliminary multiple subjects credential, passing the reading instruction competence assessment described in Education Code 44283
4. Meeting the requirements for teacher fitness as set forth in Education Code 44339, 44340, and 44341

## **INTERNS (continued)**

### **Alternative Certification Program for Addressing Teacher Shortages**

**Note:** The following optional section is for use by districts that provide an alternative certification program pursuant to Education Code 44380-44387 to address teacher shortages in geographic and subject matter areas. An alternative certification program that has been approved by the CTC must be operated as a university and/or district internship program.

Education Code 44380, as amended by SB 1186 (Ch. 518, Statutes of 2008), includes a legislative finding that serious shortages exist of mathematics and science teachers, teachers of limited-English-proficient students, minority teachers, and special education teachers. SB 1186 also amended Education Code 44385 to revise the criteria for selecting grant recipients to include consideration of the number of credentialed teachers at the school site and the district's capacity to provide mentoring support and assistance to interns.

To assist with recruitment of teachers in geographic and subject matter shortage areas, the district shall implement an alternative certification program that encourages persons with work experience and others who already have a bachelor's degree in the field in which they plan to teach to obtain a permanent credential. (Education Code 44382)

**Note:** The district may modify the following paragraph to reflect program(s) available in the district.

The district's alternative certification program shall be operated as a university internship program and/or district internship program under the requirements specified above for the applicable program. (Education Code 44384)

### **Enhanced Internship Program**

**Note:** The following section is optional and may be used by districts that offer a university internship program, a district internship program, or an alternative certification program. Education Code 44387 provides additional funding for internship programs to districts that agree to provide more preservice training on the teaching of English language learners, adhere to classroom supervision/observation requirements, maintain a small ratio of experienced teachers to interns, and address the distribution of interns, as provided below.

When granted additional state funding as an enhanced internship program, the district's program shall: (Education Code 44387)

1. Provide interns, before they provide instructional services, with the greater of the following:
  - a. 120 hours of intensive preservice training focused on the teaching of English language learners
  - b. 40 hours of preservice training in addition to all other required training, including, but not limited to, training related to services for English language learners pursuant to Education Code 44253.3, 44253.4, and 44253.10



**INTERNS (continued)**

Note: Education Code 44387 does not require that an experienced teacher who assists an intern be one who teaches at the same school as the intern, except to the extent possible. However, the experienced teacher must be employed by the school district and assigned to assist the intern at the school site.

2. Provide all teacher interns with 40 hours of classroom observation, supervision, assistance, and assessment by one or more experienced teachers who possess valid certification to teach the same grade level and the same subject matter and who are employed by the district, assigned to assist the interns at the interns' respective school sites, and, to the extent possible, teach at the same school sites as the interns

*(cf. 4138 - Mentor Teachers)*

Note: Education Code 44387 clarifies that each experienced teacher should not be assigned to assist more than five interns at the same school site.

3. Maintain a ratio of one experienced teacher to no more than five interns at the same school site

Note: Pursuant to Education Code 44387, in order to receive increased funding for the second year and beyond, districts must demonstrate to the CTC equity in distribution of interns, as provided below.

Beginning in the second year of receipt of state funding for this program, the district shall annually demonstrate that no "high priority school," defined as one that is ranked in deciles 1-5 on the Academic Performance Index, will have a higher percentage of interns than the districtwide average of interns per school in that year. (Education Code 44387, 52055.605)

*(cf. 0520.1 - High Priority Schools Grant Program)*

(11/06 11/07) 11/08

# **Administrative Regulation**

## **AR 4112.21 Personnel**

### **Interns**

#### **University Internship Program**

Persons employed through a university internship program are authorized to provide the same service at the same levels as authorized by a regular credential. (Education Code 44454)

(cf. 4112.2 - Certification)  
(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)  
(cf. 4112.23 - Special Education Staff)  
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may enter into an agreement with a college or university for the employment of competent and qualified college or university staff members to supervise and guide interns as they pursue their district responsibilities. (Education Code 44461)

The Superintendent or designee shall seek the assistance of a college or university in coordinating the program for each intern. (Education Code 44465)

Before an intern enrolls in any college or university program to renew his/her internship credential, the Superintendent or designee shall counsel the intern and plan a program for the first and subsequent renewals. (Education Code 44457)

(cf. 4131 - Staff Development)

#### **District Internship Program**

Persons employed through the district internship program may be assigned to teach in any classes in grades K-12, in bilingual education classes, or in special education programs for students with mild and moderate disabilities. (Education Code 44830.3)

(cf. 4112.2 - Certification)  
(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)  
(cf. 4112.23 - Special Education Staff)  
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

Each district intern shall be assisted and guided by either of the following: (Education

**Code 44326, 44830.3)**

- 1. A certificated employee who possesses valid certification at the same level or the same type of credential as the district intern he/she serves, and who is selected through a competitive process adopted by the Governing Board after consultation with the exclusive teacher representative unit**
- 2. Personnel employed by a college or university to supervise student teachers**

**The Superintendent or designee shall, in consultation with a college or university, develop and implement a professional development plan for district interns. This plan shall include, but not necessarily be limited to, the components described in Education Code 44830.3, including provisions for mandatory preservice training tailored to the grade level or class to be taught, additional instruction during the first year of service when required, and an annual evaluation of the district intern. (Education Code 44830.3)**

**(cf. 4115 - Evaluation/Supervision)  
(cf. 4131 - Staff Development)**

**The Superintendent or designee shall ensure that appropriate records are maintained, showing the credit earned by each district intern. (Education Code 44327)**

**When a district intern's credential expires, the Superintendent or designee may recommend to the Commission on Teacher Credentialing (CTC) that the intern's credential be extended for one year. (Education Code 44325)**

**When a district intern has successfully completed service sufficient to meet program standards and performance assessments, the Board may recommend to the CTC that the intern be awarded a preliminary credential. The Board may recommend issuance of a professional clear credential if the program includes an approved induction plan or CTC-approved advanced coursework meeting the requirements of Education Code 44259(c) for a professional clear credential. (Education Code 44328, 44468, 44830.3)**

#### **Enhanced Internship Program**

**The district's internship program shall: (Education Code 44387)**

- 1. Provide interns, before they provide instructional services, with the greater of the following:**
  - a. 120 hours of intensive preservice training focused on the teaching of English language learners**
  - b. 40 hours of preservice training in addition to all other required training, including, but not limited to, training related to services for English language learners pursuant to Education Code 44253.3, 44253.4, and 44253.10**

2. Provide all teacher interns with 40 hours of classroom observation, supervision, assistance, and assessment by one or more experienced teachers who possess valid certification to teach the same grade level and the same subject matter and who are employed by the district, assigned to assist the interns at the interns' respective school sites, and, to the extent possible, teach at the same school sites as the interns

(cf. 4131.1 - Beginning Teacher Support/Induction)  
(cf. 4138 - Mentor Teachers)

3. Maintain a ratio of one experienced teacher to no more than five interns at the same school site

Beginning in the second year of receipt of state funding for this program, the district shall annually demonstrate that no "high priority school," defined as one that is ranked in deciles 1-5 on the Academic Performance Index, will have a higher percentage of interns than the districtwide average of interns per school in that year. (Education Code 44387, 52055.605)

(cf. 0520.1 - High Priority Schools Grant Program)

#### **Early Completion Option**

An intern may choose an early completion option leading to a five-year preliminary credential by completing the following requirements: (Education Code 44468)

1. Passing the CTC-approved assessment of knowledge of teaching foundations

2. Passing the CTC-approved teaching performance assessment

a. The intern shall first pass the assessment of teaching foundations described in item #1 before qualifying to take the teaching performance assessment.

b. The intern may take the teaching performance assessment only one time as part of the early completion option. An intern who is not successful on this assessment may complete his/her internship program and his/her scores shall be used to provide an individualized professional development plan that emphasizes preparation in areas where additional growth is warranted and waiving preparation in areas where the intern has demonstrated competence. The intern must retake and pass the teaching performance assessment at the end of the internship in order to be considered for recommendation to the CTC.

3. For interns pursuing a preliminary multiple subjects credential, passing the reading instruction competence assessment described in Education Code 44283

4. Meeting the requirements for teacher fitness as set forth in Education Code

44339, 44340, and 44341

Regulation    CENTER UNIFIED SCHOOL DISTRICT  
approved: February 20, 2008 Antelope, California

# CSBA Sample

## Administrative Regulation

**Certificated Personnel**

AR 4117.14(a)  
4317.14

### **POSTRETIREMENT EMPLOYMENT**

**Note:** The following administrative regulation is optional.

The Superintendent or designee may utilize retired certificated individuals who possess unique knowledge and experience to perform specialized work of a limited duration.

**Note:** Education Code 24214, 24216.5, and 24216.6 allow a retired member of the State Teachers' Retirement System (STRS) to perform work that would normally accrue service credit in STRS. Pursuant to Education Code 24214, the retired individual may receive compensation for performing the services without reduction in his/her retirement allowance, but subject to an annual postretirement compensation limitation which is computed and adjusted annually by STRS. Education Code 24214 authorizes the retired individual to provide the services as a district employee, an employee of a third party, or an independent contractor.

A retired certificated individual who is a member of the State Teachers' Retirement System (STRS) and retained by the district to perform services pursuant to this administrative regulation shall not make contributions to the retirement fund or accrue service credit based on compensation earned from service. (Education Code 24214)

#### **Postretirement Compensation Limitation**

**Note:** Education Code 24214 specifies situations in which the postretirement compensation limitation is not applicable; see following sections regarding exemptions from the limitation.

A retired individual retained under this program shall be paid at a rate commensurate with that of other employees performing comparable duties. The retired individual may earn compensation for creditable service up to the compensation limitation specified by law. This limit applies only to earnings for service that would be creditable for STRS purposes if performed by a current employee. (Education Code 22119.5, 24214, 35046)

**Note:** Although Education Code 22461 requires the district to notify retired individuals of the postretirement compensation limitation, the district is not liable for any amount paid in excess of the limitation or for failing to inform the retired individual that continuation of service would exceed the limitation.

Upon retaining the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24116, 24214, and 24215

**POSTRETIREMENT EMPLOYMENT (continued)**

2. Maintain accurate records of the retired individual's compensation and report the compensation monthly to STRS and the individual regardless of the method of payment or the fund from which the payments are made

When retaining a retired individual eligible for any of the exemptions from the postretirement compensation limitation stated below, the Superintendent or designee shall submit to STRS all required documentation to substantiate eligibility for the exemption. (Education Code 24216)

**Exemption for Providing Specified Instructional Services**

Note: Education Code 24216.5 and 24216.6 list circumstances under which a retired individual may be exempt from the postretirement compensation limitation. AB 2390 (Ch. 494, Statutes of 2008) amended Education Code 24216.5 to apply the exemption to individuals who retired on or before January 1, 2007, and to extend the exemption until June 30, 2010, unless subsequent legislation is enacted.

Until June 20, 2010, any retired certificated individual employed by the district shall be exempt from the compensation limitation for members of STRS provided that he/she retired from service with an effective date on or before January 1, 2007, and is employed to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12
2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment program pursuant to Education Code 44279.1-44279.7

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

3. Support to individuals completing student teaching assignments

Note: Although Education Code 24216.5 authorizes an exemption for retired individuals providing support to participants in the pre-internship program pursuant to Education Code 44305-44308, those sections of the Education Code have been repealed. It is likely that clean-up legislation will be pursued at a later date.

4. Support to individuals participating in an alternative certification program (Education Code 44380-44386) or a school paraprofessional teacher training program (Education Code 44390-44393)

*(cf. 4112.21 - Interns)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

5. Instruction and student services to students enrolled in special education programs pursuant to Education Code 56000-56885

**POSTRETIREMENT EMPLOYMENT (continued)**

*(cf. 4112.23 - Special Education Staff)*

6. Instruction to students enrolled in English language learner programs pursuant to Education Code 400-410 and 430-446

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

7. Direct remedial instruction to students in grades 2-12 for the programs specified in Education Code 37252 and 37252.2

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 6179 - Supplemental Instruction)*

Retired individuals who are exempt from the limitation on compensation shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service may not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. (Education Code 24216.5, 24216.6)

The compensation for the class of retired individuals shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5, 24216.6)

**Exemption for Emergency Situations or Appointment as a Trustee/Administrator**

A retired certificated individual shall be exempt from the postretirement compensation limitation for a maximum period of two years if he/she is appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1, appointed as a trustee pursuant to the Immediate Intervention/Underperforming Schools Program or the High Priority Schools Grant Program, or assigned to a position by the County Superintendent of Schools pursuant to Education Code 42122-42129. (Education Code 24216)

*(cf. 0520.1 - High Priority Schools Grant Program)*

Note: AB 2390 (Ch. 494, Statutes of 2008) amended Education Code 24216 to extend the following exemption until June 30, 2010, unless subsequent legislation is enacted.
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Until June 30, 2010, a retired individual shall be exempt from the postretirement compensation limitation up to an additional one-half of the full-time position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)



**POSTRETIREMENT EMPLOYMENT (continued)**

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
3. The employment is reported in a public meeting of the Governing Board.

*(cf. 9320 - Meetings and Notices)*

The above exemptions shall not apply to any individual who has received additional retirement service credit pursuant to Education Code 22715 or 22716. A retiree who has received an additional service credit pursuant to Education Code 22714 or 22714.5 shall be ineligible for the above exemptions for one year from his/her effective date of retirement for service performed in any California district, community college district, or county office of education. (Education Code 24216)

*(cf. 4117.13/4317.13 - Early Retirement Option)*

**Consultancy Contracts**

A retired certificated employee serving as a consultant shall be retained as an employee and his/her service shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a consultancy contract, a retired certificated employee must have served the district or the County Superintendent for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

*Legal Reference: (see next page)*

## **POSTRETIREMENT EMPLOYMENT (continued)**

### *Legal Reference:*

#### **EDUCATION CODE**

400-410 English language acquisition program  
430-446 English Learner and Immigrant Student Federal Conformity Act  
22119.5 Creditable service, definition  
22461 Notice of earnings limitation  
22714 Encouragement of retirement  
22714.5 2+2 service and year credit option under STRS  
22715 Additional service credit  
22716 Unpaid services  
24116 Service at California State University  
24214 Creditable service by retiree  
24215 Service at California State University  
24216 Payments to retirants in excess of limitation  
24216.5 Exemption from earnings limitation  
24216.6 Exemption from earnings limitation  
35046 Consultancy contracts  
37252-37254.1 Supplemental instruction  
41320.1 Appointment of trustee  
42120-42129 Budget completion  
44279.1-44279.7 Beginning Teacher Support and Assessment Program  
44380-44386 Alternative certification program  
44390-44393 School paraprofessional teacher training program  
44830 Employment of certificated employees  
44830.3 Employment of district interns  
44929 Service credit under STRS; additional two years  
44929.1 2+2 service and year credit option under STRS  
52053-52055.55 Immediate Intervention/Underperforming Schools Program  
52055.600-52055.662 High Priority Schools Grant Program  
56000-56885 Special education

### *Management Resources:*

#### **WEB SITES**

California State Teachers' Retirement System: <http://www.calstrs.com>

(3/07 11/07) 11/08

# **Administrative Regulation**

**AR 4117.14 4217.14**

## **Personnel**

### **Postretirement Employment**

The Superintendent or designee may utilize retired certificated individuals who possess unique knowledge and experience to perform specialized work of a limited duration.

A retired certificated individual who is a member of the State Teachers' Retirement System (STRS) and retained by the district to perform services pursuant to this administrative regulation shall not make contributions to the retirement fund or accrue service credit based on compensation earned from service. (Education Code 24214)

### **Postretirement Compensation Limitation**

A retired individual retained under this program shall be paid at a rate commensurate with that of other employees performing comparable duties. The retired individual may earn compensation for creditable service up to the compensation limitation specified by law. This limit applies only to earnings for service that would be creditable for STRS purposes if performed by a current employee. (Education Code 22119.5, 24214, 35046)

Upon retaining the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall:  
(Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24116, 24214, and 24215
2. Maintain accurate records of the retired individual's compensation and report the compensation monthly to STRS and the individual regardless of the method of payment or the fund from which the payments are made

When retaining a retired individual eligible for any of the exemptions from the postretirement compensation limitation stated below, the Superintendent or designee shall submit all required documentation to substantiate eligibility for the exemption to STRS.  
(Education Code 24216)

### **Exemption for Providing Specified Instructional Services**

Any retired certificated individual employed by the district shall be exempt from the compensation limitation specified in law for members of STRS provided that he/she retired from service with an effective date on or before January 1, 2006, and is employed

to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12
2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System pursuant to Education Code 44279.1-44279.7

(cf. 4131.1 - Beginning Teacher Support/Induction)

3. Support to individuals completing student teaching assignments
4. Support to individuals participating in an alternative certification program (Education Code 44380-44386) or a school paraprofessional teacher training program (Education Code 44390-44393)

(cf. 4112.21 - Interns)

(cf. 4222 - Teacher Aides/Paraprofessionals)

5. Instruction and student services to students enrolled in special education programs pursuant to Education Code 56000-56885

(cf. 4112.23 - Special Education Staff)

6. Instruction to students enrolled in English language learner programs pursuant to Education Code 400-410 and 430-446

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

7. Direct remedial instruction to students in grades 2-12 for the programs specified in Education Code 37252 and 37252.2

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6179 - Supplemental Instruction)

Retired individuals who are exempt from the limitation on compensation shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service may not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. (Education Code 24216.5, 24216.6)

The compensation for the class of retired individuals shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5, 24216.6)

Exemption for Emergency Situations or Appointment as a Trustee/Administrator

A retired certificated individual shall be exempt from the postretirement compensation limitation for a maximum period of two years if he/she is appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1, appointed as a trustee pursuant to the Immediate Intervention/Underperforming Schools Program or the High Priority Schools Grant Program, or assigned to a position by the County Superintendent of Schools pursuant to Education Code 42122-42129. (Education Code 24216)

(cf. 0520.1 - High Priority Schools Grant Program)

Until June 30, 2009, a retired individual shall be exempt from the postretirement compensation limitation up to an additional one-half of the full-time position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
3. The employment is reported in a public meeting of the Governing Board.

(cf. 9320 - Meetings and Notices)

The above exemptions shall not apply to any individual who has received additional retirement service credit pursuant to Education Code 22715 or 22716. A retiree who has received an additional service credit pursuant to Education Code 22714 or 22714.5 shall be ineligible for the above exemptions for one year from his/her effective date of retirement for service performed in any California district, community college district, or county office of education. (Education Code 24216)

(cf. 4117.13/4317.13 - Early Retirement Option)

#### **Consultancy Contracts**

A retired certificated employee serving as a consultant shall be retained as an employee and his/her service shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a consultancy contract, a retired certificated employee must have served the district or the County Superintendent for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

**Legal Reference:**

**EDUCATION CODE**

400-410 English language acquisition program  
430-446 English Learner and Immigrant Student Federal Conformity Act  
22119.5 Creditable service, definition  
22461 Notice of earnings limitation  
22714 Encouragement of retirement  
22714.5 2+2 service and year credit option under STRS  
22715 Additional service credit  
22716 Unpaid services  
24116 Service at California State University  
24214 Creditable service by retiree  
24215 Service at California State University  
24216 Payments to retirants in excess of limitation  
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24216.6 Exemption from earnings limitation  
35046 Consultancy contracts  
37252-37253.5 Supplemental instruction  
41320.1 Appointment of trustee  
42120-42129 Budget completion  
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44380-44386 Alternative certification program  
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44830 Employment of certificated employees  
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44929.1 2+2 service and year credit option under STRS  
52053-52055.55 Immediate Intervention/Underperforming Schools Program  
52055.600-52055.662 High Priority Schools Grant Program  
56000-56885 Special education

**Management Resources:**

**WEB SITES**

California State Teachers' Retirement System: <http://www.calstrs.com>

**Regulation**     **CENTER UNIFIED SCHOOL DISTRICT**  
**approved: February 20, 2008 Antelope, California**

**EMPLOYMENT STATUS REPORTS**

**Note:** The following administrative regulation is optional.

Education Code 44242.5 and 5 CCR 80303 require the Superintendent to make the following report to the Commission on Teacher Credentialing (CTC) when the status of a credential holder, working in a position requiring a credential, is changed as a result of alleged misconduct. Although the term "alleged misconduct" is not defined in the law, according to the CTC conduct affecting classroom safety, student safety, or the integrity of the school environment is the type of misconduct that must be reported. Upon notification by the district or other specified agencies, the CTC may conduct a review and take an adverse action against the credential holder, including, but not limited to, suspension or revocation of the credential.

Within 30 days of any change in the employment status of a credential holder working in a position requiring a credential made as a result of an allegation of misconduct, the Superintendent shall report the change to the Commission on Teacher Credentialing (CTC). The report shall be made whenever one of the following actions is taken as a result of alleged misconduct: (Education Code 44242.5; 5 CCR 80303)

**1. Dismissal**

*(cf. 4117.4 - Dismissal)*

**2. Nonreelection/nonreemployment**

*(cf. 4117.6 - Decision Not to Rehire)*

**3. Suspension for more than 10 days**

**4. Placement on unpaid administrative leave for more than 10 days pursuant to a final adverse employment action**

**5. Resignation, retirement, or other departure from employment**

*(cf. 4117.2 - Resignation)*

**6. Termination by a decision not to employ or reemploy**

The report shall contain all known information about each alleged act of misconduct by the employee. (5 CCR 80303)

The report shall be made regardless of any proposed or actual agreement, settlement, or stipulation between the district and the employee not to make such a report. The report shall also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement, or other failure to contest the truth of the allegations. (5 CCR 80303)

## EMPLOYMENT STATUS REPORTS (continued)

Note: Pursuant to 5 CCR 80303, failure of the Superintendent to either make the required report or to inform the employee in writing of the contents of 5 CCR 80303 constitutes unprofessional conduct and the matter will be investigated by the CTC.

The Superintendent shall inform the employee in writing of the contents of 5 CCR 80303 upon a change in employment status as a result of alleged misconduct. (5 CCR 80303)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

Note: Pursuant to Education Code 44940, the district must notify the CTC when an employee has been charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940. See BP/AR 4118 - Suspension/Disciplinary Action. Upon receiving notification from the district, the CTC will automatically suspend the employee's credential. As amended by SB 1110 (Ch. 578, Statute of 2008), Education Code 44423.5 also requires the CTC to suspend an individual's credential upon receiving notice that another state has taken final action to revoke the individual's credential.

Within 10 days after receipt of a complaint, information, or indictment regarding an employee who has been charged with a "mandatory leave of absence offense" (defined as a sex or drug offense specified in Education Code 44940), the Superintendent or designee shall forward a copy of the received documents to the CTC. In addition, he/she shall report to the CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

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

### Notice of Other Violations

Note: Education Code 44242.5 gives the CTC authority to review any of the violations described in items #1-4 below upon receiving notice from a district. Although the law does not require districts to report these violations to the CTC, the Board, at its discretion, may choose to require the Superintendent or designee to report complaints of alleged sexual misconduct (item #1) and/or any of the other following violations.

The Superintendent or designee may notify the CTC of any of the following: (Education Code 44242.5)

1. A complaint received by the district regarding a credential holder's alleged sexual misconduct

The notice shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct



**EMPLOYMENT STATUS REPORTS (continued)**

- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

- 2. An employee's refusal, without good cause, to fulfill a valid employment contract, or departure from district service without the consent of the Superintendent or Governing Board (Education Code 44420)
- 3. An employee's knowing and willful use of student records in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder or in which the credential holder is an employee (Education Code 44421.1)
- 4. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44421.5)

*Legal Reference:*

EDUCATION CODE

44009 Conviction of specified crimes  
44010 Sex offense - definitions  
44011 Controlled substance offense - definitions  
44225 Powers and duties of the CTC  
44242.5 Reports and review of alleged misconduct  
44420-44440 Adverse actions by CTC against credential holder  
44940 Sex offenses and narcotic offenses; compulsory leave of absence  
44940.5 Compulsory leave of absence  
CODE OF REGULATIONS, TITLE 5  
80303 Reports of change in employment status, alleged misconduct  
80304 Notice of sexual misconduct

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

WEB SITES

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

# **Administrative Regulation**

**AR 4117.7  
Personnel**

## **Employment Status Reports**

Within 30 days of any change in the employment status of a credential holder working in a position requiring a credential made as a result of an allegation of misconduct, the Superintendent shall report the change to the Commission on Teacher Credentialing. The report shall be made whenever one of the following actions is taken as a result of alleged misconduct: (Education Code 44242.5; 5 CCR 80303)

**1. Dismissal**

(cf. 4117.4 - Dismissal)

**2. Nonreelection/nonreemployment**

(cf. 4117.6 - Decision Not to Rehire)

**3. Suspension for more than 10 days**

(cf. 4118 - Suspension/Disciplinary Action)

**4. Placement on unpaid administrative leave for more than 10 days pursuant to a final adverse employment action**

**5. Resignation or other departure from employment**

(cf. 4117.2 - Resignation)

The report shall contain all known information about each alleged act of misconduct by the employee. (5 CCR 80303)

The report shall be made regardless of any proposed or actual agreement, settlement or stipulation between the district and the employee not to make such a report. The report shall also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement or other failure to contest the truth of the allegations. (5 CCR 80303)

The Superintendent shall inform the employee in writing of the contents of 5 CCR 80303 upon a change in employment status as a result of alleged misconduct. (5 CCR 80303)

**(cf. 4112.9/4212.9/4312.9 - Employee Notifications)**

**Notice of Other Violations**

**The Superintendent or designee may notify the Commission on Teacher Credentialing of any of the following: (Education Code 44242.5)**

**1. A complaint received by the district regarding a credential holder's alleged sexual misconduct**

**The notice shall contain all of the following information: (5 CCR 80304)**

- a. Name of the employee alleged to have engaged in the sexual misconduct**
- b. Name, age and address of each victim of the alleged sexual misconduct**
- c. A summary of all information known to the district regarding the alleged sexual misconduct**
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct**

**(cf. 1312.1 - Complaints Concerning District Employees)**

**(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)**

**(cf. 5145.7 - Sexual Harassment)**

**2. Refusal, without good cause, to fulfill a valid employment contract, or departure from district service without the consent of the Superintendent or Board (Education Code 44420)**

**3. Knowing and willful use of student records in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder or in which the credential holder is an employee (Education Code 44421.1)**

**4. Knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44421.5)**

**Legal Reference:**

**EDUCATION CODE**

**44225 Powers and duties of the Commission on Teacher Credentialing**

**44242.5 Reports and review of alleged misconduct**

**44420-44440 Adverse actions by CTC against credential holder**

**CODE OF REGULATIONS, TITLE 5**

**80303 Reports of change in employment status, alleged misconduct**

**80304 Notice of sexual misconduct**

**Management Resources:**

**WEB SITES**

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

**CTC:** <http://www.ctc.ca.gov>

**Regulation      CENTER UNIFIED SCHOOL DISTRICT**  
**approved: June 19, 2002      Antelope, California**

# CSBA Sample

## Board Policy

**Certificated Personnel**

**BP 4118(a)**

### **SUSPENSION/DISCIPLINARY ACTION**

**Note:** The following optional policy and accompanying administrative regulation are subject to collective bargaining and should be deleted by any district whose agreement covers certificated employee suspension and discipline.

The Governing Board expects all employees to exhibit professional and appropriate conduct and serve as positive role models both at school and in the community. An employee may be suspended or disciplined for unprofessional or inappropriate conduct in accordance with law, the district's collective bargaining agreement, Board policy, and administrative regulation.

*(cf. 4000 - Concepts and Roles)*  
*(cf. 4112.5/4312.5 - Criminal Record Check)*  
*(cf. 4117.4 - Dismissal)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

The Superintendent or designee shall ensure that, consistent with law, disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4032 - Complaints Concerning Discrimination in Employment)*  
*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4119.1/4219.4319.1 - Civil and Legal Rights)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

**Note:** Education Code 44242.5 and 44940 require the district to report to the Commission on Teacher Credentialing when the status of a credential holder, working in a position requiring a credential, is changed as a result of alleged misconduct and when a credential holder is charged with a "mandatory leave of absence offense." See AR 4117.7 - Employment Status Reports.

In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.

## **SUSPENSION/DISCIPLINARY ACTION (continued)**

*(cf. 4117.7 - Employment Status Reports)*

### **Legal Reference:**

#### **EDUCATION CODE**

44008 *Effect of termination of probation*  
44009 *Conviction of specified crimes*  
44010 *Sex offense - definitions*  
44011 *Controlled substance offense - definitions*  
44242.5 *Reports and review of alleged misconduct*  
44425 *Conviction of a sex or narcotic offense*  
44660-44665 *Evaluation and assessment of performance of certificated employees*  
44830.1 *Criminal record summary certificated employees*  
44930-44988 *Resignations, dismissal, and leave of absence, especially:*  
44940 *Sex offenses and narcotic offenses; compulsory leave of absence*  
44940.5 *Compulsory leave of absence*  
45055 *Drawing of warrants for teachers*  
48907 *Exercise of free speech, expression*  
48950 *Speech and other communication*  
51530 *Advocacy or teaching of communism*

#### **GOVERNMENT CODE**

3543.2 *Scope of representation*

#### **HEALTH AND SAFETY CODE**

11054 *Schedule I; substances included*  
11055 *Schedule II, substances included*  
11056 *Schedule III, substances included*  
11357-11361 *Marijuana*  
11363 *Peyote*  
11364 *Opium*  
11370.1 *Possession of controlled substances with a firearm*

#### **PENAL CODE**

187 *Murder*  
291 *School employees arrest for sex offense*  
667.5 *Prior prison terms, enhancement of prison terms*  
1192.7 *Plea bargaining limitation*

#### **CODE OF REGULATIONS, TITLE 5**

80303 *Reports of change in employment status*  
80304 *Notice of sexual misconduct*

#### **COURT DECISIONS**

*Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334*

### **Management Resources:**

#### **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

*California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007*

#### **WEB SITES**

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

(10/93 7/00) 11/08

# **Board Policy**

**BP 4118**

## **Personnel**

### **Suspension/Disciplinary Action**

The Governing Board desires that all employees exhibit professional and appropriate conduct and serve as positive role models at school and in the community. Unacceptable conduct shall be subject to disciplinary action in accordance with law, collective bargaining agreement, Board policy and administrative regulations.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall develop administrative regulations that identify types of misconduct and possible consequences. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave and dismissal.

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved. He/she shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Complaints Concerning Discrimination in Employment)

(cf. 4117.4 - Dismissal)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

#### **Legal Reference:**

##### **EDUCATION CODE**

44009 Conviction of specified crimes

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44660-44665 Evaluation and assessment of performance of certificated employees

44830.1 Criminal record summary certificated employees

44932 Grounds for dismissal of permanent employee

44933 Other grounds for dismissal

44938 Unprofessional conduct or unsatisfactory performance; notice of charges

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

**44942 Suspension or transfer of certificated employee on grounds of mental illness**

**44944 Conduct of hearing**

**44948.3 Dismissal of employees on probation**

**45055 Drawing of warrants for teachers**

**51530 Advocacy or teaching of communism**

**GOVERNMENT CODE**

**3543.2 Scope of representation**

**HEALTH AND SAFETY CODE**

**11054 Schedule I; substances included**

**11055 Schedule II, substances included**

**11056 Schedule III, substances included**

**11357-11361 Marijuana**

**11363 Peyote**

**11364 Opium**

**11370.1 Possession of controlled substances with a firearm**

**PENAL CODE**

**667.5 Prior prison terms, enhancement of prison terms**

**1192.7 Plea bargaining limitation**

**COURT DECISIONS**

**Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334 (275 Cal.Rptr. 86)**

**Policy CENTER UNIFIED SCHOOL DISTRICT**

**adopted: December 6, 2000 Antelope, California**



# CSBA Sample

## Administrative Regulation

Certificated Personnel

AR 4118(a)

### SUSPENSION/DISCIPLINARY ACTION

Note: The following optional administrative regulation should be revised to reflect the district's collective bargaining obligations and the advice of legal counsel.

#### Suspension Without Pay

Note: Pursuant to Government Code 3543.2, districts may negotiate procedures for suspending permanent certificated employees, without pay, for unprofessional conduct. The following optional paragraph is for use only by districts that have not negotiated this topic; districts that have negotiated this topic should be careful to delete the following paragraph. In addition, those districts under 250 ADA that do not grant permanent status to certificated employees should delete the word "permanent" from the following paragraph.

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932-44938.

Note: The following paragraph applies only to districts of 250 ADA or more or to districts under 250 ADA that grant permanent status.

A probationary certificated employee may be suspended without pay for a specified period during the school year as an alternative to dismissal following procedures designated in Education Code 44948.3.

Note: Education Code 44938 requires that certificated employees receive a notice of deficiency at least 45 days before being suspended or dismissed for unprofessional conduct. In Crowl v. Commission on Professional Competence, the court held that the purpose of this notice is to give the employee an opportunity to correct the conduct. When the employee fully remediates the misconduct specified in the 45-day notice, no disciplinary action may be taken. The Crowl decision did not address what could be done when the misconduct specified in the notice reoccurs after the expiration of the 45-day period. Because the lack of further misconduct may not necessarily be equal to full remediation, appropriate disciplinary action should be determined on a case-by-case basis in consultation with legal counsel and the district's collective bargaining agreement.

Prior to any disciplinary action on charges leading to suspension without pay on the grounds of unprofessional conduct, the Superintendent or designee shall give the employee written notice. This written notice shall: (Education Code 44938)

1. Indicate the nature of the employee's unprofessional conduct
2. Cite specific instances of unprofessional behavior

## **SUSPENSION/DISCIPLINARY ACTION (continued)**

3. Give the employee a 45-day opportunity to correct the misconduct and overcome the ground(s) for the charge(s)
4. Include the evaluation made pursuant to Education Code 44660-44665, if applicable

*(cf. 4115 - Evaluation/Supervision)*

### **Mandatory Leave of Absence**

Note: Whenever a certificated employee is charged with a "mandatory leave of absence offense" as defined in Education Code 44940, the district is required to place him/her on a compulsory leave of absence. Penal Code 291 requires police authorities, including the local police, sheriff, or California Highway Patrol, to phone the Superintendent when a school employee has been arrested for a sex offense and provide written notice to the County Superintendent of Schools and the Commission on Teacher Credentialing (CTC).

Pursuant to Education Code 44009 and 44425, the CTC will revoke the credential of an individual who has been convicted of a mandatory leave of absence offense. SB 1105 (Ch. 577, Statutes of 2008) amended Education Code 44009 and 44242.5 to expand the definition of "conviction" of a sex offense to include a plea of no contest. For dismissal procedures, see AR 4117.4 - Dismissal.

Upon being informed that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols

*(cf. 4117.7 - Employee Status Reports)*

Upon receipt of notification from the Department of Justice by telephone that a current temporary, substitute, or probationary employee serving before March 15 of the his/her second probationary year has been convicted of a violent or serious felony, that employee shall be immediately placed on leave without pay. Upon receipt of written electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

*(cf. 4112.5/4312.5 - Criminal Record Check)*

An employee's compulsory leave may extend for not more than 10 days after the entry of judgment in the proceedings. However, the Governing Board may extend a certificated employee's compulsory leave by giving notice, within 10 days after the entry of judgment in

## **SUSPENSION/DISCIPLINARY ACTION (continued)**

the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless he/she demands a hearing. (Education Code 44940, 44940.5)

*(cf. 4117.4 - Dismissal)*

Note: Pursuant to Education Code 44940.5, while on compulsory leave, the employee may receive his/her salary if he/she provides a suitable bond or other acceptable security as a guarantee that he/she will repay the leave-period salary if convicted of the charges or if he/she fails to return to district service. If the employee is acquitted or the charges are dismissed, the district must reimburse him/her for the cost of the bond upon return to service in the district. If an employee who does not furnish a bond or other security is acquitted or the charges are dismissed, the district must pay his/her salary for the time spent on leave upon return to district service.

As amended by SB 1303 (Ch. 579, Statutes of 2008), Education Code 44940.5 specifies that, if the charges against an employee are dismissed as a result of the employee's successful completion of a drug diversion program and the employee returns to service, the employee may elect to receive payment for his/her accrued leave and differential pay for the length of the employee's leave of absence.

Employee compensation during the period of compulsory leave shall be made in accordance with Education Code 44940.5.

## **Optional Leave of Absence**

Note: Education Code 44940 permits the Board to require compulsory leaves for certain "optional leave of absence offenses." These offenses include murder as defined in Penal Code 187 and other controlled substance offenses as specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 as these sections relate to any controlled substance except marijuana, mescaline, peyote, or tetrahydrocannabinols.

If an employee is charged with an offense that falls into both the mandatory and optional categories, Education Code 44940 specifies that the offense must be treated as a "mandatory" offense.

The Board may require an immediate compulsory leave of absence when a certificated employee is charged with an "optional leave of absence offense" as specified in law. Such employees shall be subject to the same requirements specified in Education Code 44940.5 regarding extension of the leave, furnishing of a bond, and payment of salaries for employees charged with mandatory leave of absence offenses. (Education Code 44940, 44940.5)

## **Protection of a Student's Free Speech or Press Rights**

Note: Education Code 48907 and 48950 grant students the right to exercise freedom of speech and press. SB 1370 (Ch. 525, Statutes of 2008) amended Education Code 48907 and 48950 to specify that an employee may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for action to protect a student's free speech and press rights. See BP/AR 5145.2 - Freedom of Speech/Expression.

**SUSPENSION/DISCIPLINARY ACTION (continued)**

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising his/her free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

(10/93 7/00) 11/08

# **Administrative Regulation**

**AR 4118  
Personnel**

## **Suspension/Disciplinary Action**

### **Suspension Without Pay**

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932(b).

A probationary certificated employee may be suspended without pay for a specified period during the school year as an alternative to dismissal following procedures designated in Education Code 44948.3.

Prior to any action on charges leading to suspension without pay on the grounds of unprofessional conduct, the Superintendent or designee shall give the employee written notice. This written notice shall: (Education Code 44938)

1. Indicate the nature of the employee's unprofessional conduct
2. Cite specific instances of unprofessional behavior
3. Give the employee a 45-day opportunity to correct the misconduct and overcome the grounds for the charge
4. Include the evaluation made pursuant to Education Code 44660-44665, if applicable

(cf. 4115 - Evaluation/Supervision)

### **Compulsory Leave**

The Superintendent or designee shall immediately place on compulsory leave of absence any certificated employee who is charged with committing: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Any offense involving the unlawful sale, use or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055 and 11056, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols

Upon receipt of notification from the Department of Justice by telephone that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, that employee shall be immediately placed on leave without pay. (Education Code 44830.1)

(cf. 4112.5/4312.5 - Criminal Record Check)

Upon receipt of written electronic notification of the conviction from the Department of Justice the employee, as specified above, shall be terminated automatically, and without regard to any other termination procedure. (Education Code 44830.1)

The Board also may require an immediate compulsory leave of absence when a certificated employee is charged with "an optional leave of absence offense" as specified in law. (Education Code 44940)

The compulsory leave may extend for not more than 10 days after the entry of judgment in the proceedings. However, the Board may extend a certificated employee's compulsory leave by giving notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed in 30 days unless he/she demands a hearing. (Education Code (Education Code 44940, 44940.5))

(cf. 4117.4 - Dismissal)

The Board shall report to the Commission on Teacher Credentialing (formerly the Commission for Teacher Preparation and Licensing) any action it takes in connection with extending a compulsory leave beyond 10 days. (Education Code 44940.5)

Employee compensation during the period of compulsory leave shall be made in accordance with Education Code 44940.5.

Regulation     CENTER UNIFIED SCHOOL DISTRICT  
approved: December 6, 2000 Antelope, California

# CSBA Sample

## Board Policy

### Certificated Personnel

BP 4131(a)

### STAFF DEVELOPMENT

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

*(cf. 6111 - School Calendar)*

Note: The following optional list of staff development purposes may be revised to reflect district priorities.

Pursuant to Education Code 99230-99242, the Mathematics and Reading Professional Development Program (commonly known as AB 466 or SB 472 trainings) allocates incentive funding to provide teachers and paraprofessionals with 40 hours of initial professional development and 80 hours of follow-up professional development in mathematics and reading instruction; see the accompanying administrative regulation. As a condition of receiving state funding for the program, the Governing Board must approve, at a public Board meeting, an assurance that the program satisfies the requirements specified in Education Code 99237.

The Professional Development Block Grant, Education Code 41530-41533, funds the purposes of the following programs as the repealed statutes governing those programs read on January 1, 2004: Instructional Time and Staff Development Reform Program (Education Code 44579-44579.6), Teaching as a Priority Block Grant (Education Code 44735, including reimbursement for coursework and examinations leading to certification), and intersegmental programs. Purposes of the repealed Instructional Time and Staff Development Reform Program included teacher training in the academic content of the core curriculum, teaching strategies, classroom management and other training designed to improve student performance, conflict resolution, and intolerance and hatred prevention. SB 1378 (Ch. 143, Statutes of 2008) added Education Code 41533 to allow grant funds to be used to provide each teacher with two hours of staff development in the prevention of youth suicide.

In addition, SB 1660 (Ch. 276, Statutes of 2008) amended Education Code 41530 to allow Professional Development Block Grant funds to be used to compensate new and existing mathematics, science, and special education teachers in schools ranked in deciles 1-3 on the Academic Performance Index in the 2008-09 school year and beyond, in a manner separate from the salary schedule based on years of training and years of service, if the district and exclusive representative of certificated employees agree.

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of discipline-based knowledge, including academic content in the core curriculum and academic standards

*(cf. 6011 - Academic Standards)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

**STAFF DEVELOPMENT (continued)**

*(cf. 6142.3 - Civic Education)*  
*(cf. 6142.5 - Environmental Education)*  
*(cf. 6142.6 - Visual and Performing Arts Education)*  
*(cf. 6142.7 - Physical Education)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.91 - Reading/Language Arts Instruction)*  
*(cf. 6142.92 - Mathematics Instruction)*  
*(cf. 6142.93 - Science Instruction)*

2. Use of effective, subject-specific teaching methods, strategies, and skills
3. Use of technologies to enhance instruction

*(cf. 0440 - District Technology Plan)*

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, gifted and talented students, and at-risk students

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*  
*(cf. 4112.23 - Special Education Staff)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6141.5 - Advanced Placement)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6175 - Migrant Education Program)*

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

*(cf. 6178 - Career Technical Education)*

6. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution and intolerance and hatred prevention



## STAFF DEVELOPMENT (continued)

*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 6162.5 - Student Assessment)*

10. Knowledge of topics related to student health, safety, and welfare

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.5 - Sex Offender Notification)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.63 - Steroids)*  
*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5141.52 - Suicide Prevention)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

11. Knowledge of topics related to employee health, safety, and security

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 4158/4258/4358 - Employee Security)*

Note: The following optional paragraph may be revised to reflect district practice. Education Code 44277 encourages districts to establish professional growth programs that give individual teachers a wide range of options and significant roles in determining the course of their professional growth. Districts may assist teachers with preliminary credentials to meet the qualifications required for a professional clear credential, and are required to provide staff development and support to teachers participating in internship programs (Education Code 44325-44329.5, 44450-44468, and 44830.3) or beginning teacher induction programs (Education Code 44279.1-44279.7). In addition, 20 USC 6319 requires that the Title I local educational agency plan include professional development designed to enable teachers of core academic subjects to meet the requirements of the No Child Left Behind Act for "highly qualified" teachers; see BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

The Superintendent or designee may, in conjunction with individual teachers and interns, develop an individualized program of professional growth which contributes to competence, performance, and effectiveness in teaching and classroom assignments and, as necessary, assists them in meeting state or federal requirements to be fully qualified for their positions.

## **STAFF DEVELOPMENT (continued)**

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

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

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4138 - Mentor Teachers)*

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4139 - Peer Assistance and Review)*

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, and school plans.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0420.1 - School-Based Program Coordination)*

*(cf. 0520.1 - High Priority Schools Grant Program)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(cf. 0520.4 - Quality Education Investment Schools)*

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement.

*(cf. 0500 - Accountability)*

Note: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. However, the Public Employment Relations Board (PERB) has found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment. (United Faculty of Contra Costa Community College District v. Contra Costa Community College District) Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of agreement, may be determined by PERB on a case-by-case basis.

## STAFF DEVELOPMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

41520-41522 Teacher Credentialing Block Grant, including beginning teacher support  
41530-41533 Professional Development Block Grant  
44032 Travel expense payment  
44259.5 Standards for teacher preparation  
44277 Professional growth programs for individual teachers  
44279.1-44279.7 Beginning Teacher Support and Assessment Program  
44325-44329.5 District interns  
44450-44468 University internship program  
44560-44562 Certificated Staff Mentoring Program  
44570-44578 Inservice training, secondary education  
44580-44591 Inservice training, elementary teachers  
44630-44643 Professional Development and Program Improvement Act of 1968  
44700-44705 Classroom teacher instructional improvement program  
44735 Teaching as a Priority Block Grant; teacher recruitment and retention in high-priority schools  
45028 Salary schedule and exceptions  
48980 Notification of parents/guardians: schedule of minimum days  
52055.600-52055.662 High Priority Schools Grant Program  
56240-56245 Staff development; service to persons with disabilities  
99200-99206 Subject matter projects  
99220-99227 California Professional Development Institutes  
99230-99242 Mathematics and Reading Professional Development Program

#### REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

#### GOVERNMENT CODE

3543.2 Scope of representation of employee organization

#### CODE OF REGULATIONS, TITLE 5

11980-11985.6 Mathematics and Reading Professional Development Program

13025-13044 Professional development and program improvement

#### UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, Training and Recruiting High Quality Teachers and Principals

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

State Board of Education Guidelines and Criteria for Approval of Training Providers, March 2008

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 1997

#### WEB SITES

Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>

California Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

California Department of Education, Professional Development: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmp.ucop.edu>

(11/05 11/06) 11/08

# **Board Policy**

## **BP 4131 Personnel**

### **Staff Development**

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

(cf. 6111 - School Calendar)

The district's staff development program may include, but is not limited to:

1. Mastery of discipline-based knowledge, including academic content in the core curriculum and academic standards

(cf. 6011 - Academic Standards)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.5 - Environmental Education)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

2. Effective, subject-specific teaching methods, strategies, and skills

3. The use of technologies to enhance instruction

(cf. 0440 - District Technology Plan)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, gifted and talented students, and at-risk students

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)  
(cf. 5149 - At-Risk Students)  
(cf. 6141.5 - Advanced Placement)  
(cf. 6171 - Title I Programs)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

(cf. 6030 - Integrated Academic and Vocational Instruction)

6. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education

(cf. 1240 - Volunteer Assistance)  
(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution, intolerance, and hatred prevention

(cf. 5137 - Positive School Climate)  
(cf. 5138 - Conflict Resolution/Peer Mediation)  
(cf. 5145.9 - Hate-Motivated Behavior)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

(cf. 5121 - Grades/Evaluation of Student Performance)  
(cf. 6162.5 - Student Assessment)

10. Topics related to student health, safety, and welfare

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515.5 - Sex Offender Notification)  
(cf. 5030 - Student Wellness)  
(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.63 - Steroids)  
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5141.52 - Suicide Prevention)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

11. Topics related to employee health, safety, and security

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 4158/4258/4358 - Employee Security)

As necessary, teachers shall receive professional development, as defined in 20 USC 7801, which is designed to help them meet the requirements of federal law for teachers of core academic subjects. (20 USC 6319)

(cf. 4112.2 - Certification)  
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may, in conjunction with individual teachers, develop an individualized program of professional growth which contributes to competence, performance, or effectiveness in teaching and classroom assignments.

(cf. 4112.21 - Interns)  
(cf. 4131.1 - Beginning Teacher Support/Induction)  
(cf. 4138 - Mentor Teachers)

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

(cf. 4115 - Evaluation/Supervision)  
(cf. 4139 - Peer Assistance and Review)

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, and school plans.

(cf. 0000 - Vision)  
(cf. 0200 - Goals for the School District)  
(cf. 0420 - School Plans/Site Councils)  
(cf. 0420.1 - School-Based Program Coordination)  
(cf. 0520 - Intervention for Underperforming Schools)  
(cf. 0520.1 - High Priority Schools Grant Program)  
(cf. 0520.2 - Title I Program Improvement Schools)  
(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 0520.4 - Quality Education Investment Schools)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary in order to ensure that the staff development program supports the district's priorities for student achievement.

(cf. 0500 - Accountability)

(cf. 9000 - Role of the Board)

**Legal Reference:**

**EDUCATION CODE**

41520-41522 Teacher Credentialing Block Grant, including beginning teacher support

41530-41532 Professional Development Block Grant

44032 Travel expense payment

44259.5 Standards for teacher preparation

44277 Professional growth programs for individual teachers

44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)

44560-44562 Certificated Staff Mentoring Program

44570-44578 Inservice training, secondary education

44580-44591 Inservice training, elementary teachers

44630-44643 Professional Development and Program Improvement Act of 1968

44700-44705 Classroom teacher instructional improvement program

44735 Teaching as a Priority; teacher recruitment and retention in high-priority schools

44755-44757.5 Inservice training in reading instruction, grades K-3

48980 Notification of parents/guardians: schedule of minimum days

52800-52870 School-Based Program Coordination Act

56240-56245 Staff development; service to persons with disabilities

99200-99206 Subject matter projects

99220-99227 California Professional Development Institutes

99230-99242 Mathematics and Reading Professional Development Program

**REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**

44579-44579.6 Instructional Time and Staff Development Reform Program

**GOVERNMENT CODE**

3543.2 Scope of representation of employee organization

**CODE OF REGULATIONS, TITLE 5**

6100-6125 Teacher qualifications, No Child Left Behind Act

11980-11985 Mathematics and Reading Professional Development Program

13025-13044 Professional development and program improvement

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, Training and Recruiting High Quality Teachers and Principals

7801 Definitions, highly qualified teacher

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

NCLB Teacher Requirements Resource Guide, March 2004

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 1997

WEB SITES

Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>

California Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

California Department of Education, Professional Development:

<http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmmp.ucop.edu>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: May 2, 2007      Antelope, California



# CSBA Sample

## Administrative Regulation

**Certificated Personnel**

AR 4131(a)

### **STAFF DEVELOPMENT**

#### **Approved Activities**

**Note:** The following optional section may be revised to reflect district practice. Education Code 44277 encourages districts to provide professional growth programs for individual teachers which include a wide range of optional activities that are incorporated into the list below.

The Superintendent or designee shall ensure that certificated staff members have opportunities to learn both from outside sources and from each other. These opportunities may include, but are not limited to:

1. Visits to other classrooms and other schools to observe and analyze teaching
2. Attendance at professional education conferences or committee meetings
3. Classes/workshops offered by the district, county office of education, state projects, private organizations, or other appropriate agencies
4. Courses in regionally accredited institutions of higher education, including courses delivered through online technologies
5. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
6. Peer conferences and/or joint staff preparation time
7. Participation in curriculum development projects

*(cf. 6141 - Curriculum Development and Evaluation)*

8. Participation in educational research or innovation efforts
9. Assistance from or service as a mentor teacher or consulting teacher

*(cf. 4112.21 - Interns)*

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4138 - Mentor Teachers)*

*(cf. 4139 - Peer Assistance and Review)*

10. Service in a leadership role in a professional organization

**STAFF DEVELOPMENT (continued)**

11. Discussions and/or internships with business and community agencies for the purpose of identifying the skills, knowledge, and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178 - Work Experience Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

12. Travel, study, and research in subject-matter content and effective educational practices

*(cf. 4161.3 - Professional Leaves)*

13. Follow-up activities that help staff to implement newly acquired skills

The Superintendent or designee shall approve the participation of individual staff members in district-provided or external staff development activities which may require release time, leave of absence, or other district resources.

**Mathematics and Reading Professional Development Program**

Note: The following optional section is for use by districts participating in the Mathematics and Reading Professional Development Program (commonly known as AB 466 or SB 472 trainings) pursuant to Education Code 99230-99242.

Pursuant to Education Code 99237, the district may contract with a training provider or apply to the State Board of Education (SBE) to serve as a training provider. To be approved, the provider must use a curriculum that is based on the SBE Guidelines and Criteria for Approval of Training Providers.

With the approval of the State Board of Education, the district shall offer or contract with a training provider to provide professional development to teachers, instructional aides, and paraprofessionals who directly assist with classroom instruction in mathematics and/or reading. (Education Code 99232, 99237)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

Note: Education Code 99234 states legislative intent regarding priority for teachers to be served by the program, as provided in optional items #1-4 below. The district may revise the following items to reflect district priorities for the program.

Priority for professional development under this program may be given to teachers who meet any of the following criteria: (Education Code 99234)

**STAFF DEVELOPMENT (continued)**

1. Are in their first or second year of teaching

Note: Education Code 99234 encourages districts to give priority to teachers assigned to high-priority schools, as provided in item #2 below. Education Code 52055.605 defines a "high-priority" school as one that is ranked in the bottom half (deciles 1-5) of the state's Academic Performance Index.

2. Are assigned to high-priority schools ranked in deciles 1-5 of the state's Academic Performance Index
3. Are assigned to schools that are under state sanctions in the High Priority Schools Grant Program pursuant to Education Code 52055.650

(cf. 0520.1 - High Priority Schools Grant Program)

4. Have recently changed teaching assignments

The program shall provide 40 hours of professional development per subject area focused primarily on the statewide academic content standards for mathematics or English language arts, state curriculum frameworks for mathematics or English language arts, and instructional materials aligned to mathematics or English language arts content standards. The program shall include instructional strategies designed to help all students gain mastery of the state content standards, with special emphasis on English language learners and students with disabilities. (Education Code 99237; 5 CCR 11984)

(cf. 6011 - Academic Standards)

Note: Education Code 99237 requires participating teachers to complete 80 hours of follow-up professional development as provided below. Education Code 99237.6, as added by AB 2391 (Ch. 239, Statutes of 2008), allows teachers to fulfill half of this requirement with instruction in areas that include data analysis, alignment of assessment and instruction, implication of data analysis and its effect on increasing student achievement, impact on student success through diagnostic teaching, differentiating instruction through pacing and complexity, grouping as an aid to instruction, and statewide and local data management systems. If the district chooses to offer this option, the district must contract with an SBE-approved training provider whose curriculum is based on those areas.

Within two years of completing the above professional development, participating teachers shall complete 80 hours of follow-up instruction, coaching, or additional school-site assistance based on individual teacher or school needs as appropriate. (Education Code 99237, 99237.6)

Note: Pursuant to Education Code 99237.5, teachers of English language learners may receive additional professional development in math and reading/language arts as provided below. Priority for state funding is given to districts that meet one or more of the following criteria: (1) 20 percent or more of the students enrolled are English learners; (2) at least one district school had been identified as in need of program improvement; and (3) at least one school has failed to reach its adequate yearly progress target for the English learner subgroup.

**STAFF DEVELOPMENT (continued)**

Contingent upon state funding, teachers of English language learners who have completed at least the initial 40 hours of professional development described above may receive an additional 40 hours of instruction, follow-up instruction, and support in mathematics and reading/language arts instruction. Completion of the English learner professional development may be counted toward the 80-hour follow-up training requirement described above. (Education Code 99237.5; 5 CCR 11981.3, 11985)

The Superintendent or designee shall retain and submit preprogram and postprogram student achievement data to the California Department of Education upon request. He/she also shall retain, for no less than five years, all records related to the professional development provided to all program participants, including, but not limited to: (5 CCR 11982)

1. The number of hours of training attended
2. Attendance records
3. Subject content
4. The dates of each training session taken by teachers and paraprofessionals
5. The name(s) of the providers

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

(7/05 11/06) 11/08

# **Administrative Regulation**

**AR 4131  
Personnel**

## **Staff Development**

The Superintendent or designee shall ensure that certificated staff members have opportunities to learn both from outside sources and from each other. These opportunities may include, but are not limited to:

1. Visits to other classrooms and other schools to observe and analyze teaching
  2. Attendance at professional education conferences or committee meetings
  3. Classes/workshops offered by the district, county office of education, state projects, private organizations, or other appropriate agencies
  4. Courses in regionally accredited institutions of higher education, including courses delivered through online technologies
  5. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
  6. Peer conferences and/or joint staff preparation time
  7. Participation in curriculum development projects
- (cf. 6141 - Curriculum Development and Evaluation)

8. Participation in educational research or innovation efforts
9. Assistance from or service as a mentor teacher or consulting teacher

(cf. 4112.21 - Interns)  
(cf. 4131.1 - Beginning Teacher Support/Induction)  
(cf. 4138 - Mentor Teachers)  
(cf. 4139 - Peer Assistance and Review)

10. Service in a leadership role in a professional organization
11. Discussions and/or internships with business and community agencies for the purpose of identifying the skills, knowledge, and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences

**(cf. 1700 - Relations Between Private Industry and the Schools)**

**12. Travel, study, and research in subject-matter content and effective educational practices**

**(cf. 4161.3 - Professional Leaves)**

**13. Follow-up activities that help staff to implement newly acquired skills**

**The Superintendent or designee shall approve the participation of individual staff members in district-provided or external staff development activities which may require release time, leave of absence, or other district resources.**

**Regulation      CENTER UNIFIED SCHOOL DISTRICT**  
**approved: May 2, 2007      Antelope, California**

# CSBA Sample

## Board Policy

### Certificated Personnel

BP 4138(a)

### MENTOR TEACHERS

**Note:** The following optional policy may be revised to reflect district practice and any collective bargaining provisions related to implementation of the district's mentor teacher program.

Education Code 44560-44562 establish the Certificated Staff Mentoring Program to provide stipends to qualified teachers who provide guidance to interns and beginning teachers in "staff priority schools," defined as schools with an aggregate Academic Performance Index (API) at or below the 30th percentile in any of the five previous school years; see the section on "Certificated Staff Mentoring Program" below and the accompanying administrative regulation for program requirements. In addition, the district is required to provide a mentor, support provider, or consulting teacher for (1) beginning teachers participating in the Beginning Teacher Support and Assessment (BTSA) program (see BP 4131.1 - Beginning Teacher Support/Induction); (2) interns in an alternative certification or other internship program (see BP/AR 4112.21 - Interns); (3) teachers participating in the Peer Assistance and Review program (see BP/AR 4139 - Peer Assistance and Review); and (4) teachers who possess a short-term staff permit, provisional internship permit, or emergency permit (see AR 4112.2 - Certification).

The Governing Board encourages experienced, qualified teachers to provide mentoring and support services to beginning teachers, interns, and other teachers who would benefit from guidance and assistance designed to enhance teacher performance and improve student learning. The district shall provide a stipend to mentor teachers in accordance with law, Board policy, and administrative regulation.

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4139 - Peer Assistance and Review)*

The Superintendent or designee shall establish procedures for the nomination and selection of teachers to serve as mentors and shall verify that selected teachers fulfill the qualifications specified in law and administrative regulation. The Board shall approve the final designation of mentor teacher(s) upon recommendation of the Superintendent or designee.

The Superintendent or designee shall determine the specific duties and responsibilities of mentor teachers and shall assign interns and beginning teachers to each mentor teacher. He/she shall coordinate mentor teacher activities with other programs designed to support and enhance teachers' skills.

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

*(cf. 4315.1 - Staff Evaluating Teachers)*

**Note:** The following optional paragraph may be revised to reflect district practice. Education Code 44562 requires mentor teachers to agree to serve for a period of at least five years as a condition of receiving a stipend under the Certificated Staff Mentoring Program; see the accompanying administrative regulation.

## **MENTOR TEACHERS (continued)**

The duration of the designation as a mentor teacher shall be for a period of five consecutive years, provided that the teacher continues to meet all required qualifications. When the teacher has completed five years as a mentor teacher, the Board may renew his/her designation upon recommendation from the Superintendent or designee.

### **Certificated Staff Mentoring Program**

Note: The following section is for use by districts participating in the Certificated Staff Mentoring Program pursuant to Education Code 44560-44562. See the accompanying administrative regulation for additional program requirements.

Contingent upon state funding, the district shall provide an incentive for experienced teachers to serve as mentor teachers in "staff priority schools" with the lowest student achievement, as defined in Education Code 44561 and administrative regulation.

*(cf. 0500 - Accountability)*

Note: Education Code 44561 requires that the district agree to fulfill the responsibilities listed in items #1-4 below in order to be eligible for state funding for this program. Pursuant to Education Code 44562, the annual stipend is \$6,000 per year or as otherwise provided in the annual State Budget Act.

The Superintendent or designee shall ensure that the district meets its obligations under this program to: (Education Code 44561)

1. Provide each mentor teacher with an annual salary stipend in accordance with Education Code 44562 and the annual State Budget Act

Note: SB 1186 (Ch. 518, Statutes of 2008) amended Education Code 44561 to add a requirement that the district first assign mentor teachers to interns participating in an alternative certification program pursuant to Education Code 44380-44387 and then to beginning teachers participating in a BTSA program pursuant to Education Code 44279.1-44279.7, as provided in item #2 below.

2. In assigning the mentor teacher, give priority for services to candidates participating in an alternative certification program pursuant to Education Code 44380-44387 and then to beginning teachers participating in the Beginning Teacher Support and Assessment program pursuant to Education Code 44279.1-44279.7
3. Assure that the mentor teacher has received training to serve in a mentor capacity or has previously served as a mentor in programs for new teachers, including, but not limited to, induction or intern programs
4. Provide the mentor teacher with adequate time and material resources to assist beginning teachers

*Legal Reference: (see next page)*



## **MENTOR TEACHERS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

44279.1-44279.7 *Beginning Teacher Support and Assessment Program*  
44325-44329.5 *District interns*  
44380-44387 *Alternative certification*  
44450-44468 *Teacher Education Internship Act of 1967 (university interns)*  
44500-44508 *Peer Assistance and Review Program*  
44560-44562 *Certificated Staff Mentoring Program*  
44830.3 *Interns, professional development and guidance*  
52052 *Academic performance index*

#### CODE OF REGULATIONS, TITLE 5

80021 *Short-term staff permit*  
80021.1 *Provisional internship permit*  
80026.5 *Guidance and assistance for emergency permit holders*

### *Management Resources:*

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program,*  
*April 2002*  
*Standards of Quality and Effectiveness for Professional Teacher Induction Programs (SB 2042),*  
*March 2002*

*California Standards for the Teaching Profession, 1997*

#### WEB SITES

CSBA: <http://www.csba.org>  
*Beginning Teacher Support and Assessment:* <http://www.btsa.ca.gov>  
*California Department of Education:* <http://www.cde.ca.gov>  
*Commission on Teacher Credentialing:* <http://www.ctc.ca.gov>

(11/06) 11/08

# **Board Policy**

**BP 4138**  
**Personnel**

## **Mentor Teachers**

The Governing Board encourages experienced, qualified teachers to provide guidance and assistance to district interns and beginning teachers in their first years of teaching. The district shall provide an incentive for teachers to serve as mentor teachers for beginning teachers and interns in schools with the lowest student achievement in order to enhance teacher performance in such schools and improve student learning.

(cf. 4112.21 - Interns)

(cf. 4131.1 - Beginning Teacher Support/Induction)

The Superintendent or designee shall establish procedures for the nomination and selection of teachers to serve as mentors and shall verify that selected teachers fulfill the qualifications specified in law and administrative regulation. The Board shall approve the final designation of mentor teacher(s) upon recommendation of the Superintendent or designee.

The Superintendent or designee shall determine the specific duties and responsibilities of mentor teachers and shall assign interns and beginning teachers to each mentor teacher. He/she shall coordinate mentor teacher activities with other programs designed to support and enhance teachers' skills.

(cf. 4131 - Staff Development)

(cf. 4139 - Peer Assistance and Review)

(cf. 4315.1 - Staff Evaluating Teachers)

The Superintendent or designee shall ensure that the district meets its obligations to:  
(Education Code 44561)

1. Provide the mentor teacher with an annual salary stipend in accordance with Education Code 44562 and the annual State Budget Act
2. Assure that the mentor teacher has received training to serve in a mentor capacity or has previously served as a mentor in programs for new teachers, including, but not limited to, induction or intern programs
3. Provide the mentor teacher with adequate time and material resources to assist beginning teachers

The duration of the designation as a mentor teacher shall normally be for a period of five consecutive years, provided that the teacher continues to meet all required qualifications. When the teacher has completed five years as a mentor teacher, the Board may renew his/her designation upon recommendation from the Superintendent or designee.

**Legal Reference:**

**EDUCATION CODE**

44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)

44325-44329 District interns

44450-44468 Teacher Education Internship Act of 1967 (university interns)

44500-44508 Peer Assistance and Review Program

44560-44562 Certificated Staff Mentoring Program

52052 Academic performance index

**Management Resources:**

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program, April 2002

Standards of Quality and Effectiveness for Professional Teacher Induction Programs (SB 2042), March 2002

California Standards for the Teaching Profession, 1997

**WEB SITES**

Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

**Policy CENTER UNIFIED SCHOOL DISTRICT**

adopted: May 2, 2007                      Antelope, California

# CSBA Sample

## Administrative Regulation

**Certificated Personnel**

AR 4138(a)

### **MENTOR TEACHERS**

#### **Selection of Mentor Teachers**

<p><b>Note:</b> The following optional section may be revised to reflect district practice.</p>
---

The principal may establish an advisory committee at each eligible school to nominate candidates for mentor teacher positions on the basis of program area, subject area, or other criteria. The committee shall be composed of a majority of classroom teachers selected by other classroom teachers.

A teacher seeking designation as a mentor shall submit his/her written application to the committee in accordance with the deadline established by the Superintendent or designee.

The committee shall verify that mentor teacher candidates fulfill the qualifications established by law and the district, interview candidates, and observe them in the classroom.

A majority vote of the committee shall be necessary to recommend candidates to the principal. The principal shall determine whether the candidates meet the needs of the school and shall present the recommendations to the Governing Board for approval.

#### **Certificated Staff Mentoring Program**

<p><b>Note:</b> The following section is for use by districts participating in the Certificated Staff Mentoring Program pursuant to Education Code 44560-44562, which provides stipends to qualified teachers who provide guidance to interns and beginning teachers who teach in "staff priority schools" as defined in item #3 below; also see the accompanying Board policy.</p>
---

An experienced teacher shall be eligible to receive a stipend as a mentor teacher under the Certificated Staff Mentoring Program if he/she: (Education Code 44561, 44562)

1. Has a professional clear credential authorizing him/her to teach at the same grade levels and in the same subject matter as the beginning teachers or interns to whom he/she is assigned

*(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. 4131.1 - Beginning Teacher Support/Induction)*

**MENTOR TEACHERS (continued)**

2. Has at least seven years of recent experience instructing at one or more of the same grade levels and in the same subject matter as the beginning teachers or interns to whom he/she is assigned
3. Teaches in a "staff priority school," defined as a school with an aggregate Academic Performance Index at or below the 30th percentile (deciles 1-3) relative to other public schools in the state in any of the five previous school years
4. Agrees to provide assistance to at least one and not more than five interns or beginning teachers for a period of at least five years

*(cf. 4113 - Assignment)*

5. Meets the needs of the school and has demonstrated ability to foster student achievement and learning, as determined by the school principal

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

*(cf. 4115 - Evaluation/Supervision)*

(11/06) 11/08

# **Administrative Regulation**

**AR 4138  
Personnel**

**Mentor Teachers**

## **Eligibility**

To be eligible to serve as a mentor teacher, an experienced teacher shall: (Education Code 44561, 44562):

1. Have a professional clear credential allowing him/her to instruct at the grade level and in the subject matter to which the beginning teachers or interns whom the mentor teacher is assisting are assigned

(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. 4131.1 - Beginning Teacher Support/Induction)

2. Have no less than five years of recent experience instructing at one or more of the grade levels and in the subject matter to which the beginning teachers or interns whom the mentor teacher is assisting are assigned

3. Teach in a "staff priority school," defined as a school with an aggregate Academic Performance Index at or below the 30th percentile (deciles 1-3) relative to other public schools in the state in any of the five previous school years

4. Agree to provide assistance to at least one and not more than five interns or beginning teachers for a period of at least five years

(cf. 4113 - Assignment)

5. Meet the needs of the school and have demonstrated ability to foster student achievement and learning, as determined by the school principal

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

(cf. 4115 - Evaluation/Supervision)

## **Selection of Mentor Teachers**

The Superintendent or designee may establish a selection committee at each eligible

school to nominate candidates for mentor teacher positions on the basis of program area, subject area, or other criteria and to verify that candidates fulfill the qualifications listed in the above section. A majority of the committee shall be classroom teachers selected by other classroom teachers.

A teacher seeking designation as a mentor shall submit his/her written application to the selection committee in accordance with the deadline established by the Superintendent or designee.

The selection committee shall interview mentor teacher candidates and observe them in the classroom. The principal shall determine whether the candidate meets the needs of the school in accordance with item #6 above.

A majority vote of the selection committee shall be necessary to recommend candidates to the Governing Board.

Regulation      CENTER UNIFIED SCHOOL DISTRICT  
approved: May 2, 2007      Antelope, California

# 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. 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 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

Priority for attendance outside a student's attendance area shall be given as follows:

Note: Because the No Child Left Behind Act (NCLB) requires districts to offer intradistrict transfers to all students in Title I schools identified for program improvement, corrective action, or restructuring (20 USC 6316) and to all students who are attending "persistently dangerous" schools or to a 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 #1-3 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 for a student who is the victim of a violent criminal offense on school grounds and for students in any school that is designated by the state as a "persistently dangerous" school. For other transfers required by NCLB as a result of a school's identification for program improvement, see BP/AR 0520.2 - Title I Program Improvement Schools.



**INTRADISTRICT OPEN ENROLLMENT (continued)**

1. If a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

*(cf. 0420.4 - Charter Schools)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 6171 - Title I Programs)*

2. If while on school grounds a student becomes the victim of a violent criminal offense, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912)
3. If a student attends a school designated by the California Department of Education as "persistently dangerous," he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912; 5 CCR 11992)

*(cf. 0450 - Comprehensive Safety Plan)*

Note: Education Code 35160.5 permits, but does not require, the district's policy to include any or all of the following priorities. Items #4-6 below are optional and should be deleted or modified to reflect enrollment priorities in the district.
--

4. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.  
  
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
5. Priority may be given to siblings of students already in attendance in that school.
6. Priority may be given to any student whose parent/guardian is assigned to that school as his/her primary place of employment.

**INTRADISTRICT OPEN ENROLLMENT (continued)**

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.

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.

SB 1207 (Ch. 113, Statutes of 2008) amended Education Code 35160.5 to require 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, space needs for specialized programs, and anticipated transfers of students from program improvement schools within the district. Districts may modify the following paragraph to include the specific formula for schools within the district.

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. Districts should consult legal counsel regarding any policies or regulations dealing with maintenance of racial or ethnic balance.

For all other applications for enrollment from outside a school's attendance area, 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. A school's capacity shall be calculated in a nonarbitrary manner using student enrollment and available space. (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)

Note: Education Code 35160.5 makes no provision related to the duration of the transfer. See the accompanying administrative regulation.

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)

## **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 assistance should delete this section.**

The No Child Left Behind Act (20 USC 6316) requires that a district either provide transportation or reimburse the costs of transporting students to a different school who have transferred out of Title I schools identified for program improvement, corrective action, or restructuring. These requirements are addressed in AR 0520.2 - Title I Program Improvement Schools.

The district 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, 2004) clarifies that the district is not obligated to continue providing or paying for transportation after the school is no longer designated as "persistently dangerous."

As amended by SB 1207 (Ch. 113, Statutes of 2008), Education Code 35160.5 no longer states the Legislature's intent that the district provide transportation service, except as required by federal law.

Except as required by 20 USC 6316 for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds.

*(cf. 3250 - Transportation Fees)*

*(cf. 3540 - Transportation)*

*Legal Reference: (see next page)*

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

### *Legal Reference:*

#### EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

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 GUIDANCE

Unsafe School Choice Option, May 2004

Public School Choice, February 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>

(11/99 3/03) 11/08

# **Board Policy**

## **BP 5116.1 Students**

### **Intradistrict Open Enrollment**

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students. 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)  
(cf. 5117.1 - Interdistrict Attendance Agreements)  
(cf. 5117.2 - Alternative Interdistrict Attendance Program)

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. 5111.11 - Residency of Students with Caregiver)  
(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**

Priority for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

(cf. 0420.4 - Charter Schools)  
(cf. 0520.2 - Title I Program Improvement Schools)  
(cf. 6171 - Title I Programs)

2. Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a 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)

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)

**Legal Reference:**

**EDUCATION CODE**

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

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 GUIDANCE**

**Public School Choice, December 4, 2002**

**Unsafe School Choice Option, July 23, 2002**

**WEB SITES**

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

**CDE: <http://www.cde.ca.gov>**

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

**Policy CENTER UNIFIED SCHOOL DISTRICT**

**Adopted: June 18, 2003      Antelope, California**

# 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 the No Child Left Behind Act (NCLB)(20 USC 7912) and other intradistrict open enrollment options authorized by Education Code 35160.5. For transfers required by NCLB as a result of a school being identified for program improvement, see BP/AR 0520.2 - Title I Program Improvement Schools.

#### Transfers for Victims of a Violent Criminal Offense

Note: NCLB (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 (2004), 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 the district 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 website.

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 determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis 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 11993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms



**INTRADISTRICT OPEN ENROLLMENT (continued)**

violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years.

The USDOE Guidance 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. The issue of school capacity is not addressed in law nor in the USDOE Guidance, so it is generally assumed that districts may consider school capacity in identifying schools that may accept transfers.

Timelines in the following two optional paragraphs may be revised as desired to reflect district practice.

Within 10 school days after receiving notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 10 school days after this notification has been provided to parents/guardians, the Superintendent or designee shall notify parents/guardians of their 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 written notification 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 who 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: The USDOE Guidance 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: The USDOE Guidance 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 Agreements)*

### **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.

To implement intradistrict open enrollment pursuant to Education Code 35160.5:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.

Note: The January 1 deadline specified below parallels the deadline required for interdistrict attendance applications and may be revised to reflect district practice.

2. Students of parents/guardians who submit applications to the district by January 1 shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy.

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 must not be added to the waiting list; they must wait for a subsequent lottery.

3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and 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.
4. 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.
5. Approved applicants must confirm their enrollment within 10 school days.

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

Note: Education Code 35160.5 makes no provision related to the duration of the transfer; 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. The following paragraph is **optional**.

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 selection process shall be submitted to the Superintendent or designee.

### **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 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)*

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

(10/95 3/03) 11/08

# **Administrative Regulation**

## **AR 5116.1 Students**

### **Intradistrict Open Enrollment**

#### **Enrollment under the No Child Left Behind Act**

Within a reasonable amount of time, not to exceed 10 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the students parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the students needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Within 10 school days after learning that a school has been designated as “persistently dangerous,” the Superintendent or designee shall notify parents/guardians of the schools designation. Within 20 school days after learning of the schools designation, the Superintendent or designee shall notify parents/guardians of their option to transfer.

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a “persistently dangerous” school shall provide written notification 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 10 school days, for the submission of parent/guardian requests.

The Superintendent or designee shall notify parents/guardians of their school assignment within 10 school days of the date that submissions are due. 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/guardians preference if the assignment is not feasible due to space constraints or other considerations. Upon assignment, the transfer shall be completed as soon as practicable. 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 students school of origin is identified as “persistently dangerous.”

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. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

#### **Other Intradistrict Enrollment**

To implement intradistrict open enrollment pursuant to Education Code 35160.5:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.

2. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and 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.

3. The Superintendent or designee shall inform applicants by mail 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 be required to apply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

(cf. 1312 - Complaints Concerning the Schools)

#### **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 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

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 California Department of Education

Regulation      CENTER UNIFIED SCHOOL DISTRICT  
approved: June 18, 2003      Antelope, California

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## Exhibit

E 5116.1  
Students

Intradistrict Open Enrollment

Note: The following notification is for use when a district school is designated by the California Department of Education as “persistently dangerous” and may be revised as desired to reflect district practice. The No Child Left Behind Act of 2001 (P.L. 107-110, Section 9532) requires that parents guardians be notified in a timely manner when a school has been so identified, and be offered the option to transfer to another public school; see AR 5116.1.

### PARENTAL NOTIFICATION: OPTION TO TRANSFER FROM A PERSISTENTLY DANGEROUS SCHOOL

Dear Parents/Guardians:

The California Department of Education has designated the \_\_\_\_\_ School as a “persistently dangerous” school based on state criteria which include expulsion rates for certain types of offenses, gun-free schools violations and violent criminal offenses committed on school property.

Federal law requires that all parents/guardians of students in this school be offered an opportunity to transfer their children to another eligible district school or charter school which has not been so designated. Such transfers would take effect on [date].

The following schools are available to accept transfers:

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Other district schools may not appear on this list because either (1) they also have been identified as “persistently dangerous,” or (2) the Superintendent has determined that all transfer requests can be accomplished among the above schools.

Information about each available school is enclosed, including information on academic achievement.

If you decide you want to transfer your child, please submit your top [number] choices of schools on the enclosed form by [date] to the [district office or the principal at your child's school]. It cannot be guaranteed that your first choice will be available, but your preferences will be considered.

If you choose to transfer your child, you will be expected to provide or arrange for transportation to and from the child's school. As funds and space permit, transportation may be provided upon request, with priority given to students with the greatest financial need.

#### **INTRADISTRICT OPEN ENROLLMENT**

Note: The following form is for use when a district school is designated by the California Department of Education as “persistently dangerous” and may be revised to reflect district practice. The No Child Left Behind Act of 2001 (P.L. 107-110, Section 9532) requires that parents/guardians be offered the option to transfer their child to another public school. See BP/AR/E(1) 5116.1.

#### **PARENT/GUARDIAN TRANSFER REQUEST FROM A “PERSISTENTLY DANGEROUS” SCHOOL**

Instructions: To request a transfer for your child out of a school that has been designated as “persistently dangerous,” please complete the following form and return it by [return date] to the [district office or to 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/Guardians Name: \_\_\_\_\_ Signature: \_\_\_\_\_

School Child Currently Attends:

\_\_\_\_\_

Note: Districts should insert the name of each available school in the spaces below and add or delete spaces depending on the number of schools available.

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 [name] at [phone number].

ExhibitCENTER UNIFIED SCHOOL DISTRICT  
version: June 18, 2003      Antelope, California

**CONDUCT**

Note: The following **optional** policy may be revised to reflect district practice.

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

*(cf. 5112.5 - Open/Closed Campus)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 6145.2 - Athletic Competition)*

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Note: The district may modify, delete, or add to the **optional** items below to reflect district practice.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5142 - Safety)*

2. Conduct that disrupts the orderly classroom or school environment

*(cf. 5131.4 - Student Disturbances)*

Note: AB 86 (Ch. 646, Statutes of 2008) amended Education Code 48900 to add bullying, including bullying via an electronic act as defined in Education Code 32261, to the grounds for suspension and expulsion. Education Code 32261 defines an "electronic act" as the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, such as a telephone, wireless telephone, other wireless communication device, computer, or pager. See AR 5144.1 - Suspension and Expulsion/Due Process.

3. Harassment of students or staff, such as bullying, including cyberbullying, intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering, in accordance with the section entitled "Bullying/Cyberbullying" below

**CONDUCT (continued)**

"Cyberbullying" includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships.

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

**4. Damage to or theft of property belonging to students, staff, or the district**

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

Note: Penal Code 417.27 prohibits students from possessing laser pointers on school premises, unless the pointer is used for valid instructional or other school-related purposes, as provided in item #5 below. Penal Code 417.25 states that exhibiting a laser scope which projects a laser light on objects at a distance, whether or not attached to a firearm, may be a misdemeanor if intended to cause a person fear of bodily harm.

**5. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment**

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

**6. Use of profane, vulgar, or abusive language**

*(cf. 5145.2 - Freedom of Speech/Expression)*

**7. Plagiarism or dishonesty in school work or on tests**

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

**8. Inappropriate attire**

*(cf. 5132 - Dress and Grooming)*

**CONDUCT (continued)**

9. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

10. Failure to remain on school premises in accordance with school rules

11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drug in violation of school rules

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

*(cf. 1020 - Youth Services)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5144 - Discipline)*

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

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

Note: The following optional paragraph addresses students' off-campus conduct during nonschool hours; also see BP 5145.2 - Freedom of Speech/Expression. In general, the courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or disrupted the educational program, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on campus. In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior.

**CONDUCT (continued)**

In adopting policy related to off-campus conduct, districts should consult with legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. Education Code 48900 states that a student may not be suspended or expelled unless the act is related to school activity or school attendance occurring within the district or within another district while the student is on school grounds, going to or coming from school or a school activity, or during the lunch hour; see AR 5144.1 - Suspension and Expulsion/Due Process.

Students also may be subject to discipline for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board policy, or administrative regulation.

**Possession/Use of Cellular Phones and Other Mobile Communications Devices**

Note: Education Code 48901.5 allows Boards to regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves, except that student use of such devices may not be prohibited if essential for a student's health.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Note: When determining how to regulate student use of electronic signaling devices or other mobile communications devices, Governing Boards should consider whether possession or use of the device at school may create a distraction and whether the device has capability, beyond its traditional usage, that may create privacy and data-protection issues. For example, cellular phones or personal digital assistants that have the capability to take photographs may be used in a manner that invades another student's privacy or enables students to cheat on tests.

Option 1 below prohibits the possession or use of mobile communications devices on campus. Option 2 allows students to possess or use such devices on campus, as long as they are not disruptive or used for illegal or unethical activities. Either option may be modified to add or delete specific devices or to make exceptions based on location or time of day in accordance with district practice.

~~**OPTION 1:** Except with prior consent for health reasons, students shall not possess or use on school campus personal electronic signaling devices including, but not limited to, pagers; cellular/digital telephones for voice usage, digital imaging, or text messaging or other mobile communications devices such as digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers.~~

**OPTION 2:** Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital

## **CONDUCT (continued)**

scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

Note: The remainder of this section is for use by districts that permit the use of personal electronic signaling devices and/or other mobile communications devices in accordance with Option 2 above.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day.

Note: The law regarding the search of students' cellular phones, personally owned computers, or other personal communications devices is still developing. When a student brings an electronic device onto school grounds, it may be searched by school officials, but the search is subject to the same legal standards as a search of other student property, such as a backpack or purse; see BP/AR 5145.12 - Search and Seizure.

In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

*(cf. 5145.12 - Search and Seizure)*

Note: Effective July 1, 2008, Vehicle Code 23124 prohibits a person under the age of 18 from using a wireless telephone or other mobile communications device for calling or text messaging while driving, even in hands-free mode. The following optional paragraph may be modified to reflect district practice.

Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to or from a school-related activity.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

## **Bullying/Cyberbullying**

Note: The following optional section may be revised to reflect district practice.

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

*(cf. 5137 - Positive School Climate)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 6164.2 - Guidance/Counseling Services)*

**CONDUCT (continued)**

Note: 47 USC 254 has long required districts that receive e-rate discounts to adopt a policy regarding access by minors to inappropriate matter on the Internet. On October 8, 2008, the President signed the Broadband Data Improvement Act (P.L. 110-285) which requires that the district's policy now include information about educating students about appropriate online behavior, including interacting with other individuals on social networking web sites and in chat rooms and cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate.

The district may provide students instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 6163.4 - Student Use of Technology)*

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*  
*(cf. 5136 - Gangs)*

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Note: Districts have the authority to monitor students' use of the district's Internet system and to conduct individual searches if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/AR 6163.4 - Student Use of Technology. When conducted off campus and when using his/her personal equipment, a student engaged in cyberbullying may be subject to district discipline to the extent that the activity is related to school activity or school attendance as noted above.

The Center for Safe and Responsible Internet Use suggests that, although the legal standards are not clear, districts may be deemed to be justified in responding when material (1) is posted, sent, or displayed to other students through the district's Internet system; (2) originates on campus, such as a photo taken with a cell phone; (3) is related to on-campus bullying; (4) causes emotional harm to another student and interferes with his/her right to feel secure and successful at school; or (5) causes or threatens to cause school disruptions.

**CONDUCT (continued)**

As added by AB 919 (Ch. 583, Statutes of 2008), Penal Code 653.2 makes it a crime for a person to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages).

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts a school activity or school attendance shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

*Legal Reference:***EDUCATION CODE***200-262.4 Prohibition of discrimination**32261 Bullying**35181 Governing board policy on responsibilities of students**35291-35291.5 Rules**44807 Duty concerning conduct of students**48900-48925 Suspension or expulsion, especially:**48908 Duties of students**51512 Prohibition use of electronic listening or recording device in classroom without permission***CIVIL CODE***1714.1 Liability of parents and guardians for willful misconduct of minor***PENAL CODE***417.25-417.27 Laser scope**647 Use of camera or other instrument to invade person's privacy; misdemeanor**647.7 Use of camera or other instrument to invade person's privacy; punishment**653.2 Electronic communication devices, threats to safety***VEHICLE CODE***23124 Use of cellular phones provisional license holders***CODE OF REGULATIONS, TITLE 5***300-307 Duties of pupils*

*Legal Reference continued: (see next page):*



## CONDUCT (continued)

### *Legal Reference: continued*

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

### *Management Resources:*

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Set Straight on Bullies, 1989

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

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

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://csriu.org> and <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

NetSmartz: <http://www.netsmartz.org>

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

# **Board Policy**

## **BP 5131 Students**

### **Conduct**

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

(cf. 5131.1 - Bus Conduct)

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 5131.7 - Weapons and Dangerous Instruments)  
(cf. 5136 - Gangs)  
(cf. 5142 - Safety)

2. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

3. Harassment of students or staff, including bullying, intimidation, so-called "cyberbullying," hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering

Cyberbullying includes the posting of harassing messages, direct threats, or other harmful text or images on the Internet, social networking sites, or other digital

technologies, as well as breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession or use of laser pointers on school premises, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

8. Inappropriate attire

(cf. 5132 - Dress and Grooming)

9. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not

been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs in accordance with Board policy and administrative regulation, and contact with local law enforcement as appropriate.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline in accordance with law, Board policy, and administrative regulation for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property or disrupts the orderly delivery of the educational program.

#### **Possession of Cellular Phones and Other Mobile Communications Devices**

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers, beepers, and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she shall return it at the end of the class period or school day.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to discipline in accordance with Board policy and administrative regulation.

## **Bullying/Cyberbullying**

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.

(cf. 1220 - Citizen Advisory Committees)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the

Internet site or service to have the material removed.

(cf. 5145.12 - Search and Seizure)

(cf. 6163.4 - Student Use of Technology)

**Legal Reference:**

**EDUCATION CODE**

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

51512 Prohibition use of electronic listening or recording device in classroom without permission

**CIVIL CODE**

1714.1 Liability of parents and guardians for willful misconduct of minor

**PENAL CODE**

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

**CODE OF REGULATIONS, TITLE 5**

300-307 Duties of pupils

**UNITED STATES CODE, TITLE 42**

2000h-2000h6 Title IX, 1972 Education Act Amendments

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Policy Brief, July 2007

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

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**Center for Safe and Responsible Internet Use: <http://csriu.org> and <http://cyberbully.org>**  
**National School Boards Association: <http://www.nsba.org>**  
**National School Safety Center: <http://www.schoolsafety.us>**  
**U.S. Department of Education: <http://www.ed.gov>**  
**U.S. Office of Juvenile Justice and Delinquency Prevention: <http://www.ojjdp.ncjrs.org>**

**Policy CENTER UNIFIED SCHOOL DISTRICT**  
**adopted: October 17, 2007 Antelope, California**

# **CSBA Sample**

## **Administrative Regulation**

**Students**

AR 5144.1(a)

### **SUSPENSION AND EXPULSION/DUE PROCESS**

#### **Definitions**

*Suspension from school* means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

*Expulsion* means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

*Day* means a calendar day unless otherwise specifically provided. (Education Code 48925)

*School day* means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

*Student* includes a student's parent/guardian or legal counsel. (Education Code 48925)

*Principal's designee* means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

*School property*, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(t))

#### **Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. (Education Code 48900.1, 48980)



## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

(cf. 5144 - Discipline)  
(cf. 5145.6 - Parental Notifications)

### **Grounds for Suspension and Expulsion**

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

Note: Education Code 48900 allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. However, a student may be suspended or expelled pursuant to item #1 above if a juvenile court determines that he/she has committed, as an aider or abettor, a crime of physical violence in which the victim suffered either great or serious bodily injury. The term "aiding or abetting," as defined in Penal Code 31, is a complex legal term and requires that the aider or abettor be aware of the crime and specifically intend that the crime be committed. Because of the complexities of criminal law, this issue may be difficult for school administrators to apply in a school setting and legal counsel should be consulted as appropriate.

A student who *aids* or *abets* the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

Note: The Attorney General, in 80 Ops.Cal.Atty.Gen. 91 (1997), determined that a student may be expelled for "possession" of a firearm if the student knowingly and voluntarily had direct control over the firearm. The only exceptions are when the student has permission from school officials to possess the firearm (pursuant to Education Code 48900 and 48915) or when the possession is brief and solely for the purpose of disposing of the firearm, such as handing it to school officials. See BP 5131.7 - Weapons and Dangerous Instruments.

Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

*(cf. 5131.6 - Alcohol and Other Drugs)*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm. (Education Code 48900(m))

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

*Hazing* means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

*Sexual harassment* means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233)

*(cf. 5145.9 - Hate-Motivated Behavior)*

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

*(cf. 5145.3 - Nondiscrimination/Harassment)*

Note: AB 86 (Ch. 646, Statutes of 2008) amended Education Code 48900 to add bullying, including bullying committed personally or by electronic communications, to the grounds for which a student may be suspended or expelled. Education Code 32261 defines bullying to include harassment, sexual harassment, and acts of hate violence as defined in Education Code 48900.2, 48900.3, and 48900.4 respectively. Because these sections only apply to students in grades 4-12, it appears that bullying as a ground for suspension or expulsion also only applies to students in grades 4-12.

The legal issues regarding the discipline of students for cyberbullying are complex because the acts often originate off campus (e.g., using a home computer) and because such communications may be protected by the freedom of speech rights of students granted pursuant to Education Code 48907. Generally, courts have upheld discipline against students for off-campus conduct that constitutes cyberbullying when the district can show that the online communication contained actual threats of violence or that there was a clear connection between the online posting and disruption at school. Districts should consult legal counsel as appropriate. See also BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression.

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

*Bullying* means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above;

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

*Electronic act* means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including, but not limited to, the following circumstances: (Education Code 48900)

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

*(cf. 5112.5 - Open/Closed Campus)*

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

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(u))

Note: The following optional paragraph reflects the Legislature's intent, expressed in Education Code 48900, concerning disciplinary actions against truant, tardy, or absent students.
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Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

**Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

**Note:** The following optional paragraph is for use by districts that have adopted a policy regarding required parental attendance pursuant to Education Code 48900.1. See the accompanying Board policy.

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

**Note:** Items #1-3 below are optional and should be modified to reflect district practice.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

**Suspension by Superintendent, Principal, or Principal's Designee**

The Superintendent or principal may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

*Explosive* means a *destructive device* and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A *destructive device* includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

Suspension also may be imposed upon a first offense if the Superintendent or principal determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or principal's designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

Note: Item #2 below should be revised to reflect district practice as to the processing and reporting of suspensions.
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2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)



## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### **Supervised Suspension Classroom**

**Note:** The following optional section is for use by districts establishing a supervised on-campus suspension program pursuant to Education Code 48911.1. Use of a supervised suspension program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school or class.

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

### **Authority to Expel**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

Note: Education Code 48915 requires a Board finding as described below for all expulsions other than those listed under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer, or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

### **Mandatory Recommendation for Expulsion**

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)****Mandatory Recommendation and Mandatory Expulsion**

Note: The Attorney General has determined, in 80 Ops.Cal.Atty.Gen. 347 (1997), that a district may not adopt a zero tolerance policy mandating expulsion of a student for a first offense of possession of a controlled substance or alcohol. See the section entitled "Zero Tolerance" in the accompanying Board policy.

The Gun-Free Schools Act, 20 USC 7151, requires districts and county offices of education to submit to the California Department of Education (CDE) assurances of compliance with state and federal laws related to incidents on campus involving the possession of firearms. Item #1 below reflects language that must be submitted to the CDE for compliance. For other such language that must be submitted to the CDE, see sections in this regulation entitled "Final Action by the Board" and "Notifications to Law Enforcement Authorities."

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

**Student's Right to Expulsion Hearing**

Note: Education Code 48918 mandates that the Board establish rules and regulations governing procedures for the expulsion of students. The timelines of Education Code 48918 must be strictly followed; failure to do so can result in loss of the district's power to act (Garcia v. Los Angeles Board of Education). In calculating timelines, districts should also be aware of the difference between the calculation of "school days" and "calendar days" under Education Code 48918.

Districts that have developed procedures to enable a student to waive his/her right to a hearing in exchange for an agreement as to the term of the expulsion, also known as a *stipulated expulsion*, may wish to add

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

those procedures here. Because such waivers are not covered in the Education Code, districts should consult legal counsel as appropriate.

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### **Rights of Complaining Witness**

Note: Education Code 48918.5 mandates the following additional rights related to the treatment of witnesses alleging acts of sexual assault or sexual battery. Other procedures related to complaining witnesses also may be added as desired by the district. Additional mandated procedures related to the rights and treatment of complaining witnesses are included where appropriate throughout this regulation.

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

**Written Notice of the Expulsion Hearing**

Note: Education Code 48918 mandates the Board to adopt procedures that include the following items.
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Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

*(cf. 5119 - Students Expelled from Other Districts)*

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

*Legal counsel* means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

*Nonattorney advisor* means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

### **Conduct of Expulsion Hearing**

**Note:** Education Code 48918 mandates the Board to adopt procedures that include the following items.

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

**Note:** During the closed session described below, for the purpose of Board deliberations, the presence of any other person, including the Superintendent, necessitates allowing the presence of the parent/guardian, student, and student's counsel.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

**Note:** Education Code 48918 authorizes the Board to issue subpoenas for the personal appearance of percipient witnesses at an expulsion hearing. In Woodbury v. Dempsey, the court held that a district's authority whether to issue subpoenas is discretionary, but a district could not have a blanket policy denying the issuance of subpoenas in all cases.

In accordance with the Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena.

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

**Note:** Findings of fact made by the Board or a hearing panel must not be based on hearsay alone. *Hearsay* is evidence of an oral or written statement made by a person who is not present at the hearing which is offered to establish a fact as being true. Some exceptions to the hearsay rule exist under the Evidence Code and Education Code; legal counsel should advise the district when appropriate.



**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

Note: Education Code 48918.6 provides that testimony by a student witness at an expulsion hearing is privileged and thus protected from liability for defamation pursuant to Civil Code 47(b).

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
- a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
    - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
- 6. **Decision Within 10 School Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
- 7. **Decision Within 40 School Days:** If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Note: For districts that use a hearing officer or administrative panel, Education Code 48918 mandates the Board to adopt procedures that include the following section.
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Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

**Note:** In Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education, the Court of Appeal determined that the 40-school-day deadline for reaching a decision regarding an expulsion is directory, not mandatory, and failure to meet the deadline does not deprive a district of the authority to expel a student. The Court did caution, however, that a Board may not delay a decision indefinitely since, in some circumstances, the delay could give rise to a due process violation.

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

### **Final Action by the Board**

**Note:** Education Code 48918 mandates the Board to adopt procedures that include the following paragraph.

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Note: The Gun-Free Schools Act, 20 USC 7151, requires that the following paragraph be sent to the CDE for assurances of compliance with federal and state law. For other language that must be submitted to the CDE, see sections in this regulation entitled "Mandatory Recommendation and Mandatory Expulsion" and "Notifications to Law Enforcement Authorities."

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

Note: The following paragraph is **optional**. Education Code 48916.5 authorizes, but does not mandate, the Board to make the following requirement of certain expelled students.

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

### **Decision Not to Enforce Expulsion Order**

Note: Pursuant to Education Code 48917, the Board's criteria for suspending the enforcement of expulsions must be applied uniformly to all students. Items #1-3 below are **optional** and should be revised to reflect district criteria.

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board. (Education Code 48918(j)).
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

**Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

**Notifications to Law Enforcement Authorities**

Note: The Gun-Free Schools Act, 20 USC 7151, requires that the following two paragraphs be sent to the CDE for assurances of compliance with federal and state law. For other language that must be submitted to the CDE, see sections in this regulation entitled "Mandatory Recommendation and Mandatory Expulsion" and "Final Action by the Board."

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

**Post-Expulsion Placements**

Note: Education Code 48915 requires the Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior, or senior high school. However, students expelled for the less serious acts described in Education Code 48900(f) through (r) or Education Code 48900.2, 48900.3, or 48900.4 may be referred to a program of study that is at another elementary, comprehensive middle, junior, or senior high school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school.

Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, comprehensive middle, junior, or senior high school, expelled students may be referred to the community school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students.

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6185 - Community Day School)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

### **Readmission After Expulsion**

Note: Education Code 48916 mandates that Boards adopt rules and regulations establishing a procedure for filing and processing requests for readmission and a process for Board review of all expelled students for readmission. Items #2-4 below should be revised to reflect district practice.

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially



## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

### **Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

Note: Education Code 48915.1 requires that, when an expelled student asks to enroll in another district, the receiving district must hold a hearing to determine whether the student poses a danger to its students or staff. The receiving district then may either deny or permit the enrollment. Upon request from another district, the expelling district must provide information about the expulsion within five days.

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

*(cf. 5119 - Students Expelled from Other Districts)*

### **Outcome Data**

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

(11/03 11/05) 11/08

# **Administrative Regulation**

## **AR 5144.1 Students**

### **Suspension And Expulsion/Due Process**

#### **Definitions**

**Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)**

- 1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level**
- 2. Referral to a certificated employee designated by the principal to advise students**
- 3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.**

**Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)**

**Day means a calendar day unless otherwise specifically provided. (Education Code 48925)**

**School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)**

**Student includes a student's parent/guardian or legal counsel. (Education Code 48925)**

**Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)**

**School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))**

## **Notice of Regulations**

**At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 48900.1, 48980)**

**(cf. 5144 - Discipline)**

**(cf. 5145.6 - Parental Notifications)**

## **Grounds for Suspension and Expulsion**

**A student may be subject to suspension or expulsion when it is determined that he/she:**

**1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))**

**A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))**

**2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))**

**(cf. 5131 - Conduct)**

**(cf. 5131.7 - Weapons and Dangerous Instruments)**

**3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))**

**(cf. 5131.6 - Alcohol and Other Drugs)**

**4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage, or intoxicant. (Education Code 48900(d))**

**5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))**

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing as defined in Penal Code 245.6. (Education Code 48900(q))
18. Made terrorist threats against school officials and/or school property. (Education

Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

(cf. 5145.7 - Sexual Harassment)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

(cf. 5145.9 - Hate-Motivated Behavior)

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

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

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

(cf. 5138 - Conflict Resolution/Peer Mediation)

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 - Truancy)

#### **Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school,

he/she may ride the school bus with the student

3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

#### **Suspension by Superintendent, Principal or Principal's Designee**

The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

**1. Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee, or the Superintendent with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the principal, designee, or the Superintendent determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

**2. Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

**3. Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

**4. Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

**5. Extension of Suspension:** If the Board is considering the expulsion of a suspended



student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

#### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

#### **Supervised Suspension Classroom**

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

#### **Authority to Expel**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

#### **Mandatory Recommendation for Expulsion**

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other

dangerous object of no reasonable use to the student

3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis

4. Robbery or extortion

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

#### **Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

2. Brandishing a knife as defined in Education Code 48915(g) at another person

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

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### **Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))If the Board finds it impractical to comply with the time requirements of the

expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))Rights of Complaining WitnessAn expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)1. Receive five days' notice of his/her scheduled testimony at the hearing2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies3. Have a closed hearing during the time he/she testifiesWhenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)Written Notice of the Expulsion HearingWritten notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))1. The date and place of the hearing.2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.3. A copy of district disciplinary rules which relate to the alleged violation.4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).(cf. 5119 - Students Expelled from Other Districts)5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor. Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.6. The right to inspect and obtain copies of all documents to be used at the hearing.7. The opportunity to confront and question all witnesses who testify at the hearing.8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses. Conduct of Expulsion Hearing1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))Whether

the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c)) If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c)) 2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g)) 3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i)) Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i)) If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i)) 4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h)) Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed

when hearings involve allegations of sexual assault or sexual battery by a student:  
(Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other

hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision Within 40 School Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

#### **(cf. 9321.1 - Closed Session Actions and Reports)**

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or



expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### **Decision Not to Enforce Expulsion Order**

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

#### **Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### **Notifications to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

## **Post-Expulsion Placements**

**The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)**

- 1. Appropriately prepared to accommodate students who exhibit discipline problems**
- 2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site**
- 3. Not housed at the school site attended by the student at the time of suspension**

**(cf. 6185 - Community Day School)**

**When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)**

**The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)**

## **Readmission After Expulsion**

**Readmission procedures shall be as follows:**

- 1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)**
- 2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.**
- 3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.**
- 4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.**

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

#### **Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

#### **Outcome Data**

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation    CENTER UNIFIED SCHOOL DISTRICT  
approved: June 7, 2006    Antelope, California

# CSBA Sample

## Board Policy

Students

BP 5145.12(a)

### SEARCH AND SEIZURE

Note: The following optional policy and accompanying administrative regulation should be modified to reflect district practice.

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.7 - Weapons and Dangerous Instruments)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

Note: As discussed below, the law surrounding student searches is complex. Therefore, it is recommended that the district work with legal counsel to provide training for employees conducting searches on behalf of the district.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

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

### Individual Searches

Note: The Fourth Amendment of the U.S. Constitution which prohibits unreasonable search and seizure also applies to students in the school setting. In New Jersey v. T.L.O., the U.S. Supreme Court held that the legality of a search of a student and/or his/her belongings depends on whether the search is "reasonable."

**SEARCH AND SEIZURE (continued)**

The "reasonableness" of a search depends on two factors: (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction.

The law regarding searches of students' cellular phones, personally owned computers, or other personal communications devices is still developing. It is especially difficult to determine whether the school can impose discipline in circumstances where the behavior, such as sending a threatening message, occurs off-campus; see BP 5131 - Conduct. When the student brings an electronic device onto school grounds, it may be searched by school officials, but the search is subject to the same legal standards as a search of other student property, such as a backpack or purse. Therefore, when searching a student's personally owned electronic device, the district must have individualized suspicion that the search will lead to evidence that the student is violating a specific law or school rule and the scope of the search must be reasonably related to that violation. For example, searching a student's phone for evidence against another student or searching text messages extending well beyond the period of time of the alleged violation would likely be considered excessive in scope and thus unlawful. These standards for personally owned items are not applicable to a district's right to monitor a student's use of district-owned computer equipment or networks, subject to the district's acceptable use agreement; see BP/AR 6163.4 - Student Use of Technology.

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Note: In Redding v. Safford Unified School District, the 9th Circuit Court of Appeals held that a strip search of a student (permissible in Arizona schools) was beyond the scope and overly intrusive in light of the seriousness of the student's alleged violation (i.e., possession of ibuprofen), the lack of immediate danger, and the lack of justification for the search given that the basis of the search was an uncorroborated tip from a fellow student. Although the specific type of search discussed in the court decision is not permissible in California schools pursuant to Education Code 49050, the factors considered by the court are applicable to an analysis as to whether a search is reasonable in scope, as specified below.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

**SEARCH AND SEIZURE (continued)**

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - *Questioning and Apprehension*)

**Searches of Multiple Student Lockers/Desks**

Note: Like other student belongings, individual lockers and desks may be searched when there is reasonable, individualized suspicion, subject to the limits discussed in the above section entitled "Individual Searches." An argument could be made that, because lockers and desks are the property of the district, a student does not have an expectation of privacy and thus school officials could search them at any time, without individualized suspicion. However, because California courts have not ruled on this issue, the state of the law is unclear and districts that wish to develop policy authorizing searches of lockers and desks at any time, without individualized suspicion, should consult legal counsel.

The following optional paragraph is for districts that conduct regular, announced inspections of multiple student lockers and/or desks. Because such searches are random and announced in advance, individualized suspicion is not required.

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

**Use of Metal Detectors**

Note: An Attorney General opinion (75 Ops.Cal.Atty.Gen. 155 (1992)) states that the reasonable use of metal detectors to deter the presence of weapons in schools is appropriate without individualized suspicion. The Attorney General recommends that the Governing Board make a specific finding identifying the rationale for the use of metal detectors. This finding need not be based on a specific weapons incident, but rather may be based on the need for metal detectors in response to the general harm caused by weapons and the need to provide a safe learning environment. The following optional paragraph should be modified to reflect the district's rationale for the use of metal detectors.

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

Note: The Board should consider where and when metal detectors will be used, such as on a permanent basis at certain sites, rotated among sites, during regular school hours, and/or during special events such as



## SEARCH AND SEIZURE (continued)

athletic events or dances. To ensure that a metal detector search is reasonable, the Attorney General recommends that an administrative plan be established which contains uniform, established procedures and adequate safeguards against arbitrary and capricious enforcement by school officials. For example, the plan may specify that metal detectors be used at randomly selected schools or that students will be searched on a random basis (e.g., every fifth student entering). The key is to ensure that neutral criteria are applied so that the persons conducting the search do not exercise discretion in determining whether specific persons are targeted or selected for the search. The Attorney General's opinion also recommends that the district's use of metal detectors be incorporated into the district and/or school site safety plan; see BP/AR 0450 - Comprehensive Safety Plan. See the accompanying administrative regulation for other safeguards identified by the Attorney General.

The Superintendent or designee shall use metal detectors at district schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

### Use of Contraband Detection Dogs

**Note:** The following optional section is for districts that use trained dogs for random and unannounced inspections for contraband. Prior to instituting such a program, districts wishing to conduct these types of "sniff searches" should make specific findings as to the need for the program and consult legal counsel.

Legally, problems arise when individual persons are sniffed and when students are separated from their belongings so that the belongings can be sniffed. In B.C. v. Plumas, the 9th Circuit Court of Appeals concluded that the random and suspicionless dog sniff of a student as he walked by the dog while exiting the room was unreasonable. The court found compelling the fact that there were not specific findings of a serious drug problem at the school that would necessitate the need for the use of the dogs. This court did not rule on whether sniffs of inanimate objects (such as automobiles or lockers) in a school setting are legal. However, courts outside of California (Zamora v. Pomeroy and Horton v. Goose Creek Independent School District) have indicated that dog sniffing around lockers and cars would probably not be deemed a "search" and thus would be permissible on a random basis without individualized suspicion. If the dog then alerts on a particular car or locker, this alert could then constitute the reasonable suspicion needed in order to conduct a search.

The law is unclear as to whether the district can conduct random and unannounced use of dogs whereby students are asked or required to leave their belongings so that the dog can sniff those belongings. An Attorney General opinion (83 Ops.Cal.Atty.Gen. 257 (2001)) states that, unless exigent circumstances exist (e.g., supporting data of a known drug problem), requiring students to leave their belongings behind in the classroom (e.g., backpacks, purses, jackets) in order to conduct random, unannounced and neutral sniff tests on students' personal belongings would be unreasonable and therefore unconstitutional. Whether the district can "ask" students to leave their belongings behind is also questionable since such a request might be considered an unconstitutional "seizure." Districts that wish to institute either type of policy should consult legal counsel and have specific data demonstrating the need for such a policy. Although Attorney General opinions are not law, they are generally afforded deference by the courts. See the accompanying administrative regulation.

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy.

## SEARCH AND SEIZURE (continued)

The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

### *Legal Reference:*

#### EDUCATION CODE

32280-32289 *School safety plans*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

48900-48927 *Suspension and expulsion*

49050-49051 *Searches by school employees*

49330-49334 *Injurious objects*

#### PENAL CODE

626.9 *Firearms*

626.10 *Dirks, daggers, knives or razor*

#### CALIFORNIA CONSTITUTION

*Article I, Section 28(c) Right to Safe Schools*

#### COURT DECISIONS

*Redding v. Safford Unified School District*, (9th Cir. 2008) 531 F.3d 1071

*B.C. v. Plumas*, (9th Cir. 1999) 192 F.3d 1260

*Jennings v. Joshua Independent School District*, (5th Cir. 1989) 877 F.2d 313

*O'Connor v. Ortega*, (1987) 480 U.S. 709

*New Jersey v. T.L.O.*, (1985) 469 U.S. 325

*Horton v. Goose Creek Independent School District*, (5th Cir. 1982) 690 F.2d 470

*Zamora v. Pomeroy*, (10th Cir. 1981) 639 F.2d 662

#### ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 257 (2001)

75 *Ops.Cal.Atty.Gen.* 155 (1992)

### *Management Resources:*

#### NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

*The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies*, 1999

#### WEB SITES

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

California Attorney General's Office: <http://caag.state.ca.us>

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

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

(3/00 3/01) 11/08

# **Board Policy**

## **BP 5145.12 Students**

### **Search And Seizure**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or district property under their control, and may seize illegal, unsafe and prohibited items. The Governing Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

#### **Individual Searches**

School officials may search individual students, their property and district property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school.

Employees shall not conduct strip searches or body cavity searches of any student.  
(Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension)

#### **Student Lockers/Desks**

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or

desk.

### **Use of Metal Detectors**

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures that ensure that metal detector searches are conducted in a consistent manner that minimizes or eliminates arbitrary and capricious enforcement by school officials.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

### **Use of Drug-Detection Dogs**

In an effort to keep the schools free of drugs, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff within the close proximity of any students.

(cf. 5131.6 - Alcohol and Other Drugs)

### **Legal Reference:**

#### **EDUCATION CODE**

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

49050-49051 Searches by school employees

49330-49334 Injurious objects

#### **PENAL CODE**

626.9 Firearms

626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

### **COURT DECISIONS**

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

O'Connor v. Ortega, (1987) 107 S.Ct. 1492

New Jersey v. T.L.O., (1985) 469 U.S. 325

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

**Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662**  
**ATTORNEY GENERAL OPINIONS**  
**83 Ops.Cal.Atty.Gen. 257 (2000)**  
**75 Ops.Cal.Atty.Gen. 155 (1992)**

**Management Resources:**

**WEB SITES**

**California Attorney General's Office: <http://caag.state.ca.us>**

**CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>**

**Policy CENTER UNIFIED SCHOOL DISTRICT**  
**adopted: September 5, 2001 Antelope, California**

# CSBA Sample

## Administrative Regulation

Students

AR 5145.12(a)

### SEARCH AND SEIZURE

#### Use of Metal Detectors

Note: The following optional section is for use by districts that use metal detectors; see the accompanying Board policy. In 75 Ops.Cal.Atty.Gen. 155 (1992), the Attorney General suggests several safeguards to minimize the intrusion of student privacy. The following list reflects these safeguards and should be revised to reflect district practice and the type(s) of metal detectors that will be used.

The Superintendent or designee shall ensure that the following safeguards are used when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets and belongings of metallic objects.
2. If an initial metal detector activation occurs, students shall be asked to remove other metallic objects that they may be wearing (e.g., belt and jewelry) and to walk through a second time.
3. If a second activation occurs, a hand-held metal detector shall be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area where an expanded search shall be conducted by a staff member of the same gender as the student in the presence of another district employee.

Note: The Attorney General recommends that, upon activation of the metal detector, any subsequent search be limited to the detection of the metal that caused the activation in the first place. For example, a school official should not use the activation to search a container which obviously could not hold a weapon.

5. The search shall be limited to the detection of the cause of the activation.

#### Use of Contraband Detection Dogs

Note: The following optional section is for districts that use trained dogs for random and unannounced inspections for contraband. An Attorney General opinion (83 Ops.Cal.Atty.Gen. 257 (2001)) states that students cannot be required to leave their belongings behind before exiting the classroom. The law is unclear whether students can be "asked" to leave their belongings and whether such a request would result in an unconstitutional "seizure" of their property. Districts that wish to institute such a procedure should consult legal counsel, as appropriate; see the accompanying Board policy.

Contraband detection dogs shall not be used in classrooms or other district facilities when the rooms are occupied, except for demonstration purposes with the handler present. When used

**SEARCH AND SEIZURE (continued)**

for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection.

*(cf. 5131.6 - Alcohol and Other Drugs)*

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

**Notifications**

Note: The following optional section should be modified to reflect district practice. Districts that have not established a contraband dog detection and/or metal detector program should delete items #2 and 3 below.

At the beginning of each school year and upon enrollment, the Superintendent or designee shall inform students and parents/guardians about the district's policies and procedures for searches, including notice regarding:

1. The possibility of random searches of students, their belongings, their vehicles parked on district property, and district properties under a student's control, including lockers or desks
2. The district's contraband dog detection program

Note: To further minimize the privacy intrusion resulting from metal detector scans, the Attorney General recommends, in 75 Ops.Cal.Atty.Gen. 155 (1992), giving advance notice of metal detector searches. Because no court decisions yet indicate whether prior notice to parents at the beginning of the year would be sufficient without giving separate notice for each search, the district, with legal counsel, should decide on a case-by-case basis whether a search will be announced or unannounced.

3. The use of metal detector scans

In addition, the Superintendent or designee shall ensure that signs are posted at all schools at which metal detectors are to be used to explain that anyone may be scanned by metal detector for guns, knives, or other illegal weapons when on campus or attending athletic or extracurricular events.

(3/00 3/01) 11/08

# **Administrative Regulation**

**AR 5145.12  
Students**

## **Search And Seizure**

### **Use of Metal Detectors**

The following procedures shall be followed when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets of metallic objects.
2. If an initial activation occurs, students shall be asked to remove other metallic objects they may be wearing (e.g., belt and jewelry) and to walk through a second time.
3. If a second activation occurs, a hand-held metal detector shall be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area.
5. In the private area, an expanded search shall be conducted by a staff member of the same gender as the student, in the presence of another district employee.
6. The search shall be limited to the detection of weapons.

### **Use of Drug-Detection Dogs**

Drug-detection dogs shall not be used in rooms occupied by persons except for demonstration purposes, with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5144 - Discipline)

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



## **Notifications**

At the beginning of each school year and whenever students are assigned lockers, desks or other district property, the Superintendent or designee shall inform students and parents/guardians of the possibility of random searches of students, their belongings and district properties under their control.

Upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the district uses metal detector scans as part of its program to promote safety and deter the presence of weapons. Signs shall be posted at all schools at which metal detectors are to be used to explain that anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extracurricular events.

Regulation      CENTER UNIFIED SCHOOL DISTRICT  
approved: September 5, 2001      Antelope, California

# CSBA Sample Board Policy

Instruction

BP 6115

## CEREMONIES AND OBSERVANCES

The Governing Board recognizes the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

(cf. 6111 - School Calendar)  
(cf. 6141.2 - Recognition of Religious Beliefs and Customs)  
(cf. 6141.6 - Multicultural Education)  
(cf. 6142.3 - Civic Education)  
(cf. 6142.4 - Learning Through Community Service)

### Legal Reference:

#### EDUCATION CODE

37220-37223 Saturdays and holidays  
44015.1 Week of the School Administrator  
45203 Paid holidays  
45460 Classified Employee Week  
52720 Daily performance of patriotic exercises in public schools  
52730 Patriotic exercises, daily instruction

#### GOVERNMENT CODE

430-439 Display of flags  
3540-3549.3 Meeting and negotiating  
UNITED STATES CODE, TITLE 4  
6 Time and occasion for display of flag  
7 Position and manner of display of flag

#### UNITED STATES CODE, TITLE 36

106 Note Constitution Day and Citizenship Day

#### COURT DECISIONS

West Virginia State Board of Education et al v. Barnette et al, 319 U.S. 624 (1943)

### Management Resources:

#### CSBA PUBLICATIONS

Constitution Day: New Mandate for Districts Receiving Federal Funds, CSBA Advisory, August 2005

#### FEDERAL REGISTER

70 Fed. Reg. 29727 Constitution Day and Citizenship Day (2005)

#### WEB SITES

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

California Department of Education, History/Social Science Instructional Materials:  
<http://www.cde.ca.gov/ci/hs/im>

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Policy Reference UPDATE Service

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# **Board Policy**

**BP 6115  
Instruction**

## **Ceremonies And Observances**

The Governing Board recognizes the importance of having students join together to celebrate events of cultural or historical significance or to acknowledge the contributions of outstanding individuals. Besides helping students to appreciate their pluralistic heritage, holidays, ceremonies and observances can enhance their sense of community, instill pride in our country, and contribute to a positive school climate.

(cf. 6141.6 - Multicultural Education)

### **Legal Reference:**

#### **EDUCATION CODE**

37220-37223 Saturdays and holidays

44015.1 Week of the school administrator

45203 Paid holidays

45460 Classified employee week

52720 Daily performance of patriotic exercises in public schools

#### **GOVERNMENT CODE**

430-439 Display of flags

3540-3549.3 Meeting and negotiating

#### **UNITED STATES CODE, TITLE 4**

6 Time and occasion for display of flag

7 Position and manner of display of flag

#### **COURT DECISIONS**

West Virginia State Board of Education et al v. Barnette et al, 319 U.S. 624 (1943)

### **Management Resources:**

#### **WEB SITES**

CDE: <http://www.cde.ca.gov>

**Policy CENTER UNIFIED SCHOOL DISTRICT**  
**adopted: May 17, 2000      Antelope, California**

**CEREMONIES AND OBSERVANCES****Holidays**

Note: The following list may be expanded to reflect district practice. Education Code 37220 allows the Governing Board to designate any other day as a holiday. In addition, Education Code 37220 provides that the Board, by adoption of a resolution, may revise the date upon which district schools close in observance of any of these holidays except Veterans Day, which must be celebrated on its actual date. Education Code 37220 also provides that a district may, if it so chooses, allow community groups to use school facilities on those dates when the school is closed for a holiday. See BP/AR 1330 - Use of School Facilities.

District schools shall be closed in observance of the following holidays:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	Third Monday in January or the Monday or Friday of the week in which January 15 occurs
Lincoln Day	The Monday or Friday of the week in which February 12 occurs
Washington Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	That Thursday in November designated by the President
Christmas Day	December 25

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

Note: Education Code 37220.7 authorizes the closing of school on the fourth Friday in September for Native American Day, provided that the Board agrees to do so in a memorandum of understanding reached with the bargaining unit pursuant to Government Code 3540-3549.3. The Board may also authorize the closing of school on March 31 in observance of Cesar Chavez Day, pursuant to Education Code 37220.5; however, a memorandum of understanding must have been reached.

The following optional paragraph should be modified to reflect the agreements, if any, reached by the Board and the bargaining units and should be deleted entirely if no such agreements have been reached.

**CEREMONIES AND OBSERVANCES (continued)**

~~In addition, the district has reached agreement with the district employee organizations pursuant to Government Code 3540-3549.3 to close schools in observance of the following holidays:~~

~~Cesar Chavez Day \_\_\_\_\_ March 31~~

~~Native American Day \_\_\_\_\_ Fourth Friday in September~~

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs under federal law on a date different from that indicated above, the Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

*(cf. 6111 - School Calendar)*

**Commemorative Exercises**

Note: As listed below, Education Code 37220, 37221, and 45460 require the observance of special days with suitable commemorative exercises. In addition, districts that have not reached an agreement with the exclusive representative to close schools for Cesar Chavez and/or Native American Day may instead hold commemorative exercises on those dates. The State Board of Education has adopted model curriculum, which can be found on the California Department of Education's website, for school use on these days.

Both federal and state law (36 USC 106, Note and Education Code 37221) require districts to hold commemorative exercises for U.S. Constitution Day and Citizenship Day each year on or near September 17; see BP 6142.3 - Civic Education.

Education Code 37222, 37220.7, 51009, as well as various legislative resolutions, have designated other days of special significance on which schools are encouraged, but not required, to hold appropriate commemorative exercises, including: (1) School Board Recognition Month in January, (2) Week of the School Administrator on the first full week of March, (3) the Day of the Teacher on the second Wednesday in May, (4) Bill of Rights Day on December 15, (5) John Muir Day on April 21, (6) California Poppy Day on April 6, (7) California Agriculture Day on the first day of spring each year, and (8) Labor History Week during the first week of April. The list below may be modified to include any optional days of special significance so designated by the Board.

District schools shall hold exercises to commemorate the following special days: (Education Code 37220, 37221, 45460)

U.S. Constitution and Citizenship Day,      On or near September 17  
including exercises and instruction in

**CEREMONIES AND OBSERVANCES (continued)**

the purpose, meaning, and importance of  
the Constitution and Bill of Rights

Dr. Martin Luther King, Jr. Day	The Friday before the day schools are closed for this holiday
Lincoln's Birthday	The school day before the day schools are closed for this holiday
Susan B. Anthony Day	February 15
George Washington's Birthday	The Friday preceding the third Monday in February
Black American Day	March 5
Conservation, Bird, and Arbor Day	March 7
Classified Employee Week	Third Week in May

In addition, the Board has authorized schools to hold commemorative exercises for the  
following additional special days:

School Board Recognition Month	January
Week of the School Administrator	First full week of March
Cesar Chavez Day	March 31
California Poppy Day	April 6
John Muir Day	April 21
Day of the Teacher	Second Wednesday in May
Native American Day	Fourth Friday in September
Bill of Rights Day	December 15

**Patriotic Exercises**

Note: Education Code 52720 requires all schools to conduct patriotic exercises daily and specifies that participation in the Pledge of Allegiance satisfies this requirement. As added by SB 1274 (Ch. 523, Statutes of 2008), Education Code 52730 specifies that districts may, in combination with reciting the pledge, satisfy

## **CEREMONIES AND OBSERVANCES (continued)**

this requirement by providing instruction that promotes the understanding of concepts in the pledge and the importance of the pledge as an expression of patriotism, as specified below. Federal courts have held that individuals may not be compelled to salute the flag or to stand during the salute. (West Virginia State Board of Education et al v. Barnette et al). The phrase "under God" as used in the pledge has been challenged in court, but there has been no final ruling on the matter.

Each school shall conduct patriotic exercises daily. These patriotic exercises shall consist of the reciting of the Pledge of Allegiance and may also include instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

Individuals may choose not to participate in the flag salute for personal reasons.

Note: The following paragraph is for use by districts maintaining elementary schools.

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

Note: For secondary schools, Education Code 52720 requires that the patriotic exercises be conducted in accordance with mandated regulations adopted by the Board. Districts maintaining secondary schools should modify the following paragraph to reflect district practice.

At secondary schools, such exercises shall be conducted during the homeroom period.

### **Display of Flag**

The flag of the United States and the flag of California shall be displayed during school days at the entrance or on the grounds of every school. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until internment of an Associate Justice of the Supreme Court, a secretary of executive or military department, former Vice President, and the Governor of a state
4. On the day of death and the following day for a Member of Congress

**CEREMONIES AND OBSERVANCES (continued)**

5. On Peace Officers Memorial Day (May 15), unless that day is also Armed Forces Day

Note: As amended by P.L. 110-41, 4 USC 7 authorizes the Governor to issue a proclamation to fly the flag at half-staff upon the death of a member of the Armed Forces from the state who has died while serving on active duty.

In addition, upon order of the President, the national flag shall be flown at half-staff upon the death of principal figures of the United States government and the Governor of a state, as a mark of respect to their memory. In the event of death of other officials or foreign dignitaries, the flag shall be displayed at half-staff according to presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of the state or the death of a member of the Armed Forces from the state who has died while serving on active duty, the Governor may proclaim that the flag be flown at half-staff. (4 USC 7)



# **Center Unified**

## **Administrative Regulation**

### **Ceremonies And Observances**

**AR 6115**  
**Instruction**

#### **Holidays**

District schools shall be closed in observance of the following holidays:

New Year's Day      January 1

Dr. Martin Luther      Third Monday in January or the  
King, Jr. Day      Monday or Friday of the week in which January 15 occurs

Lincoln Day      The Monday or Friday of the week in which February 12 occurs

Washington Day      Third Monday in February

Memorial Day      Last Monday in May

Independence Day      July 4

Labor Day      First Monday in September

Veteran's Day      November 11

Thanksgiving Day      That Thursday in November designated by the President

Christmas Day      December 25

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

#### **Commemorative Exercises**

District schools shall hold exercises to commemorate the following special days:

U.S. Constitution Day      On or near September 17

Dr. Martin Luther King Jr., Day      The Friday before the day schools are closed for  
this holiday

Lincoln's Birthday      The school day before the day schools are closed for this holiday

**Susan B. Anthony Day      February 15**

**George Washington's Birthday      The Friday preceding the third Monday in February**

**Black American Day   March 5**

**Conservation, Bird and Arbor Day   March 7**

**Classified Employee Week   Third Week in May**

**In addition, the Board has authorized schools to hold commemorative exercises for the following additional special days:**

**School Board Recognition Month   January**

**Week of the School Administrator   First full week of March**

**Cesar Chavez Day   March 31**

**California Poppy Day   April 6**

**John Muir Day      April 21**

**Day of the Teacher   Second Wednesday in May**

**Native American Day   Fourth Friday in September**

**Bill of Rights Day   December 15**

#### **Patriotic Exercises**

**Each school shall conduct patriotic exercises daily. At elementary schools, such exercises shall be conducted at the beginning of each school day. The Pledge of Allegiance to the flag will fulfill this requirement. (Education Code 52720)**

**Individuals may choose not to participate in the flag salute for personal reasons.**

#### **Display of Flag**

**The flag of the United States and the flag of California shall be displayed during school days at the entrance or on the grounds of every school. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)**

**Upon order of the President, the national flag shall be flown at half-staff upon the death of principal figures of the United States government and the Governor of a state, as a**

mark of respect to their memory. In the event of death of other officials or foreign dignitaries, the flag shall be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any state, the Governor may proclaim that the flag be flown at half-staff. (4 USC 7)

In addition, the national flag shall fly at half-staff: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until internment of an Associate Justice of the Supreme Court, a secretary of executive or military department, former Vice President, and the Governor of a state
4. On the day of death and the following day for a Member of Congress

Regulation      CENTER UNIFIED SCHOOL DISTRICT  
approved: May 17, 2000      Antelope, California

# CSBA Sample

## Board Policy

**Instruction**

**BP 6162.51(a)**

### **STANDARDIZED TESTING AND REPORTING PROGRAM**

**Note:** The following optional policy may be revised to reflect district practice. Education Code 60640-60649 establish the Standardized Testing and Reporting (STAR) Program, which includes (1) standards-based achievement tests in grades 2-11 pursuant to Education Code 60642.5 (the California Standards Tests (CSTs)); (2) a designated primary language assessment in Spanish in grades 2-11 (the Standards-Based Tests in Spanish (STS)) to assess basic skills of first-year English learners and students who receive instruction in their primary language; and (3) the California Alternate Performance Assessment (CAPA) and the California Modified Assessment (CMA) for students with disabilities when indicated in their individualized education program (IEP).

AB 519 (Ch. 757, Statutes of 2008) repealed Education Code 60642 and 60644, thereby eliminating the requirement to administer a nationally norm-referenced achievement test designated by the State Board of Education (SBE) in grades 3 and 7 (the California Achievement Tests, Sixth Edition Survey, CAT6/Survey).

See the accompanying administrative regulation for STAR program requirements.

The Governing Board desires to use the results of the achievement tests to evaluate the performance of district students in achieving state academic standards and in comparison to the performance of students across the state. The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) Program as required by law and in accordance with Board policy and administrative regulation.

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

**Note:** Any district, school, or significant student subgroup that fails to achieve a 95 percent participation rate in the state mathematics and reading/language arts assessments will not make "adequate yearly progress" (AYP) under the No Child Left Behind Act (20 USC 6311). AYP is used to identify schools and districts for program improvement; see BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts. The following paragraph is **optional**.

The Board strongly encourages all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(cf. 6011 - Academic Standards)*

## **STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

Note: The following paragraph is optional. Education Code 52056 encourages the Board to examine STAR results by school, grade, and student subgroup as part of the annual discussion of each school's ranking on the statewide Academic Performance Index; see BP 0500 - Accountability. In examining these results, the Board should consider developing performance targets for its schools. For example, the Board may determine that if the average STAR performance level of the school is below the "advanced" or "proficient" level or if more than 25 percent of the school's students are below those levels, then a performance plan would be developed. Districts may modify the following paragraph to include any specific performance targets that have been developed.

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index. If the STAR performance level of the school is below the Board's established expectations, the Board may conduct an assessment of the reasons for the performance results and may adopt a performance improvement plan in accordance with Education Code 52056.

*(cf. 0500 - Accountability)*

*(cf. 0520.1 - High Priority Schools Grant Program)*

*Legal Reference: (see next page)*

## STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

### *Legal Reference:*

#### EDUCATION CODE

51041 Evaluation of educational program

52056 Board discussion of Academic Performance Index rankings, including STAR results

56345 Individualized education program, contents

60600-60630 Assessment of academic achievement

60640-60649 Standardized Testing and Reporting Program

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

99300-99301 Early Assessment Program

#### CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting Program

#### UNITED STATES CODE, TITLE 20

1412(a)(17) Participation of students with disabilities in state assessments

6311 Adequate yearly progress

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 Standards and assessment

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Matrix of Test Variations, Accommodations and Modifications for Administration of California Statewide Assessments*

#### CALIFORNIA STATE UNIVERSITY PUBLICATIONS

*The Early Assessment Program: Handbook for School Site Leaders, 2008*

#### U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2000*

#### WEB SITES

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

California Department of Education, STAR Program: <http://www.cde.ca.gov/ta/tg/sr>

California Learning Resources Network: <http://clrn.org>

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

(11/04 3/07) 11/08

# **Board Policy**

## **BP 6162.51 Instruction**

### **Standardized Testing And Reporting Program**

The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) Program as required by law and in accordance with Board policy and administrative regulation.

(cf. 6162.5 - Student Assessment)  
(cf. 6162.54 - Test Integrity/Test Preparation)

The Governing Board strongly encourages all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)  
(cf. 0520.3 - Title I Program Improvement Districts)

The Board desires to use the results of the achievement tests to evaluate the performance of district students against the state's academic standards, the performance of students in other districts across the state, and national norms.

(cf. 6011 - Academic Standards)

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index. If the STAR performance level of the school is below the Board's established expectations, the Board may conduct an assessment by grade level of the reasons for the performance results and may adopt an improved performance plan in accordance with Education Code 52056.

(cf. 0500 - Accountability)  
(cf. 0520 - Intervention for Underperforming Schools)  
(cf. 0520.1 - High Priority Schools Grant Program)

**Legal Reference:**

**EDUCATION CODE**

51041 Evaluation of educational program

52056 Board discussion of Academic Performance Index rankings, including STAR results

56345 Individualized education program, contents

60600-60630 Assessment of academic achievement

60640-60649 Standardized Testing and Reporting Program

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

**CODE OF REGULATIONS, TITLE 5**

850-870 Standardized Testing and Reporting Program

**UNITED STATES CODE, TITLE 20**

1412(a)(17) Participation of students with disabilities in state assessments

6311 Adequate yearly progress

**CODE OF FEDERAL REGULATIONS, TITLE 34**

200.1 Standards and assessments

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Matrix of Test Variations, Accommodations and Modifications for Administration of California Statewide Assessments

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS**

**PUBLICATIONS**

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2000

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**Policy CENTER UNIFIED SCHOOL DISTRICT**

adopted: June 20, 2007      Antelope, California



# CSBA Sample

## Administrative Regulation

### Instruction

AR 6162.51(a)

### STANDARDIZED TESTING AND REPORTING PROGRAM

Note: The following optional administrative regulation reflects requirements of the Standardized Testing and Reporting (STAR) Program pursuant to Education Code 60640-60649. Because the district acts as an agent of the California Department of Education (CDE) in administering the mandatory tests, pursuant to Education Code 60613, it cannot be held liable for complying with state requirements.

The requirement to administer a nationally norm-referenced achievement test (the California Achievement Tests, Sixth Edition Survey, CAT6/Survey) to students in grades 3 and 7 was eliminated through the repeal of Education Code 60642 and 60644 pursuant to AB 519 (Ch. 757, Statutes of 2008).

The district shall administer the following assessments in the Standardized Testing and Reporting (STAR) Program:

Note: Pursuant to Education Code 60642.5, the State Board of Education (SBE) has designated the California Standards Tests (CSTs) as the standards-based achievement tests for use in the STAR Program. Item #1 below should be revised as appropriate based on the grade levels offered by the district.

1. The California Standards Tests (CSTs) in English language arts, mathematics, science, and history-social science to students in grades 2-11 (Education Code 60640)

Note: The following optional paragraph is for use by districts that maintain high schools. Students in grade 11 may voluntarily take an "augmented" CST which assesses their college readiness in English and/or mathematics. Participating students take the regular CST followed by a set of supplementary multiple-choice items and, in the English test, a written essay. Test results are used in the Early Assessment Program established by the California State University. SB 946 (Ch. 473, Statutes of 2008) added Education Code 99300-99301 to include community college districts in the program.

In addition, students in grade 11 may voluntarily take an augmented CST as part of the Early Assessment Program to determine their readiness for college-level work in English and/or mathematics. (Education Code 60641, 99300-99301)

Note: Pursuant to Education Code 60640, English learners are required to take the CSTs in English pursuant to item #1 above. In addition, Education Code 60640 requires that a designated primary language test (DPLT) be administered to English learners under the conditions described in item #2 below. As of 2008-09, the Standards-Based Test in Spanish (STS) is available for grades 2-11. The STAR Program does not include DPLTs for English learners who speak primary languages other than Spanish. Item #2 below should be revised as appropriate based on the grade levels offered by the district.

2. The Standards-Based Test in Spanish (STS) to Spanish-speaking English language learners in grades 2-11 who either: (Education Code 60640)
  - a. Receive instruction in Spanish, regardless of how long they have been in the United States

**STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

- b. Have been enrolled in a California public school for less than 12 months

*(cf. 6174 - Education for English Language Learners)*

This test shall be required in addition to the CST administered in English. (Education Code 60640)

Note: The following optional paragraph is for use by districts that also choose to administer the STS to other English learners as authorized by Education Code 60640.

Following the first year of enrollment in a California public school, Spanish-speaking English language learners in grades 2-11 shall continue to take the STS in addition to the CST in English, if the Superintendent or designee determines that such test results would provide useful information about students' performance.

Note: Pursuant to Education Code 60640 and 5 CCR 850, special education students must be included in the STAR Program with appropriate accommodations in administration where necessary (see section on "Testing Variations" below), unless exempted by their parents/guardians or eligible to take an alternate assessment in accordance with their individualized education program (IEP). The SBE has designated the California Alternate Performance Assessment (CAPA) for use by any student with severe cognitive disabilities whose IEP team has determined is unable to take the CSTs even with accommodations or modifications. Eligible students who are not severely cognitively disabled may instead take the California Modified Assessment (CMA), developed pursuant to 34 CFR 200.1 based on modified achievement standards, if their IEP teams determine it is appropriate.

3. The California Alternate Performance Assessment (CAPA) for students with severe cognitive disabilities who are unable to take the CSTs even with accommodations or modifications, or the California Modified Assessment (CMA) for students who are not severely cognitively disabled, when determined appropriate by the student's individualized education program (IEP) team (Education Code 56345, 60640; 5 CCR 850; 34 CFR 200.1)

Any special education student who is an English learner may be tested with the STS in accordance with item #2 above, unless the IEP specifically exempts him/her from such testing. (Education Code 56345)

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

**Testing Period**

Note: Education Code 60640 and 5 CCR 855 provide that the SBE will establish a "testing window" for administration of the standards-based achievement tests rather than a deadline for completion of testing, so as to allow schools to administer the test to students at approximately the same point in the curriculum

## **STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

during the instructional year. The CDE indicates that all tests within the STAR Program, except the writing assessment as noted below, must be administered within the same testing window.

The STAR tests, with the exception of the writing assessment, shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85 percent of the instructional days of the school, track, or program. (Education Code 60640; 5 CCR 855)

The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the testing period. All make-up testing shall occur within five instructional days of the last date that the district administered the tests, but not later than the 21 instructional day window established above. (Education Code 60640; 5 CCR 855)

The STAR writing assessment shall be administered only on the testing day(s) and make-up day(s) specified annually by the Superintendent of Public Instruction. (Education Code 60640; 5 CCR 855)

### **Exemptions**

Note: 5 CCR 852 allows students to be exempted from participation in the STAR testing as provided below. However, districts should be aware that if a school's student participation level falls below 95 percent, then the school's ability to make "adequate yearly progress" under the No Child Left Behind Act (20 USC 6311) may be affected; see the accompanying Board policy.

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. District employees may discuss the STAR Program with parents/guardians and may inform them of the availability of exemptions under Education Code 60615. However, the district and its employees shall not solicit or encourage any written exemption request on behalf of any student or group of students. (5 CCR 852)

### **Testing Variations**

Note: 5 CCR 853.5 specifies testing variations, accommodations, and modifications that may be used in administering the STAR assessments. The CDE has prepared a matrix displaying the allowable test variations for all statewide assessments.

The CSTs and STS shall be administered in accordance with the manuals or other instructions provided by the test contractor, unless a testing variation, accommodation, or modification is specifically allowed pursuant to 5 CCR 853.5. (5 CCR 853, 853.5)

All students may be provided with the following variations: (5 CCR 853.5)

1. Simplified or clarified test directions

**STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

2. Write-in test booklets (e.g., underlining, working math problems), provided that in grades 2-3 any marks other than those in response circles must be erased to ensure that the tests can be scored
3. As much time as needed within a single sitting to complete a test or test part

In addition, all students shall be provided with the following testing variations if such variations are regularly used in the classroom: (5 CCR 853.5)

1. Special adaptive furniture
2. Special lighting, special acoustics, or visual magnifying or audio amplification equipment
3. An individual carrel or study enclosure
4. Individual testing in a separate testing room provided that a district employee who has signed the STAR Test Security Affidavit directly supervises the student
5. Colored overlay, masks, or other means to maintain visual attention to the test or test questions
6. Manually Coded English or American Sign Language to communicate directions for test administration

Identified English learners shall be provided with the following testing variations if such variations are regularly used in the classroom or for assessment: (5 CCR 853.5)

1. Flexible setting: testing in a separate room with other English learners provided that a district employee who has signed the Test Security Affidavit directly supervises the student.
2. Flexible schedule: additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.
3. Translated directions: hearing the test directions printed in the test administration manual translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.
4. Glossaries: access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history/social science (English to

**STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

primary language). The translation glossaries/word lists are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries/word lists shall not include definitions or formulas.

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include, but are not limited to, accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. (5 CCR 850, 853, 853.5)

**District and Test Site Coordinators**

Note: Pursuant to 5 CCR 857 and 858, districts must appoint a district STAR coordinator and a coordinator for each test site. Duties of the district coordinator are specified in 5 CCR 857. These duties include, but are not limited to, responding to correspondence and inquiries from the test contractor and CDE in a timely manner, determining district and school test material needs, and coordinating the testing and make-up testing days. 5 CCR 858 specifies the duties of each STAR test site coordinator. These duties include, but are not limited to, ensuring that only one answer document is submitted per student, maintaining security over the tests, and overseeing the administration of the tests to students. 5 CCR 857 provides that the Superintendent or designee may designate a separate coordinator for the STS, who shall have the same responsibilities with regards to that test.

Each year the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education (CDE) for all matters relating to the STAR Program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858)

Note: 5 CCR 861 requires districts to provide the test contractor with student information for each student tested for the purpose of collecting data for the Academic Performance Index. This information includes such items as the student's amount of time in the school and district, English proficiency and primary language, date of English proficiency reclassification, and parent education level. The information is to be collected as part of the testing materials and to be used by the contractor only for aggregate analyses. Pursuant to 5 CCR 870, if the information sheets contain missing data, the district could lose a portion of its STAR apportionment. The following optional paragraph requires the district coordinator to help ensure that the contractor is provided complete information.

In addition to the duties prescribed in 5 CCR 857-858, the district coordinator shall establish guidelines to help ensure that the test contractor is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.

*(cf. 3553 - Free and Reduced Price Meals)*

After receiving summary reports and files from the test contractor, the district coordinator shall review the files and reports for completeness and accuracy and shall notify the test contractor and the CDE of any errors, discrepancies, or incomplete information. (5 CCR 857)

## **STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

### **Report of Test Results**

Within 20 working days of receiving the student report from the test contractor, the Superintendent or designee shall forward the student report to the student's parents/guardians. If these reports are received from the contractor after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (Education Code 60641; 5 CCR 863)

Note: Pursuant to Education Code 60641, 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.

The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. (Education Code 60641)

*(cf. 5145.6 - Parental Notifications)*

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)

*(cf. 5125 - Student Records)*

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 60641)

*(cf. 9321.1 - Closed Session Actions and Reports)*

Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than the following: (Education Code 60607, 60641)

1. The student's parent/guardian
2. A teacher, counselor, or administrator directly involved with the student
3. A postsecondary educational institution for the purposes of credit, placement, or admission

(3/07 11/07) 11/08

# **Administrative Regulation**

**AR 6162.51**  
**Instruction**

## **Standardized Testing And Reporting Program**

**The district shall administer the following assessments in the Standardized Testing and Reporting (STAR) Program:**

- 1. A nationally norm-referenced designated achievement test in basic academic skills, as designated by the State Board of Education (SBE) pursuant to Education Code 60642, to each student in grades 3 and 7. (Education Code 60640)**
- 2. Standards-based achievement tests, as designated by the SBE pursuant to Education Code 60642.5, to each student in grades 2-11. (Education Code 60640)**
- 3. A designated primary language test (DPLT) for any limited-English-proficient student in grades 2-11 who either receives instruction in his/her primary language or has been enrolled in a California public school for less than 12 months, if such a test is available. This test shall be administered in addition to any applicable norm-referenced achievement test and standards-based achievement test. (Education Code 60640)**

**(cf. 6174 - Education for English Language Learners)**

**Following the first year of enrollment in a California public school, English language learners in grades 2-11 shall take the DPLT, in addition to the tests in English, to the extent that such a test is available in their primary language and the Superintendent or designee determines that such test results would provide useful information about students' performance.**

- 4. An alternate assessment for any special education student who is unable to take the standards-based achievement tests even with accommodations or modifications. The individualized education program (IEP) team shall determine whether a student shall take an alternate assessment. (Education Code 56345, 60640; 5 CCR 850; 34 CFR 200.1)**

**Any special education student who is an English learner may be tested with the DPLT in accordance with item #3 above, unless the IEP specifically exempts him/her from such testing. (Education Code 56345)**

**(cf. 6159 - Individualized Education Program)**  
**(cf. 6164.6 - Identification and Education under Section 504)**

**Testing Period**

The designated achievement test and the standards-based achievement tests shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all students, including make-up testing, shall be completed within this 21 instructional day window. (Education Code 60640; 5 CCR 855)

The STAR writing assessment shall be administered only on the day(s) specified annually by the Superintendent of Public Instruction. (Education Code 60640; 5 CCR 855)

The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the period that any school administered the designated achievement test and the standards-based achievement test. All make-up testing shall occur within five instructional days of the last date that the district administered the tests, but not later than the 21 instructional day window established above. (Education Code 60640; 5 CCR 855)

Any DPLT shall be administered between March 15 and May 14 of each school year. The Superintendent or designee shall provide for at least two make-up days for students who were absent during the period. All make-up testing shall occur within 10 instructional days of the last date that the district administered the primary language assessment, but not later than May 25 of each school year, whichever is earlier. (5 CCR 855)

### **Exemptions**

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. District employees may discuss the STAR program with parents/guardians and may inform them of the availability of exemptions under Education Code 60615. However, the district and its employees shall not solicit or encourage any written exemption request on behalf of any student or group of students. (5 CCR 852)

### **Testing Variations**

The designated achievement test, standards-based achievement tests, and DPLT shall be administered in accordance with the manuals or other instructions provided by the test contractor, unless a testing variation, accommodation, or modification is specifically allowed pursuant to 5 CCR 853.5. (5 CCR 853, 853.5)

All students may be provided with the following variations: (5 CCR 853.5)

1. Simplified or clarified test directions
2. For grades 2-11, write-in test booklets (e.g., underlining, working math problems)



Any marks other than those in response circles for grades 2 and 3 must be erased to ensure that the tests can be scored.

3. On the standards-based achievement test, as much time as needed within a single sitting to complete a test or test part

In addition, all students shall be provided with the following testing variations if such variations are regularly used in the classroom: (5 CCR 853.5)

1. Special adaptive furniture
2. Special lighting, special acoustics, or visual magnifying or audio amplification equipment
3. An individual carrel or study enclosure
4. Individual testing in a separate testing room provided that a district employee who has signed the STAR Test Security Affidavit directly supervises the student
5. Colored overlay, masks, or other means to maintain visual attention to the test or test questions
6. Manually Coded English or American Sign Language to communicate directions for test administration

Identified English learners shall be provided with the following testing variations if such variations are regularly used in the classroom or for assessment: (5 CCR 853.5)

1. Flexible setting: testing in a separate room with other English learners provided that a district employee who has signed the Test Security Affidavit directly supervises the student.
2. Flexible schedule: additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.
3. Translated directions: hearing the test directions printed in the test administration manual translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.
4. Glossaries: access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history/social science (English to primary language). The translation glossaries/word lists are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries/word lists shall not include definitions or formulas.

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include, but are not limited to, accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. (5 CCR 850, 853, 853.5)

#### **District and Test Site Coordinators**

Each year the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education (CDE) for all matters relating to the STAR program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858)

In addition to the duties prescribed in 5 CCR 857-858, the district coordinator shall establish guidelines to help ensure that the test contractor is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.

(cf. 3553 - Free and Reduced Price Meals)

After receiving summary reports and files from the test contractor, the district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the test contractor and the CDE of any errors, discrepancies, or incomplete information. (5 CCR 857)

#### **Report of Test Results**

The Superintendent or designee shall forward the student report provided by the test contractor to the student's parents/guardians within 20 working days of receiving the report from the contractor. If these reports are received from the contractor after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (5 CCR 863)

The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. (Education Code 60641)

(cf. 5145.6 - Parental Notifications)

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)

(cf. 5125 - Student Records)

Districtwide, school-level, and grade-level results shall be reported 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 60641)

(cf. 9321.1 - Closed Session Actions and Reports)

Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than a parent/guardian; a teacher, counselor or administrator directly involved with the student; or to a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607, 60641)

Regulation      CENTER UNIFIED SCHOOL DISTRICT  
approved: February 20, 2008 Antelope, California

# CSBA Sample

## Administrative Regulation

**Instruction**

AR 6162.52(a)

### HIGH SCHOOL EXIT EXAMINATION

Note: The following administrative regulation is for use by districts that maintain one or more high schools and reflects requirements for the administration of the high school exit examination required as a condition for high school graduation beginning with the class of 2006, pursuant to Education Code 60850-60859. See also BP/AR 6146.1 - High School Graduation Requirements.

### Definitions

*Variation* means a change in the manner in which the test is presented or administered, or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

*Accommodation* means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

*Modification* means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

### District and Test Site Coordinators

On or before July 1 of each school year, the Superintendent shall designate a high school exit examination coordinator from among district employees and shall notify the test contractor of the identity and contact information of the coordinator. The district coordinator or Superintendent or designee shall be available throughout the year; shall serve as the liaison between the district and the test contractor and between the district and the California Department of Education (CDE) for all matters related to the exit exam; and shall perform additional duties specified in 5 CCR 1209-1211.5. (5 CCR 1209)

Annually, the district coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210-1211.5. (5 CCR 1210)

All district and test site coordinators shall sign a test security affidavit/agreement pursuant to 5 CCR 1211.5.

Access to exam materials shall be limited to students taking the exit exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

## **HIGH SCHOOL EXIT EXAMINATION (continued)**

### **Administration**

The Superintendent or designee shall administer the exit exam in each district high school on the dates designated by the Superintendent of Public Instruction as exam days or make-up days. (Education Code 60851)

Note: 5 CCR 1204 and 1204.5 clarify the testing dates for students in grades 10-12, as provided below. As amended by Register 2007, No. 51, 5 CCR 1204 and 1204.5 clarify that students in grade 10 may take the exam on a designated make-up administration, students in grade 11 may take the exam in successive administrations, and students in grade 12 must be offered at least three opportunities to take the exam.

The exit exam shall be administered as follows: (Education Code 60851; 5 CCR 1204, 1204.5)

1. Students shall take each section of the exit exam once per school year while in grade 10 either during the grade 10 census administration or the district-designated grade 10 make-up administration.
2. Students in grade 11 who have not yet passed one or both sections of the exit exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students may be tested in successive administrations within a school year. Students should be offered appropriate remediation or supplemental instruction before being retested.
3. Students in grade 12 shall have at least three opportunities to take the section(s) of the exit exam not yet passed. Eligible students in grade 12 may elect to take the exam up to three times during the school year and may take the exam in successive administrations. Students should be offered appropriate remediation or supplemental instruction before being retested.

*(cf. 6179 - Supplemental Instruction)*

Note: Item #4 below is for use by districts maintaining adult schools. 5 CCR 1204.5 specifies that eligible adult students shall have up to three opportunities to pass the exit exam and may take the exam in successive administrations. Throughout the remainder of this administrative regulation, the term "student" also includes adult students, unless otherwise specified.

4. Adult students shall have up to three opportunities per year to take the section(s) of the exit exam not yet passed and may elect to take the exam during these opportunities. Students should be offered appropriate remediation or supplemental instruction before being retested.

*(cf. 6200 - Adult Education)*

## **HIGH SCHOOL EXIT EXAMINATION (continued)**

Note: Education Code 60852 provides that students who do not possess sufficient English language skills to be assessed do not have to pass the exit exam for a period of up to 24 calendar months of enrollment in the California public school system, as specified below. However, all students must ultimately pass the exam, in English, in order to receive a high school diploma.

If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing, and comprehension in the English language. (Education Code 60852)

*(cf. 6174 - Education for English Learners)*

Test administrators at the test sites shall be responsible for the accurate identification of eligible students to whom the exit exam is to be administered. This identification shall be made through the use of photo identification or positive recognition by an employee of the district. (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exit exam shall not receive a score from that test administration. (5 CCR 1220)

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

### **Testing Variations for All Students**

The Superintendent or designee may provide any student taking the exit exam with extra time within a testing day, simplified or clarified test directions, and/or student marks (other than responses) including highlighting in test booklets. (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)

1. Special or adaptive furniture
2. Special lighting, special acoustics, visual magnifying, or audio amplification equipment
3. An individual carrel or study enclosure
4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit

## **HIGH SCHOOL EXIT EXAMINATION (continued)**

5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items
6. Manually Coded English or American Sign Language to present directions for test administration

**Note:** As amended by Register 2007, No. 51, 5 CCR 1218 specifies that the district must file a request with the California Department of Education (CDE) for approval to use any proposed test variation not listed in 5 CCR 1215, 1215.5, or 1216. Previously, the law made it optional for districts to request the CDE's approval.

At least 30 working days before the proposed administration of the exit exam, the Superintendent or designee shall submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. The request shall include a description of the requested variation(s) and, if applicable, a certification that the student's individualized education program (IEP) or Section 504 plan specifies that the requested variation is appropriate and necessary to access the exam due to the student's identified disability(ies) and that such variation is currently listed in his/her IEP or Section 504 plan. (5 CCR 1218)

### **Testing Variations for English Language Learners**

**Note:** 5 CCR 1217 authorizes districts to provide additional testing variations for English language learners if regularly used in the classroom or for assessment. In order to help ensure that students have an equal opportunity to pass the exit exam, it is recommended that testing variations be provided on a districtwide basis as consistently as possible and that the same variations be provided to all English language learners regardless of their primary language.

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly used in the classroom or for assessments: (5 CCR 1217)

1. Flexible setting: English language learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit.
2. Flexible schedule: English learners may have additional supervised breaks within a testing day.
3. Flexible time: English learners may have extra time on the exam within a testing day.
4. Translated directions: English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.

**HIGH SCHOOL EXIT EXAMINATION (continued)**

5. Glossaries: English learners may have access to translation glossaries (English to primary language and/or primary language to English). The glossaries are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries shall include no definitions, formulas, or parts of speech.

**Accommodations/Modifications for Students with Disabilities**

A student with disabilities shall be permitted to take the exit exam with accommodations or modifications when the student's IEP or his/her Section 504 plan specifies their use on the exit exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

Note: 5 CCR 1215.5 specifies the following allowable accommodations. In addition, the CDE maintains a list of additional accommodations and modifications that are approved for student use. The list is available on the CDE's web site.

The use of accommodations shall not invalidate a student's test score(s). Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions in 20-point font, exam items enlarged if larger than 20-point font is required, Braille transcriptions provided by the test contractor, audio or oral presentation of the mathematics section of the exam, or use of Manually Coded English or American Sign Language to present test questions on the mathematics section of the exam
2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the exit exam
3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test contractor



**HIGH SCHOOL EXIT EXAMINATION (continued)**

4. Setting accommodations, including tests administered by a test examiner to a student at home or in the hospital

For purposes of receiving a high school diploma, the use of modifications shall invalidate a student's test score for the section of the exam for which the modification(s) were used. If the score is equivalent to a passing score, the student may be eligible for a waiver, as detailed below. Modifications may include: (5 CCR 1216)

1. Arithmetic table, calculators, or math manipulatives on the mathematics section of the exit exam
2. Audio or oral presentation of the English language arts section of the exit exam
3. Manually Coded English or American Sign Language to present test questions on the English language arts section of the exit exam
4. Spell checkers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exit exam
5. Mechanical or electronic devices or other assistive devices that are not used solely to record the student's responses including, but not limited to, transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar, or conventions on the writing portion of the exit exam
6. Responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions
7. Dictionary on any section of the exam

**Waiver for Students with Disabilities**

Note: Students with disabilities in the Classes of 2006 and 2007 were granted an exemption from the requirement to pass the exit exam; however, legislation to extend the exemption to later classes was vetoed by the Governor. Therefore, in order to receive a diploma, special education students in the Class of 2008 and beyond are required to pass the exit exam or apply for a waiver. AB 2040 (Ch. 666, Statutes of 2008) added Education Code 60852.1 and 60852.2 to require the State Board of Education to convene a panel to recommend alternative means for students with disabilities to demonstrate achievement; the recommendations are scheduled to take effect for students in the Class of 2011.

Pursuant to 5 CCR 1216, students with disabilities who have taken the exit exam with one or more modifications that alter what the exam measures have not "successfully passed" the exam. The score report for the section(s) of the exit exam in which the modifications were used will be marked "not valid."

**HIGH SCHOOL EXIT EXAMINATION (continued)**

However, if the score is equivalent to a passing score, the parent/guardian may request that his/her child receive a waiver pursuant to Education Code 60851. The waiver allows a student with a disability who has passed the exit exam with modifications to graduate from high school and receive a diploma even though, by definition, he/she has not successfully passed the exit exam. See E(1) and E(2) for a sample waiver request form and principal certification form.

The parent/guardian of a student with disabilities who has taken any section of the exit exam with one or more modifications and has received the equivalent of a passing score may request that his/her child receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit a request for a waiver to the Governing Board. The Board may waive the requirement to successfully pass the exit exam if the principal certifies that the student has all of the following: (Education Code 60851)

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam
2. Sufficient high school level coursework either satisfactorily completed or in progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam
3. An individual score report showing that the student has received the equivalent of a passing score on the exit exam while using a modification that fundamentally alters what the exam measures as determined by the State Board of Education

**Note:** Education Code 35146 authorizes a closed session of the Governing Board for those actions involving a student for which disclosure of information during an open session would violate the privacy of student records protected from disclosure by state and federal law. Because the evaluation of the waiver application involves disclosure of the student's exit exam score and the contents of his/her individualized education program (IEP) or Section 504 plan, it is CSBA's opinion that the Board should consider the waiver in closed session, although, as is the case with other actions involving student matters, the final action of the Board must be taken in open session. See BB 9321 - Closed Session Purposes and Agendas and BB 9321.1 - Closed Session Actions and Reports.

In order to protect the student's privacy rights, the waiver request shall be considered in closed session. Final Board action on the waiver request shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9321.1 - Closed Session Actions and Reports)*

**Note:** The following optional paragraph ensures that parents/guardians receive information about the requirements for obtaining a waiver for their child.

## **HIGH SCHOOL EXIT EXAMINATION (continued)**

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Each year, the Superintendent or designee shall provide the CDE with data regarding students with disabilities and the district's waiver process as specified in 5 CCR 1207.1.

### **Records**

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English language arts section and the mathematics section for each administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

Within 60 days of receiving electronic data files from the test contractor, the Superintendent or designee shall enter the following information in each student's permanent record: (5 CCR 1206)

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam

*(cf. 5125 - Student Records)*

### **Notifications**

**Note:** Education Code 60850 provides that the exit exam cannot be administered to students who have not received adequate written notice through the annual notification process pursuant to Education Code 48980 or at the time a student transfers into the district. 5 CCR 1208 requires districts to maintain records of the written notification sent to each parent/guardian.

**HIGH SCHOOL EXIT EXAMINATION (continued)**

At the beginning of each school year, the Superintendent or designee shall provide written notification of the exit exam requirement to all students in grades 9-12 and to their parents/guardians. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam, and shall inform the parent/guardian that passing the exam is a condition of graduation. The Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6146.1 - High School Graduation Requirements)*

Prior to each administration of the exit exam, the Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to the consequences of cheating. (5 CCR 1220)

(2/06 11/06) 11/08

# **Administrative Regulation**

**AR 6162.52**

## **Instruction**

### **High School Exit Examination**

#### **Definitions**

**Variation means a change in the manner in which a test is presented or administered, or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)**

**Accommodation means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)**

**Modification means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)**

#### **District and Test Site Coordinators**

**On or before July 1 of each school year, the Superintendent shall designate a high school exit examination coordinator from among district employees and shall notify the test contractor of the identity and contact information of the coordinator. The district coordinator or Superintendent or designee shall be available throughout the year; shall serve as the liaison between the district and the test contractor and between the district and the California Department of Education (CDE) for all matters related to the exit examination; and shall perform additional duties specified in 5 CCR 1209-1211.5. (5 CCR 1209)**

**Annually, the district coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210-1211.5. (5 CCR 1210)**

**All district and test site coordinators shall sign a test security affidavit pursuant to 5 CCR 1211.5.**

**Access to exam materials shall be limited to students taking the exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)**

## **Administration**

**The high school exit exam shall be administered as follows: (Education Code 60851; 5 CCR 1204, 1204.5)**

- 1. Students shall take the exam once per school year while in grade 10.**
- 2. Students in grade 11 who have not yet passed one or both sections of the exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students shall not be tested in successive administrations within a school year. Students should be offered appropriate remediation or supplemental instruction before being retested.**
- 3. Students in grade 12 shall have up to three opportunities to take the section(s) of the exam not yet passed. The district shall offer either three opportunities during grade 12 or two opportunities in grade 12 and one opportunity in the year following grade 12 to take the exam. Eligible students in grade 12 may elect to take the exam during district-provided opportunities. Students should be offered appropriate remediation or supplemental instruction before being retested.**

**(cf. 6179 - Supplemental Instruction)**

- 4. Adult students shall have up to three opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. Students should be offered appropriate remediation or supplemental instruction before being retested.**

**(cf. 6200 - Adult Education)**

**The Superintendent or designee shall administer the exit exam in each district high school on the dates designated by the Superintendent of Public Instruction (SPI) as exam days or make-up days. (Education Code 60851)**

**If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing, and comprehension in the English language. (Education Code 60852)**

**(cf. 6174 - Education for English Learners)**

**Test administrators at the test sites shall be responsible for the accurate identification of eligible students to whom the exit exam is to be administered. This identification shall be made through the use of photo identification or positive recognition by an employee of the district. (5 CCR 1203)**

Any student found to have cheated, assisted others in cheating, or compromised the security of the exam shall not receive a score from that test administration. (5 CCR 1220)

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

#### **Testing Variations for All Students**

The Superintendent or designee may provide any student taking the exam with extra time within a testing day, simplified or clarified test directions, and/or student marks (other than responses) in test booklets. (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)

1. Special or adaptive furniture
2. Special lighting, special acoustics, visual magnifying, or audio amplification equipment
3. An individual carrel or study enclosure
4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit
5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items
6. Manually Coded English or American Sign Language to present directions for test administration

At least 30 working days before the proposed administration of the exam, the Superintendent or designee may submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. (5 CCR 1218)

#### **Testing Variations for English Language Learners**

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly used in the classroom or for assessments: (5 CCR 1217)

1. Flexible setting: English language learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit.

2. Flexible schedule: English learners may have additional supervised breaks within a testing day.
3. Flexible time: English learners may have extra time on the exam within a testing day.
4. Translated directions: English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.
5. Glossaries: English learners may have access to translation glossaries (English to primary language). The glossaries are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries shall include no definitions or formulas.

#### **Accommodations/Modifications for Students with Disabilities**

A student with disabilities shall be permitted to take the exit exam with accommodations or modifications when the student's individualized education program (IEP) or his/her Section 504 plan specifies their use on the exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

The use of accommodations shall not invalidate a student's test score(s).

Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions in 20-point font, test items enlarged if larger than 20-point font is required, Braille transcriptions provided by the test contractor, audio or oral presentation of the mathematics section of the exam, or use of Manually Coded English or American Sign Language to present test questions on the mathematics section of the exam
2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the exam



3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test contractor

4. Setting accommodations, including tests administered by a test examiner to a student at home or in the hospital

The use of modifications shall invalidate a student's test score because they fundamentally alter what the test is designed to measure. Modifications may include: (5 CCR 1216)

1. Arithmetic table, calculators, or math manipulatives on the mathematics section of the exam

2. Audio or oral presentation of the English language arts section of the exam

3. Manually Coded English or American Sign Language to present test questions on the English language arts section of the exam

4. Spell checkers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exam

5. Mechanical or electronic devices or other assistive devices that are not used solely to record the student's responses including, but not limited to, transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar, or conventions on the writing portion of the exam

6. Responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions

7. Dictionary on any section of the exam

#### **Waiver for Students with Disabilities**

The parent/guardian of a student with disabilities who has taken any section of the exam with one or more modifications and has received the equivalent of a passing score may request that his/her child receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit a request for a waiver to the Governing Board. The Board may waive the requirement to successfully pass the exam if the principal certifies that the student has all of the following: (Education Code 60851)

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam
2. Sufficient high school level coursework either satisfactorily completed or in progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam
3. An individual score report showing that the student has received the equivalent of a passing score on the exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education (SBE)

In order to protect the student's privacy rights, the waiver request shall be considered in closed session. Final Board action on the waiver request shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

#### **Exemption for Students with Disabilities in the Class of 2007**

The district shall grant a diploma to a student with disabilities who is scheduled to graduate from high school in 2007, has not passed the exit exam, and has not received or is not eligible for a waiver pursuant to Education Code 60851 if all of the following criteria are met: (Education Code 60852.43)

1. The student has an operative IEP or Section 504 plan.
2. The IEP or 504 plan, dated on or before July 1, 2006, indicates that the student has an anticipated graduation date and is scheduled to receive a high school diploma on or before December 31, 2007.
3. The district certifies that the student has satisfied or will satisfy all other state and district requirements for the receipt of a high school diploma on or before December 31, 2007.
4. The student has attempted to pass the section(s) of the exam that he/she has not yet passed at least twice after grade 10, including at least once during the current grade 12 year, with the accommodations or modifications, if any, specified in his/her IEP or Section 504 plan.
5. The student either:

a. Received remedial or supplemental instruction from his/her school, private tutoring, or another source that was focused on the section(s) of the exam that he/she has not yet passed. At least once following the receipt of the remedial or supplemental instruction, the student shall have taken the section(s) of the exam not yet passed.

However, the student is not required to have taken the exam following the receipt of the remedial or supplemental instruction if, following the receipt of that instruction, there is no further administration of the exam on or before December 31, 2007.

b. The district failed to provide the student with the opportunity to receive that remedial or supplemental instruction.

6. No later than 30 days prior to the receipt of a diploma in 2007, the district provides notification in writing, pursuant to 34 CFR 300.503, to the student, or his/her parent guardian if the student is a minor, that the student is entitled to receive a free appropriate public education up to and including the academic year during which the student reaches the maximum age pursuant to Education Code 56026(c) (age 22), or until the student receives a high school diploma, whichever event occurs first.

If the district determines that a student with a disability who is scheduled to graduate in the class of 2007 does not meet the criteria specified in items #1-6 above, the district shall submit documentation of the failure to grant the student a high school diploma to the SBE within 15 days of its determination. (Education Code 60852.4)

The Superintendent or designee shall report all of the following information to the SPI: (Education Code 60851, 60852.3)

1. The number and characteristics of waivers reviewed, granted, and denied under Education Code 60851
2. Documentation of the procedure used to implement Education Code 60852.4
3. The number of students granted a diploma pursuant to Education Code 60852.4
4. Other information as requested

#### **Records**

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English language arts section and the mathematics section for each test administration: (5 CCR 1205)

1. The date on which each section of the exam was taken

2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

Within 60 days of receiving electronic data files from the test contractor, the Superintendent or designee shall enter the following information in each student's permanent record: (5 CCR 1206)

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam

(cf. 5125 - Student Records)

#### Notifications

At the beginning of each school year, the Superintendent or designee shall provide written notification of the exit exam requirement to all students in grades 9-12 and to their parents/guardians. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam, and shall inform the parent/guardian that passing the exam is a condition of graduation. The Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

(cf. 5145.6 - Parental Notifications)

(cf. 6146.1 - High School Graduation Requirements)

Prior to each administration of the exam, the Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to the consequences of cheating. (5 CCR 1220)

# CSBA Sample

## Board Policy

Instruction

BP 6164.4(a)

### IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Note: Education Code 56300, as amended by SB 1498 (Ch. 179, Statutes of 2008), and 34 CFR 300.111 require each district, Special Education Local Plan Area (SELPA), or county office of education to actively seek out all residents from birth to age 21 (not "through" age 21) who have disabilities as defined by Education Code 56026. The district is also required to include a "child find" process to identify children with disabilities placed by their parents/guardians in private schools; see BP/AR 6164.41 - Children with Disabilities Enrolled by Their Parents in Private Schools.

Identification, evaluation, assessment, and instructional planning procedures for children younger than age 3 must conform with Education Code 56425-56432 and the California Early Intervention Services Act (Government Code 95000-95029). The California Department of Education and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairments; the Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages 3-5.

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

Note: Education Code 56301 mandates that districts, SELPAs, or county offices have policies and procedures for a continuous "child find" system which addresses the relationships among identification, screening, referral, evaluation, planning, implementation, review, and triennial assessment.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414, the federal Individuals with Disabilities Education Act (IDEA) and accompanying federal regulations. The following policy and administrative regulation use the term "assessment."

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code 56301)

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL  
EDUCATION (continued)**

<p>Note: Education Code 56301 mandates policy ensuring the following notification. See the accompanying administrative regulation for specific notification requirements.</p>
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The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the district's procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*

*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

*Legal Reference: (see next page)*

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)**

### *Legal Reference:*

#### **EDUCATION CODE**

44265.5 *Professional preparation for teachers of impaired students*

56000-56885 *Special education programs, especially:*

56195.8 *Adoption of policies*

56300-56304 *Identification of individuals with disabilities*

56320-56331 *Assessment*

56333-56338 *Eligibility criteria for specific learning disabilities*

56340-56347 *Instructional planning and individualized education program*

56381 *Reassessment of students*

56425-56432 *Early education for individuals with disabilities*

56441.11 *Eligibility criteria, children ages 3-5*

56445 *Transition to grade school; reassessment*

56500-56509 *Procedural safeguards*

#### **GOVERNMENT CODE**

95000-95029.5 *California Early Intervention Services Act*

#### **CODE OF REGULATIONS, TITLE 5**

3021-3029 *Identification, referral and assessment*

3030-3031 *Eligibility criteria*

#### **UNITED STATES CODE, TITLE 20**

1232g *Family Educational Rights and Privacy Act of 1974*

1412 *State eligibility*

1415 *Procedural safeguards*

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Individuals with Disabilities Education Act, especially:*

300.301-300.306 *Evaluations and reevaluations*

#### **COURT DECISIONS**

*Hood v. Encinitas Union School District, (2007) 486 F.3d 1099*

### *Management Resources:*

#### **FEDERAL REGISTER**

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

#### **WEB SITES**

*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*

*U.S. Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/list/osep>*

(3/06 3/07) 11/08

# **Board Policy**

## **BP 6164.4 Instruction**

### **Identification And Evaluation Of Individuals For Special Education**

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth through age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

(cf. 0430 - Comprehensive Local Plan for Special Education)  
(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)  
(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code 56301)

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the district's procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 3541.2 - Transportation for Students with Disabilities)  
(cf. 4112.23 - Special Education Staff)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 5145.6 - Parental Notifications)  
(cf. 6159 - Individualized Education Program)  
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)  
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)  
(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)  
(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6162.52 - High School Exit Examination)



**Legal Reference:**

**EDUCATION CODE**

44265.5 Professional preparation for teachers of impaired students  
56000-56885 Special education programs, especially:  
56195.8 Adoption of policies  
56300-56304 Identification of individuals with disabilities  
56320-56331 Assessment  
56333-56338 Eligibility criteria for specific learning disabilities  
56340-56347 Instructional planning and individualized education program  
56381 Reassessment of students  
56425-56432 Early education for individuals with disabilities  
56441.11 Eligibility criteria, children 3 to 5 years old  
56445 Transition to grade school; reassessment  
56500-56509 Procedural safeguards

**GOVERNMENT CODE**

95000-95029.5 California Early Intervention Services Act

**CODE OF REGULATIONS, TITLE 5**

3021-3029 Identification, referral and assessment  
3030-3031 Eligibility criteria

**UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act of 1974  
1412 State eligibility  
1415 Procedural safeguards

**CODE OF FEDERAL REGULATIONS, TITLE 34**

104.35 Evaluation and placement  
104.36 Procedural safeguards  
300.1-300.818 Individuals with Disabilities Education Act, especially:  
300.301-300.306 Evaluations and reevaluations

**Management Resources:**

**FEDERAL REGISTER**

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

**WEB SITES**

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

**Policy CENTER UNIFIED SCHOOL DISTRICT**

adopted: June 20, 2007      Antelope, California

# Add

## Bylaws of the Board

BB 9012(a)

### BOARD MEMBER ELECTRONIC COMMUNICATIONS

Note: The following optional bylaw should be modified to reflect district practice. The Brown Act (Government Code 54950-54963) requires that Governing Board members conduct district business at properly noticed and agendized public meetings. In general, Board members should keep in mind that, for purposes of the Brown Act, electronic communications are subject to the same conditions and the same rules of confidentiality that are applicable to other form of communication, such as individual conversations, telephone calls, or paper copies of documents. However, the ease with which electronic communication can be shared and forwarded requires extra caution.

The Governing Board recognizes that electronic communication among Board members and between Board members, district administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the district and its schools. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendized Board meeting.

*(cf. 1100 - Communication with the Public)*

*(cf. 6020 - Parent Involvement)*

*(cf. 9000 - Role of the Board)*

*(cf. 9322 - Agenda/Meeting Materials)*

Note: Government Code 54952.2 defines a "meeting" as any congregation of a majority of the members of the Board at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board.

As amended by SB 1732 (Ch. 63, Statutes of 2008), Government Code 54952.2 revises the definition of a prohibited serial meeting as a series of communications, involving a majority of the Board, to discuss, deliberate, or take action on any item of district business, outside of an authorized meeting. Thus, a series of emails, as well as other electronic communications like postings on an online forum, that ultimately include a majority of the Board, could lead to a Brown Act violation. While the safest course of action is to not send an email to another Board member that, if forwarded, could lead to a discussion about district business by a majority of the Board, given the prevalence of email, such a practice may not be practical. However, in order to help prevent an inadvertent violation, Board members may wish to consider including a "do not reply/forward alert" in the subject line of emails, as appropriate.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

*(cf. 9320 - Meetings and Notices)*

Note: CSBA's Agenda Online is an electronic board meeting agenda service for use by districts and county offices of education which allows development of and access to Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's web site.

**BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)**

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Note: In general, Board members have no individual authority. Many districts have established bylaws or other protocols describing how the Board has agreed to handle questions, concerns, or complaints received from members of the community; see BB 9200 - Limits of Board Member Authority. The district's communications plan may designate the Board president or Superintendent as spokesperson to respond to media inquiries; see BP 1112 - Media Relations and BB 9121 - Board President.

The following optional paragraph concerning electronic communications from the community should be reviewed carefully and revised as necessary for consistency with any such protocols or bylaws.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the press shall be forwarded to the designated district spokesperson.

*(cf. 1112 - Media Relations)*  
*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3320 - Claims and Actions Against the District)*  
*(cf. 9005 - Governance Standards)*  
*(cf. 9121 - Board President)*  
*(cf. 9200 - Limits of Board Member Authority)*  
*(cf. 9270 - Conflict of Interest)*

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 5125 - Student Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*

Note: The prohibitions in the Brown Act apply only to discussions regarding district business. Like other citizens, Board members are permitted to use email to discuss personal, nondistrict matters.

Board members may use electronic communications to discuss matters other than district business with each other, regardless of the number of members participating in the discussion.

**BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)**

Note: Electronic communications received and sent by Board members may also raise issues under the Public Records Act (Government Code 6250-6270). Depending on the content and whether the message is "prepared, owned, used, or retained" by the district in its normal course of business, the message may be subject to disclosure. Other legal issues arise if a Board member is using a non-district-owned computer or personal email address. District legal counsel should be consulted as appropriate. See also BP/AR 1340 - Access to District Records.

In addition, although Board members are not considered employees, there may be tax implications if the district provides Board members with laptop computers or subsidies for an Internet connection. In some circumstances, such provision or reimbursement may be considered a taxable benefit. See also BP 3350 - Travel Expenses and BP/AR 3513.1 - Cellular Phone Reimbursement.

Like other writings concerning district business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

(cf. 1340 - Access to District Records)

*Legal Reference:*EDUCATION CODE

35140 Time and place of meetings

35145 Public meetings

35145.5 Agenda; public participation; regulations

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting, defined

54953 Meetings to be open and public; attendance

54954.2 Agenda posting requirements, board actions

*Management Resources:*CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws*, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies*, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*Open and Public IV: A Guide to the Ralph M. Brown Act*, rev. 2007

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

**FILLING VACANCIES**

**Events Causing a Vacancy**

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

4. A Board member's removal from office, including recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)

Note: The following sentence is for use by districts that have established trustee areas.
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A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

**FILLING VACANCIES (continued)**

- a. Upon business of the school district with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

- 7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)

Note: Governing Board members forfeit office and, in some cases, are disqualified from holding office upon conviction of designated crimes as specified in the Constitution and various other state laws. Examples of crimes that result in forfeiture of office include, but are not limited to, convictions for felonies, offenses that involve a violation of official duties, bribery, selling appointments, intoxication in the discharge of official duties, misuse of public funds, and conflict of interest violations.

As added by SB 1482 (Ch. 118, Statutes of 2008), Government Code 3003 specifies that an elected official forfeits his/her office upon the conviction of a crime pursuant to the Stolen Valor Act which involves a false claim of receipt of any military decoration or medal.

- 8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

## **FILLING VACANCIES (continued)**

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

*(cf. 9224 - Oath or Affirmation)*

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

Note: Pursuant to Education Code 5090, a vacancy is declared when there has been a "failure to elect," meaning that the County Registrar of Voters has determined that an election will not be held because either no candidate or an insufficient number of candidates have filed to run for a Board seat(s). Education Code 5328 authorizes the Board to make an appointment in such circumstances.
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13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)

Note: Pursuant to Education Code 5091, when a vacancy occurs or when a deferred resignation has been filed four or more months before the end of a Board member's term, the Board shall take action, as specified below. In the event that the Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy.
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2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)

## **FILLING VACANCIES (continued)**

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

When a special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

### **Provisional Appointments**

Note: The law does not specify procedures for making provisional appointments for vacancies caused by reasons other than a failure to elect; however, such procedures must comply with the requirements of the Brown Act (Government Code 54950-54963). Secret ballots are prohibited by Government Code 54953. The following optional paragraph should be modified to reflect district practice.

The first action of the board shall be to offer the provisional appointment to the person who received the next highest number of votes during the most recent Board member election. If that person is no longer available or declines the appointment, in order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

*(cf. 9130 - Board Committees)*

*(cf. 9323.2 - Actions by the Board)*

Note: Persons applying or nominated for a position must meet the legal qualifications for Board members as detailed in Education Code 35107. Education Code 35107 also provides that a district employee appointed or elected to the Board must resign his/her employment before being sworn in or have his/her employment automatically terminated upon being sworn into office. See BB 9220 - Governing Board Elections.

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

*(cf. 9220 - Governing Board Elections)*

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice



## **FILLING VACANCIES (continued)**

shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

### **Appointment Due to Failure to Elect**

Note: The following procedure applies when an appointment is being made because of a failure to elect pursuant to Education Code 5326 and 5328 (item #13 in section entitled "Events Causing a Vacancy" above).

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

*(cf. 9100 - Organization)*

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

## **FILLING VACANCIES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

#### ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

#### GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3002 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

#### PENAL CODE

88 Bribery, forfeiture from office

#### UNITED STATES CODE, TITLE 18

704 Military medals or decorations

#### ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

### *Management Resources:*

#### CSBA PUBLICATIONS

Filling a Board Vacancy, rev. January 2008

#### WEB SITES

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

California State Attorney General's Office, *Quo Warranto Applications*:

<http://caag.state.ca.us/opinions/quo.htm>

# **Center Unified**

## **Board Bylaw**

### **Filling Vacancies**

**BB 9223**

#### **Board Bylaws**

##### **Events Causing a Vacancy**

A vacancy on the Governing Board may occur by a failure to elect or for any of the following events:

1. The death of an incumbent. (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term. (Government Code 1770)
3. A Board member's resignation. (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent.

4. A Board member's removal from office, including recall. (Government Code 1770; Elections Code 11384)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district. (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law. (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board

- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law. (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties. (Government Code 1770)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed. (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment. (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond. (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)

## **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below. (Education Code 5091)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

## **Provisional Appointments**

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

The first action of the board shall be to offer the provisional appointment to the person who received the next highest number of votes during the most recent Board member election. If that person is no longer available or declines the appointment, in order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)  
(cf. 9220 - Governing Board Elections)  
(cf. 9323.2 - Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The

notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

**Legal Reference:**

**EDUCATION CODE**

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

**ELECTIONS CODE**

10600-10604 School district elections

11381-11386 Candidates for recall

**GOVERNMENT CODE**

1064 Absence from state

1770 Vacancies: definition

3060-3075 Removal other than by impeachment

6061 One time

54950-54963 The Ralph M. Brown Act

**ATTORNEY GENERAL OPINIONS**

58 Ops.Cal.Atty.Gen. 888 (1975)

**Management Resources:**

**WEB SITES**

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

**California State Attorney General's Office, Quo Warranto Applications:**

<http://caag.state.ca.us/opinions/quo.htm>

**Bylaw CENTER UNIFIED SCHOOL DISTRICT**

**adopted: March 2, 2005      Antelope, California**

**MEETINGS AND NOTICES**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

*(cf. 9323 - Meeting Conduct)*

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

Note: The Brown Act has long prohibited serial meetings, previously defined as a series of communications by a majority of the Board to develop a "collective concurrence as to action to be taken." SB 1732 (Ch. 63, Statutes of 2008) amended Government Code 54952.2 to delete the requirement that the serial meeting lead to the development of a "collective concurrence." As amended, a prohibited serial meeting is now defined as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business. Government Code 54952.2, as amended, specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member. Thus, Superintendent briefings involving less than a majority of the Board are allowed, but participants must ensure that the comments or positions of one member are not shared with other members.

This prohibition against serial meetings also applies to communications via technology. Email exchanges, chat room threads, or comments posted on a blog that result in a majority of the Board "discussing" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. See BB 9012 - Board Member Electronic Communications.

In 84 Ops.Cal.Att'y.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's web site, and (3) distributed at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)



**MEETINGS AND NOTICES (continued)**

Note: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (42 USC 12132) and implementing regulations (28 CFR 35.160, 36.303). Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made.

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Note: As specified below in the section entitled "Regular Meetings," Government Code 54952.2 requires that the agenda be posted 72 hours before the meeting. Beginning July 1, 2008, Government Code 54957.5 requires the agenda to specify the location where the public can inspect agenda materials that have been distributed to the Board after the agenda was posted, less than 72 hours before a meeting. See BB 9322 - Agenda/Meeting Materials for additional language implementing this requirement.

Each agenda shall also list the address(es) designated by the Superintendent or designee for public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

**Regular Meetings**

Note: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and place for its regular meetings by rule and regulation.

The Board shall hold two regular meetings each month. Regular meetings shall be held at 6:00 p.m. on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of the month.

Note: Government Code 54954.2 requires that the agenda be posted at least 72 hours prior to a regular meeting at a location that is freely accessible to the public. The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during

## MEETINGS AND NOTICES (continued)

evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

### Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Note: Pursuant to Government Code 54956, written notice of a special meeting may be delivered personally or "by any other means." Thus, meeting notices may be sent electronically, including via email or fax.

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

### Emergency Meetings

Note: Government Code 54956.5 authorizes a closed session during emergency meetings, as long as two-thirds of the members present at the meeting agree on the need for the closed session. See BB 9321 - Closed Session Purposes and Agendas and E 9323.2 - Actions by the Board.

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for

## **MEETINGS AND NOTICES (continued)**

special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

*An emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

### **Adjourned/Continued Meetings**

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

## **MEETINGS AND NOTICES (continued)**

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

Note: The following section is optional and may be revised to reflect district practice.
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The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

*(cf. 2000 - Concepts and Roles)*

*(cf. 2111 - Superintendent Governance Standards)*

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

*(cf. 9400 - Board Self-Evaluation)*

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

### **Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency

## **MEETINGS AND NOTICES (continued)**

5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

*(cf. 9130 - Board Committees)*

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction

## **MEETINGS AND NOTICES (continued)**

6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

### **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

<p>Note: In 84 <u>Ops.Cal.Atty.Gen.</u> 181 (2001), the Attorney General opined that a city is not required under the Americans with Disabilities Act to provide, as an accommodation for a disabled city council member who</p>
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## MEETINGS AND NOTICES (continued)

was unable to attend a regularly scheduled meeting, a teleconference connection to the member's house where the public would not be permitted to be present. According to the Attorney General, Government Code 54953 requires that members of the public must be permitted to be present at any teleconferenced location.

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

*Legal Reference: (see next page)*

## MEETINGS AND NOTICES (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 35140 Time and place of meetings*
- 35143 Annual organizational meeting, date, and notice*
- 35144 Special meeting*
- 35145 Public meetings*
- 35145.5 Agenda; public participation; regulations*
- 35146 Closed sessions*
- 35147 Open meeting law exceptions and applications*

#### GOVERNMENT CODE

- 11135 State programs and activities, discrimination*
- 54950-54963 The Ralph M. Brown Act, especially:*
- 54953 Meetings to be open and public; attendance*
- 54954 Time and place of regular meetings*
- 54954.2 Agenda posting requirements, board actions*
- 54956 Special meetings; call; notice*
- 54956.5 Emergency meetings*

#### UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications*
- 36.303 Auxiliary aids and services*

#### COURT DECISIONS

- Wolfe v. City of Fremont, (2006) 144 Cal.App. 544*

#### ATTORNEY GENERAL OPINIONS

- 88 Ops.Cal.Atty.Gen. 218 (2005)*
- 84 Ops.Cal.Atty.Gen. 181 (2001)*
- 84 Ops.Cal.Atty.Gen. 30 (2001)*
- 79 Ops.Cal.Atty.Gen. 69 (1996)*
- 78 Ops.Cal.Atty.Gen. 327 (1995)*

### *Management Resources:*

#### CSBA PUBLICATIONS

- The Brown Act: School Boards and Open Meeting Laws, rev. 2006*

#### ATTORNEY GENERAL PUBLICATIONS

- The Brown Act: Open Meetings for Legislative Bodies, 2003*

#### LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

- Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007*

#### WEB SITES

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

- CSBA, Agenda Online:*

- <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>*

- California Attorney General's Office: <http://www.caag.state.ca.us>*

- Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>*



# **Center Unified**

## **Board Bylaw**

### **Meetings And Notices**

**BB 9320**

#### **Board Bylaws**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board procedures.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9323 - Meeting Conduct)

Except as otherwise authorized by law, direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action to be taken by the Board on any item of district business. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Each agenda shall also list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

## **Regular Meetings**

The Board shall hold two regular meetings each month. Regular meetings shall be held at 6:00 p.m. on the 1st and 3rd Wednesday of the month.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

## **Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

## **Emergency Meetings**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### **Adjourned/Continued Meetings**

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)  
(cf. 9000 - Role of the Board)  
(cf. 9005 - Governance Standards)  
(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

#### **Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program:  
(Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

#### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within district boundaries, except to do any of the following:  
(Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication.  
(Government Code 54954)

## **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

## **Legal Reference:**

### **EDUCATION CODE**

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

### **GOVERNMENT CODE**

- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
  - 54953 Meetings to be open and public; attendance
  - 54954 Time and place of regular meetings
    - 54954.1 Mailed notices
    - 54954.2 Agenda posting requirements, board actions
  - 54956 Special meetings; call; notice
    - 54956.5 Emergency meetings

54961 Prohibition on use of certain facilities  
UNITED STATES CODE, TITLE 42  
12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications  
36.303 Auxiliary aids and services

**COURT DECISIONS**

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544  
216 Sutter Bay Associates v. County of Sutter, (1997) 58 Cal.App. 4th 860

**ATTORNEY GENERAL OPINIONS**

88 Ops.Cal.Atty.Gen. 218 (2005)  
84 Ops.Cal.Atty.Gen. 181 (2001)  
84 Ops.Cal.Atty.Gen. 30 (2001)  
79 Ops.Cal.Atty.Gen. 69 (1996)  
78 Ops.Cal.Atty.Gen. 327 (1995)

**Management Resources:**

**CSBA PUBLICATIONS**

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

**ATTORNEY GENERAL PUBLICATIONS**

The Brown Act: Open Meetings for Legislative Bodies, 2003

**WEB SITES**

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

**Bylaw CENTER UNIFIED SCHOOL DISTRICT**  
adopted: June 18, 2008      Antelope, California

# *Center Joint Unified School District*

**AGENDA REQUEST FOR:**

**Dept/Site:** Business Department

**Date:** 04/01/09

**Action Item**   X  

**To:** Board of Trustees

**Information Item**

**From:** Jeanne Bess   
Director of Fiscal Services

**# Attached Page**   

**SUBJECT:**                      **Public Hearing and Authorization  
Tier III Categorical Funding  
Flexibility Transfer**

To take advantage of the flexibility provisions described in the 2009/10 Budget Act, school districts have the ability to transfer all "Tier III" categorical programs for "any educational purpose to the extent permitted by federal and state law". The flexibility to transfer funds from these programs is authorized for five years from the current year through 2012/13. The Tier III programs for Center Unified are:

Resource	Program	Transfer Amt
0000	Supplemental Hourly Programs	\$0.00
1200	Morgan-Hart Class Size Reduction	\$0.00
6205	Deferred Maintenance	\$0.00
6405	School Safety Block Grant (Carl Washington)	\$0.00
6760	Arts and Music Block Grant	\$84,740
7055	CAHSEE Intervention Grants	\$15,000
7080	Counselors, Grades 7-12	\$0.00
7140	Gifted and Talented Education (GATE)	\$10,000
7156	Instructional Materials Fund	\$323,647
7271	PAR	\$23,451
7390	Pupil Retention Block Grant	\$100,000
7392	Teacher Credentialing Block Grant	\$8,733
7394	Targeted Instructional Improvement Block Grant	\$246,066
7395	School and Library Improvement Block Grant	\$0.00

The fiscal impact of this action would shift the funds in these programs from restricted to unrestricted purposes. The amounts listed are based on estimated awards.

**RECOMMENDATION:** To approve the transfer of the above restricted programs to be used for unrestricted purposes.