

CENTER JOINT UNIFIED SCHOOL DISTRICT

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 SPECIAL MEETING

LOCATION: District Office - Room 5
8408 Watt Avenue, Antelope, CA 95843

DATE/TIME: Wednesday, June 1, 2011 @ 6:00 p.m.

AGENDA

- I. CALL TO ORDER & ROLL CALL - 5:00 p.m.
- II. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
 - 1. Public Employee Performance Evaluation (Certificated) Superintendent (G.C.\$54957)
 - 2. Conference with Labor Negotiator, George Tigner, Re: CUTA and CSEA
- 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
- IX. COMMENTS FROM THE AUDIENCE REGARDING ITEMS ON THE AGENDA Public Comments

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

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

X. BUSINESS ITEMS

Governance

A. First Reading: Board Policies/Regulations/Exhibits

Action

BP/AR 0520.1 High Priority Schools Grant Program

(BP/AR deleted)

Policy and administrative regulation deleted because the state is no longer funding improvement efforts for new cohorts of schools through the High Priority Schools Grant Program. In addition, NEW LAW (SB 70, 2011) deletes this program from the list of categorical programs subject to Tier 3 flexibility.

BP 1100 - Communication with the Public

(BP revised)

Updated policy expands possible methods of communication. Section on "Prohibition Against Mass Mailings at Public Expense" expanded to include additional definition of mass mailing related to ballot measures, candidates, legislative activities, and other campaign activities. Schedule for evaluating the implementation and effectiveness of the district's communications plan made more flexible since the schedule may change depending on communications goals and district needs.

BP 1160 - Political Processes

(BP revised)

Policy revised to reflect NEW COURT DECISION which details the appropriate use of district resources for election purposes. Consistent with the court's decision, the policy clarifies that it is a permissible informational activity for the Board to adopt a resolution in support of or in opposition to a ballot measure as long as the resolution and other materials do not urge voters to act in a certain way and as long as the distribution of the materials is consistent with regular district practice. Policy also outlines impermissible campaign activities by the district, such as the purchase of bumper stickers or the use of district email to disseminate campaign literature. In addition, policy contains updated language re: district lobbying and advocacy activities.

BP/AR 3513.3 - Tobacco-Free Schools

(BP/AR revised)

MANDATED policy revised to reflect California Department of Education (CDE) requirements, as a condition for receipt of Tobacco-Use Prevention Education (TUPE) funding, related to certification of compliance with tobacco-free schools requirements. Policy adds definition of prohibited products, including nicotine delivery devices such as electronic cigarettes, and reflects NEW LAW (SB 882, 2010) which prohibits sales of electronic cigarettes to minors. For districts not receiving TUPE funds, policy reflects law re: definition of "enclosed space" and conditions that must be met to provide employee breakrooms for smoking. Regulation revised to add (1) new optional language re: methods of disseminating information about the tobacco-free schools policy and enforcement procedures, and (2) clarification that an employee is not required to physically eject a nonemployee who is smoking or request a nonemployee to refrain from smoking when doing so would involve a risk of physical harm to the employee.

AR 3516.3 - Earthquake Emergency Procedure System

(AR revised)

Regulation updated to reflect NEW LAW (AB 2791, 2010) which renamed the California Office of Emergency Services as the California Emergency Management Agency. Regulation also adds language addressing the consideration of a post-earthquake tsunami when developing plans for districts in coastal areas, identification of at least one individual within each building to determine whether an evacuation might be necessary and, if so, the best evacuation location and route, and post-earthquake communications.

BP/AR 3550 - Food Service/Child Nutrition Program

(BP/AR revised)

Policy and regulation updated to reflect NEW FEDERAL LAW (P.L. 111-296) which reauthorized and revised requirements for the National School Lunch and Breakfast Programs. Policy also adds optional language re: goal to maximize student participation in meal programs, establishment of school gardens and farm-to-school programs, and offering of multiple choices within a meal service. Regulation reorganized to clarify requirements applicable to various programs. Regulation also provides legal cites for nutrition standards and deletes detailed standards which are subject to change per P.L. 111-296. Regulation adds section reflecting NEW LAW (SB 1431, 2010) and P.L. 111-296 which require districts to make free drinking water available during meals, adds section on Special Milk Program for schools that don't participate in the federal meal programs, and adds language on recordkeeping based on U.S. Department of Agriculture (USDA) guidance.

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

BP/AR 3551 - Food Service Operations/Cafeteria Fund

(BP/AR revised)

Policy updated to reflect requirements of **NEW FEDERAL LAW** (P.L. 111-296) re: pricing of full-price meals, upcoming USDA guidance on indirect costs, and upcoming regulations on qualifications and training of food service personnel. Updated regulation revises section on "Payments for Meals" to add optional language re: parental notification of meal payment policy, actions that may be taken in the event of repeated nonpayment by students, and replacement of lost or stolen tickets. Regulation also adds sections on "Reimbursement Claims" and "U.S. Department of Agriculture Foods," and adds requirements pertaining to contracts for food service management services.

BP/AR 3553 - Free and Reduced Price Meals

(BP/AR revised)

MANDATED policy adds new language re: providing free milk through the federal Special Milk Program and releasing information from the free and reduced-price meal application when eligible students transfer to another district or private school. Regulation reflects **NEW FEDERAL LAW** (P.L. 111-296) which provides that the meal application must request only the last four digits of the applicant's social security number and which allows direct certification of foster youth. Regulation also adds new sections on "Verification of Eligibility" and "Prices."

BP/AR 4158/4258/4358 - Employee Security

(BP/AR revised)

Updated policy reflects **NEW COURT DECISION** which ruled that the issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place. Updated regulation clarifies procedures to maintain confidentiality of student records when notifying a teacher or counselor of the need to review a student's file in the school office as required when the student has committed an offense.

BP/AR 5022 - Student and Family Privacy Rights

(BP/AR revised)

MANDATED policy and regulation revised and reorganized to address certain privacy issues related to students and/or their parents/guardians, including the administration of surveys and physical exams/screenings, parent/guardian rights to inspect instructional materials, and the collection of personal information for marketing purposes. Options formerly in BP re: collection of personal information for marketing purposes moved into AR and consolidated with materials formerly in section titled "Exceptions to Collection of Personal Information." Regulation also revised to more directly reflect law re: health examinations.

BP/AR 5116.1 - Intradistrict Open Enrollment

(BP/AR revised)

MANDATED policy revised to reflect **NEW LAW (SBX5 4)** which allows a student attending a school identified by the CDE as an "open enrollment school" to transfer to another school that has a higher Academic Performance Index. Policy contains language giving priority for admission to students attending an identified school who wish to transfer to another school within the district. Policy and regulation also revised to create an application window in order to allow the district to grant priorities consistent with the requirements in the Open Enrollment Act.

BP/AR/E 5118 - Open Enrollment Act Transfers

(BP added)

New policy developed to reflect **NEW LAW (SBX5 4)** which allows a parent of a student attending a school identified by the CDE as an open enrollment school to transfer to another school that has a higher Academic Performance Index score. Policy provides language waiving the January 1 deadline for all applications and creates an application window in order to allow the district to grant priorities as specified in statute. Policy also contains standards for rejection of transfer applications and creates a process for appealing a decision to reject an application.

BP 5131.62 - Tobacco

(BP revised)

Policy revised to provide examples of prohibited tobacco products in accordance with law and to add prohibition of nicotine delivery devices such as electronic cigarettes, consistent with **NEW LAW (SB 882, 2010)** which makes it unlawful for a person to sell or furnish an electronic cigarette to a minor. Policy also authorizes the use of intervention services as an alternative to suspension for tobacco possession and reflects requirement of TUPE program that the district not accept materials, advertisements, or funds from the tobacco industry.

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

BP/AR 5144 - Discipline

(BP/AR revised)

Revised policy expands goal statement to focus on correcting student behavior while avoiding an adverse effect on student learning or health. Policy also broadens related staff development topics to include assisting staff to establish cooperative relationships with parents/guardians. Regulation expands disciplinary strategies to include option to restrict or disqualify student from participation in extracurricular activities, and provides that teachers will first try disciplinary measures other than recess restriction when recess restriction would result in withholding of physical activity.

E 5145.6 - Parental Notifications

(E revised)

Exhibit adds listings for parental notifications related to (1) student transfers under the Open Enrollment Act (AR 5118); (2) administration of survey about health risks and behaviors of students in grades 7-12 (AR 5022); (3) substantive change in district's privacy policy (AR 5022); (4) selection of household for verification of eligibility for free or reduced-price meals (AR 3553); and (5) procedural safeguards for students eligible for Section 504 services (AR 6164.6). Exhibit also revises listing re: required distribution of type 2 diabetes information which is now addressed in AR 5141.3. Corrections in legal cites and references to CSBA sample policies/regulations were made throughout Exhibit.

BP 6163.1 - Library Media Centers

(BP revised)

Updated policy reflects **NEW STATE STANDARDS** adopted by the State Board of Education, including program standards which describe staffing, resources, and infrastructure recommended for effective school library programs as well as academic standards for library instruction. Policy also adds new section on "Staffing" and new language on criteria for acceptance of donated library materials.

BP/AR 6163.2 - Animals at School

(BP/AR revised)

Policy and **MANDATED** regulation reorganized and revised to reflect **NEW FEDERAL REGULATIONS** (75 Fed. Reg. 178) which require the district to modify its policy, practices, and procedures to permit an individual with a disability to use a service animal at school, when the work or task performed by the service animal is directly related to the individual's disability. Material moved from BP to AR re: (1) obtaining permission to bring an animal to school and (2) notifying parents/guardians before bringing animal to school for instructional purposes in order to verify student allergies, asthma, or other health condition. Regulation adds new section on "Use of Service Animals by Individuals with Disabilities" which includes the definition of "service animal," the reasons that a student may be asked to remove his/her service animal from school, and the conditions under which use of miniature horses as service animals may be allowed at school.

BB 9123 - Clerk

(BB revised)

Bylaw revised to clarify which boards are required by law to appoint a clerk from among their members at the annual organizational meeting, and to clarify duties of the clerk.

BB 9140 - Board Representatives

(BB revised)

Revised bylaw recognizes that participation of Board members on district or community committees supports the Board's community leadership role. Bylaw also adds responsibility of Board representative to report back to the Board regarding committee activities and/or actions, and clarifies which boards must designate a voting representative to elect members of the county committee on school district organization.

BB 9323.2 - Actions by the Board

(BB revised)

Bylaw updated and reorganized to clarify the circumstances under which the Brown Act permits the Board to discuss or take action on items that are not on the posted agenda. Bylaw also revised to delineate the Board's options upon a receipt of a demand to "cure and correct" an alleged Brown Act violation.

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|--------------|--|---------------|
| XI. | ADVANCE PLANNING | Info |
| | a. <i>Future Meeting Dates:</i> | |
| | i. <i>Regular Meeting: Wednesday, June 15, 2011 @ 6:00 p.m.</i> | |
| | <i>- Oak Hill Elementary School MultiPurpose Room</i> | |
| | b. <i>Suggested Agenda Items:</i> | |
| XII. | CONTINUATION OF CLOSED SESSION (Item IV) | Action |
| XIII. | ADJOURNMENT | Action |

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Superintendent's Office

Action Item X

To: Board of Trustees

Information Item

Date: June 1, 2011

Attached Pages

From: Scott A. Loehr, Superintendent

Principal/Administrator Initials:

SUBJECT: First Reading: Board Policies/Regulations/Exhibits

Delete	BP/AR	0520.1	High Priority Schools Grant Program
Replace	BP	1100	Communication with the Public
Replace	BP	1160	Political Processes
Replace	BP/AR	3513.3	Tobacco-Free Schools
Replace	AR	3516.3	Earthquake Emergency Procedure System
Replace	BP/AR	3550	Food Service/Child Nutrition Program
Replace	BP/AR	3551	Food Service Operations/Cafeteria Fund
Replace	BP/AR	3553	Free and Reduced Price Meals
Replace	BP/AR	4158/4258/4358	Employee Security
Replace	BP/AR	5022	Student and Family Privacy Rights
Replace	BPAR	5116.1	Intradistrict Open Enrollment
Replace	BP/AR/E	5118	Open Enrollment Act Transfers
Replace	BP	5131.62	Tobacco
Replace	BP/AR	5144	Discipline
Replace	E	5145.6	Parental Notifications
Replace	BP	6163.1	Library Media Centers
Replace	BP/AR	6163.2	Animals at School
Replace	BB	9123	Clerk
Replace	BB	9140	Board Representatives
Replace	BB	9323.2	Actions by the Board

RECOMMENDATION: CUSD Board of Trustees approve the first reading of presented policies/regulations/exhibits.

Delete

Board Policy

High Priority Schools Grant Program

BP 0520.1

Philosophy, Goals, Objectives and Comprehensive Plans

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Center Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Governing Board recognizes that schools demonstrating the lowest performance on state indicators of student achievement need to develop and implement a comprehensive approach to school improvement in order to improve student learning. The Board shall provide all necessary support and assistance to any such high-priority school to help ensure a quality education for all students.

(cf. 0400 - Comprehensive Plans)

(cf. 0500 - Accountability)

(cf. 9000 - Role of the Board)

Whenever the Superintendent of Public Instruction (SPI) invites any district school to participate in the High Priority Schools Grant Program, the Board shall hold a public hearing at a regularly scheduled meeting to discuss whether or not to apply for participation and how to address the needs of the school and its students. If it is determined that the school will not accept the invitation to participate, the Board shall hold a public hearing at a regularly scheduled meeting to discuss the reasons and rationale for the decision and to explain how the district intends to address the needs of the school and its students. Neither of these discussions shall be placed on the consent calendar. (Education Code 52055.615)

(cf. 9322 - Agenda/Meeting Materials)

When the Board holds any public hearing required for this program, written notice shall be sent to representative parent organizations, including the parent-teacher association, parent-teacher clubs, and school site councils, and may be sent directly to parents/guardians in accordance with Education Code 48985. Notice also shall be sent to all local major media outlets, the local mayor, all members of the city council, all members of the county board of supervisors, the county superintendent of schools, and the county board of education. (Education Code 52055.615)

The Board shall, at a regularly scheduled meeting, approve an action plan for each participating school and certify that it contains all the essential components specified in Education Code 52055.625. (Education Code 52055.630)

(cf. 9322 - Agenda/Meeting Materials)

In reviewing the proposed school action plan, the Board shall consider, at a minimum, the resources necessary to implement the plan, implications for the district's collective bargaining agreements, alignment of the action plan with the Title I local educational agency plan and/or other improvement plans, and the extent to which strategies in the plan are focused on areas of greatest need as identified through achievement data, self-assessments, and other district reports.

(cf. 3100 - Budget)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 6171 - Title I Programs)

The Superintendent or designee shall coordinate all school improvement efforts to provide a coherent strategy addressing student needs.

(cf. 0420 - School Plans/Site Councils)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 0520.4 - Quality Education Investment Schools)

(cf. 6020 - Parent Involvement)

The Board shall closely monitor the progress of any school participating in the program. The Superintendent or designee shall provide the Board with regular reports on the status and results of school improvement efforts.

As necessary, the Board may direct the school site council to review and revise the school action plan in order to raise student achievement. In the event that school improvement efforts do not produce adequate growth in achievement after two or more years of receiving program funding to implement the action plan, the Board shall cooperate with the SPI and the State Board of Education in the development of strategies to help the school succeed.

Legal Reference:

EDUCATION CODE

17014 Facilities maintenance

17032.5 Facilities maintenance

17070.75 Facilities maintenance

17089 Facilities maintenance

33126 School accountability report card

33400-33407 CDE evaluation of district programs

41507 Single plan, Pupil Retention Block Grant

41572 Single plan, School and Library Improvement Block Grant

44510-44517 Principal Training Program

45125.1 Criminal background checks for contractors

48985 Parental notifications, languages other than English

51041 Evaluation of the educational program

51101 Rights of parents/guardians
52050-52059 Public Schools Accountability Act, especially:
52053-52055.55 Immediate Intervention/Underperforming Schools Program
52055.600-52055.662 High Priority Schools Grant Program
52055.700-52055.770 Quality Education Investment Act
52070-52075 High School Pupil Success Act
60119 Sufficiency of textbooks and instructional materials
60640 Standardized Testing and Reporting Program
60810 English language development test
64001 Single plan for student achievement
99220-99227 California Professional Development Institutes
99230-99242 Mathematics and Reading Professional Development Program
CODE OF REGULATIONS, TITLE 5
1030.7-1030.8 Determination of significant academic growth
UNITED STATES CODE, TITLE 20
6301-6578 Academic achievement of the disadvantaged, including:
6318 Parent involvement
6319 Qualifications of highly qualified teachers
6511-6518 Comprehensive School Reform program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Cohort 2 HPSGP: Questions and Answers

High Priority Schools Grant Program: Guidance and Application

A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils, November 2006

WEB SITES

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

California Department of Education, HPSG: <http://www.cde.ca.gov/ta/lp/hp>

Delete

Administrative Regulation

High Priority Schools Grant Program

AR 0520.1

Philosophy, Goals, Objectives and Comprehensive Plans

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Center Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Development of Action Plan

For each school participating in the High Priority Schools Grant Program (HPSGP), an action plan shall be developed, in partnership with the district, by the school site council or, if the school does not have one, by a schoolwide advisory group or school support group whose members are self-selected. (Education Code 52055.620)

(cf. 0420 - School Plans/Site Councils)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 1220 - Citizen Advisory Committees)

In developing a school action plan, the school and district shall use the technical assistance of district personnel, county offices of education, universities, or any other person or entity that has proven successful expertise specific to the challenges inherent in high-priority schools. (Education Code 52055.620)

The district shall involve teachers in the development of the action plan and shall certify that it has met and consulted with the exclusive representative of certificated employees on the plan. (Education Code 52055.630)

In developing the action plan, the school and district shall use the results of the initial needs assessment of the school's current conditions and performance, potential barriers to student achievement, and the nature and coherence of the district's support of the school's instructional program.

The action plan may include any existing plan that the school may have developed for another program, provided it addresses the components listed in Education Code 52055.625. (Education Code 52055.620)

Content of Action Plan

The action plan shall meet the requirements specified in Education Code 52054(d) and (e)

and 52055.620. (Education Code 52055.620, 52055.625)

The action plan shall include strategies to address each of the following essential components: (Education Code 52055.625)

1. Student literacy and achievement

The action plan shall include a strategy to increase student literacy and achievement, including necessary attention to the needs of English language learners. At a minimum, this strategy shall include a plan to achieve the following goals:

a. Provide each student at the school with appropriate instructional materials aligned with state academic content and performance standards

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 6011 - Academic Standards)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

b. Increase achievement of each significant subgroup at the school on the Academic Performance Index (API) by the end of the implementation period

c. Increase performance of English language learners at the school on the English language development test required by Education Code 60810 and the achievement tests required by Education Code 60640

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6174 - Education for English Language Learners)

2. Quality of staff, including highly qualified teachers as required by the federal No Child Left Behind Act and appropriately credentialed teachers for English learners

(cf. 4111 - Recruitment and Selection)

(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 action plan shall include a strategy to attract, retain, and fairly distribute the highest quality staff at the school, including teachers, administrators, and support staff. At a minimum, this strategy shall include a plan to achieve the following goals:

a. Increase the number of credentialed teachers working at the school site

b. Increase or target professional development opportunities for teachers related to the goals of the action plan and state English language development standards, including, but not limited to, participation in professional development institutes established pursuant to Education Code 99220-99226

- c. Ensure that school administrators successfully complete, by the end of the implementation period, a program designed to maximize leadership skills

The action plan shall include a strategy, jointly developed by the district and the exclusive bargaining representative of the district's certificated employees, for addressing the distribution of experienced, credentialed teachers throughout the district, including an agreement on how they are going to achieve a balance in that distribution. This collaboration shall take place outside of collective bargaining and shall include discussions on ways to maximize current options to recruit credentialed teachers, use regional recruitment centers, ensure that newly hired credentialed teachers are assigned in alignment with the goal of even distribution, and ensure that high-priority schools provide a teaching and learning environment conducive to retaining fully credentialed teachers. (Education Code 52055.620)

(cf. 4140/4240 - Bargaining Units)

3. Parental involvement

The action plan shall include a strategy to change the culture of the school community to recognize parents/guardians as partners in the education of their children and to prepare and educate parents/guardians in the learning and academic progress of their children. At a minimum, this strategy shall include:

- a. For any school that offers any of grades K-5, a commitment to jointly develop with parents/guardians a school-parent compact pursuant to 20 USC 6318, as required by Education Code 51101

(cf. 6020 - Parent Involvement)

(cf. 6171 - Title I Programs)

- b. A plan to achieve the goal of maintaining or increasing the number and frequency of personal parent/guardian contacts each year at the school site and school-home communications designed to promote parent/guardian support for meeting state standards and core curriculum requirements

(cf. 5020 - Parent Rights and Responsibilities)

4. Facilities maintained in good repair as specified in Education Code 17014, 17032.5, 17070.75, and 17089; curriculum; instructional materials consistent with the requirements of Education Code 60119; and support services

The action plan shall include a strategy to provide an environment that is conducive to teaching and learning and that includes the development of high-quality curriculum and instruction aligned with state content and performance standards and English language development standards to measure progress toward achieving English language proficiency. At a minimum, this strategy shall include the goal of providing adequate logistical support including, but not limited to, curriculum, quality instruction, instructional materials, support services, and supplies for every student.

(cf. 3517 - Facilities Inspection)

(cf. 6141 - Curriculum Development and Evaluation)

District/School Liaison Team

The Superintendent or designee and the school site council of a participating school shall establish a district/school liaison team to facilitate communications between the district and school, assist with a self-assessment process, and assist with developing the school's action plan.

Required Professional Development

The district shall provide eligible administrators and teachers, including instructional aides and paraprofessionals, in each participating school with professional development activities pursuant to the Principal Training Program (Education Code 44510-44517) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242), as appropriate. (Education Code 52055.647)

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

Progress Reports

Each year the Superintendent or designee shall submit a report to the Superintendent of Public Instruction (SPI) for each participating school that meets all the requirements of Education Code 52055.640 and 52055.656. Before submitting the report, the Governing Board shall review, at a regularly scheduled meeting, the school's progress toward achieving its goals. (Education Code 52055.640, 52055.656)

(cf. 0500 - Accountability)

The Board may require any participating school to use assessments of students' academic growth in core curriculum areas to annually review whether changes are needed in the school action plan.

Any school that uses assessments in this manner shall use the English language development test administered pursuant to Education Code 60810 to measure progress toward achieving English language proficiency, where appropriate, and the tests that are part of the Standardized Testing and Reporting Program pursuant to Education Code 60640. A school may use any additional curriculum-based achievement test to assess student growth if the test is proven to be valid and reliable. The results of these assessments shall be reported annually to the Board. (Education Code 52055.645)

Consequences After 24 Months of Implementation

If a school has not met its growth targets on the API each year for 24 months after receiving program funding to implement the school's action plan, the Board may, if so directed by the State Board of Education (SBE), take appropriate action and adopt appropriate strategies to provide corrective assistance to the school in order to achieve the components and benchmarks established in the school's action plan. (Education Code 52055.650)

Consequences After 36 Months of Implementation

After 36 months of receiving implementation funding, if a participating school has not met its growth targets each year but has demonstrated "significant growth" as defined in 5 CCR 1030.7-1030.8, it shall continue to be monitored by the SPI. (Education Code 52055.650; 5 CCR 1030.7-1030.8)

If a participating school has neither met its growth targets each year nor demonstrated "significant growth," it shall be deemed a state-monitored school and shall be subject to the actions specified in Education Code 52055.650, as determined by the SPI and approved by the SBE. The Board shall, at a regularly scheduled public meeting, inform parents/guardians of this fact as well as the fact that the corrective actions specified in Education Code 52055.650(h) may occur. (Education Code 52055.650)

Whenever the corrective action selected by the SPI and SBE provides that the district will enter into a contract with a school assistance and intervention team (SAIT) to provide intensive support and expertise to implement the school reform initiatives in the school's action plan: (Education Code 52055.650)

1. School staff, site planning teams, administrators, and district staff shall work with the SAIT to improve student literacy and achievement by assessing the degree of implementation of the school's current action plan, refining and revising the action plan, and making recommendations to maximize the use of fiscal resources and personnel in achieving the goals of the plan. The Superintendent or designee shall provide support and assistance to enhance the work of the team at the targeted school site. A report of recommended corrective actions shall be completed by the SAIT not later than 60 days after assignment of the SAIT to the school.

2. Not later than 90 days after the assignment of the SAIT to the school, the Board shall adopt the team's initial recommendations at a regularly scheduled meeting. Any subsequent recommendations proposed by the SAIT shall be submitted to the Board and adopted by the Board within 30 days of the submission. The adoption of recommendations shall not be placed on the Board's consent agenda.

(cf. 9322 - Agenda/Meeting Materials)

3. No less than three times during the year, the Superintendent or designee and the school site shall present the SAIT with data regarding progress toward the goals established by the team's initial assessment. The data shall be presented to the Board at a regularly scheduled meeting.

When a school is deemed to be a state-monitored school, the Board shall: (Education Code 52055.650; 5 CCR 1030.7-1030.8)

1. At a minimum, make the same proportion of fiscal, human, and educational resources available to the school as was available before the school was identified as a state-monitored school, excluding funding for the Immediate Intervention/Under-performing Schools Program and HPSGP

2. Continue its current ownership status with respect to the school site
3. Continue to provide the same insurance coverage with respect to property liability, errors and omissions, and other regularly provided insurance policies
4. Name the SPI and California Department of Education as additional insureds upon transfer of legal rights, duties, and responsibilities to the SPI
5. Continue to provide facilities support including maintenance, if appropriate to the management arrangement, and full school-site participation in bond financing
6. Remain involved with the school throughout the sanctions period

COMMUNICATION WITH THE PUBLIC

Note: The following optional policy may be revised to reflect district practice.

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 9000 - Role of the Board)

Note: Protocols for media relations, including the identification of Governing Board and staff spokespersons designated to meet with the media on behalf of the district, are addressed in BP 1112 - Media Relations. The district may choose to establish additional protocols for communications with other segments of the public.

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

(cf. 1112 - Media Relations)

(cf. 1340 - Access to District Records)

(cf. 2111 - Superintendent Governance Standards)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9005 - Governance Standards)

(cf. 9010 - Public Statements)

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

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social networking pages or other online communications technologies, direct email communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

(cf. 0510 - School Accountability Report Card)

(cf. 1020 - Youth Services)

(cf. 1113 - District and School Web Sites)

COMMUNICATION WITH THE PUBLIC (continued)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of those students must also be written in that primary language. In addition, the Americans with Disabilities Act (28 CFR 35.130 and 35.160) requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. See BP 0410 - Nondiscrimination in District Programs and Activities.

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee shall ensure that staff members are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

(cf. 1260 - Educational Foundation)

(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. 3555 - Nutrition Program Compliance)

(cf. 6020 - Parent Involvement)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

COMMUNICATION WITH THE PUBLIC (continued)

Prohibition Against Mass Mailings at Public Expense

Note: Government Code 82041.5 and 89001 and 2 CCR 18901 prohibit the use of public funds for a mass mailing which features a Board member or includes the name, signature, or photograph of a Board member, except as specifically allowed by law. "Mass mailing" is defined as over 200 substantially similar pieces of mail sent in a single calendar month or course of an election. A "mass mailing" does not include form letters or mail sent in response to an unsolicited request, letter, or other inquiry or permissible informational materials otherwise authorized by law.

In addition, Education Code 7054 and 2 CCR 18901.1 prohibit the use of public funds for a mass mailing that (1) expressly advocates the election or defeat of a candidate or the qualification, passage, or defeat of a ballot measure or (2) if taken in context, unambiguously urges an election result. Violation of these provisions could result in an enforcement action by the Fair Political Practices Commission. See BP 1160 - Political Processes for language regarding the use of district funds for activities related to ballot measures, candidates, or lobbying.

Because these laws are very complex, with complicated definitions and numerous exceptions, districts should consult with legal counsel if there is a question about the appropriateness of a planned mailing.

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

Any newsletter or mass mailing regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

(cf. 1160 - Political Processes)

Comprehensive Communications Plan

Note: A comprehensive district communications plan may include strategies for internal and external communications on issues that are important to the district and community. The plan also may incorporate specific communications strategies required by other Board policies and administrative regulations; for example, see AR 0450 - Comprehensive Safety Plan, BP 1112 - Media Relations, AR 3516 - Emergencies and Disaster Preparedness Plan, and BP/AR 6020 - Parent Involvement.

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored to each target audience, timelines, persons responsible for each activity, and budget implications.

COMMUNICATION WITH THE PUBLIC (continued)

(cf. 0200 - Goals for the School District)

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

Legal Reference:

EDUCATION CODE

7054 Use of district property or funds re: ballot measures and candidates

35145.5 Board meetings, public participation

35172 Promotional activities

38130-38138 Civic Center Act

48980-48985 Parental notifications

GOVERNMENT CODE

54957.5 Meeting agendas and materials

82041.5 Mass mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

18901.1 Campaign-related mailings sent at public expense

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources:

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Board Policy

Communication With The Public

BP 1100

Community Relations

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests expressed by members of the community.

(cf. 1000 - Concepts and Roles)

The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

(cf. 9000 - Role of the Board)

The Superintendent or designee shall distribute communications protocols and procedures to the Board and staff, which include, but are not limited to, identification of spokesperson(s) authorized to speak to the media on behalf of the district, job descriptions that identify the responsibilities of the public information officer and other staff members related to communications with the public, strategies for coordinating communications activities, legal requirements pertaining to confidentiality as well as the public's right to access records, and the importance of presenting a consistent, unified message on district issues.

(cf. 1112 - Media Relations)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9005 - Governance Standards)

(cf. 9010 - Public Statements)

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

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with adequate access to information. Such methods may include, but not be limited to, district and school newsletters, mailings, the district and school web sites, direct email communications, recorded telephone messages for parent/guardian information, school accountability report cards, community forums and public events, notices sent home with students, and news releases and meetings with editorial boards.

(cf. 0510 - School Accountability Report Card)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including those whose primary language is not English and those who are visually or hearing impaired or have other special needs.

The Superintendent or designee shall ensure that staff are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, use the district's complaint procedures as appropriate, and become involved in school activities.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

(cf. 1240 - Volunteer Assistance)

(cf. 1260 - Educational Foundation)

(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. 6020 - Parent Involvement)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

Prohibition Against Mass Mailings at Public Expense

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

Comprehensive Communications Plan

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall also incorporate strategies for effective communications during an emergency or other situation that may arise.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1160 - Political Processes)

(cf. 1330 - Use of School Facilities)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored for communicating with each target audience, timelines, persons responsible for each activity, and budget implications.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, senior citizens, community leaders, state or federal legislators or agencies, and/or other segments of the public.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

The Superintendent or designee shall annually evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

35145.5 Board meetings, public participation

35172 Promotional activities

38130-38138 Civic Center Act

GOVERNMENT CODE

54957.5 Meeting agendas and materials

82041.5 Mass mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

Management Resources:

CSBA PUBLICATIONS

Mass Mailings at Public Expense, Legal Advisory, January 2007

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

Political Activities of School Districts: Legal Issues, rev. 2001

Maximizing School Board Governance: Community Leadership, 1996

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

POLITICAL PROCESSES

Note: The following **optional** policy addresses political activities conducted by members of the Governing Board or district staff acting on behalf of the district. It does not apply to individuals acting as private citizens on their own time and at their own expense. When acting as private citizens, individuals have broad rights under the First Amendment to engage in political activities, including taking positions on electoral measures and candidates and establishing and participating in political action committees.

Education Code 7055 authorizes the district to establish reasonable regulations related to employees engaging in political activity. See BP/AR 4119.25/4219.25/4319.25 - Political Activities of Employees for language implementing this statute as well as language regarding activities by employee organizations.

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

Ballot Measures/Candidates

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

Note: Whether an activity is an appropriate use of public funds or an impermissible campaign activity is a complicated analysis. In Vargas v. City of Salinas, the California Supreme Court created three categories of activities: (1) permissible informational activities, such as resolutions and providing objective analysis; (2) impermissible campaign activities, such as producing or distributing literature that urges a voter to act a certain way; or (3) unclear activities which do not fall into either group and must be analyzed looking at the "style, tenor, and timing" of the activity. The following two paragraphs reflect the court's analysis of permissible activities. District legal counsel should be consulted when there is a question as to whether an activity is permissible.

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

(cf. 9320 - Meetings and Notices)

POLITICAL PROCESSES (continued)

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

Note: When it is unclear whether a campaign activity is permissible, the court will analyze the activity based on its "style, tenor and timing" to determine whether it involves an appropriate expenditure of public funds. Examples of things that a court might look for include how the material was distributed (i.e., special edition or regular publication), the language used in the publication (i.e., inflammatory or informational), and whether the distribution was consistent with regular district practice (i.e., regular circulation or special mailing). Districts should be cautious and ensure that any such informational material is an appropriate use of district funds.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

(cf. 1100 - Communication with the Public)

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

Note: In Vargas v. City of Salinas, the court offered examples of activities which would be impermissible campaign activities, as reflected in the following paragraph. In addition, 2 CCR 18901.1 prohibits the use of public funds for a newsletter or "mass mailing" which expressly advocates the election or defeat of a ballot measure or candidate or, when taken in context, urges a particular result. Because violation of this regulation could result in enforcement action by the Fair Political Practices Commission (FPPC), districts should proceed with caution and consult with legal counsel, as appropriate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

(cf. 1325 - Advertising and Promotion)

Note: Both the courts (Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments) and the Attorney General (88 Ops.Cal.Atty.Gen. 46 (2005)) have provided guidance as to the appropriate use of district funds when the district is preparing to submit a bond proposal to the voters for approval. The key distinction is whether the action is taken before or after the measure has been placed on the ballot and whether the activity is directed at swaying voters. Permissible expenditures include researching the need for the measure, formulating and drafting the proposal, and conducting polling and focus groups to assess the feasibility of the measure. Impermissible activities include recruiting and organizing supporters for a campaign, raising funds for the campaign, or hiring a consultant to develop a strategy for building support for the measure.

POLITICAL PROCESSES (continued)

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.
2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

Legislation

Note: Pursuant to Government Code 53060.5, the district may engage in legislative activities and lobbying, either directly or through a representative, and the cost of this activity is an appropriate use of district funds. Lobbying activities are regulated by the FPPC (2 CCR 18600-18640) and governed by the Political Reform Act (Government Code 81000-91015).

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

(cf. 1020 - Youth Services)

(cf. 1112 - Media Relations)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 7131 - Relations with Local Agencies)

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

POLITICAL PROCESSES (continued)

Note: Although the district has the authority to lobby the legislature, it cannot use district resources to urge the public to lobby the legislature on its behalf. In Miller v. Miller the court concluded that urging the public was impermissible election campaigning because the activity was directed to the public and not the legislature.

The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

Note: An appellate court held in League of Women Voters v. Countywide Criminal Justice Coordination Committee that the drafting of legislative proposals was a permissible use of public funds since it was more similar to the exercise of a local agency's governing authority than a campaign activity.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

Legal Advocacy

Note: When an issue requires resolution in the courts rather than through legislation, it is permissible for districts to use public funds to initiate or participate in legal advocacy. Toward these ends, districts may choose to join with other districts in a group, such as CSBA's Education Legal Alliance which funds and supports litigation in cases of statewide significance to its members.

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

(cf. 9321 - Closed Session Purposes and Agendas)

Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

(cf. 1330 - Use of School Facilities)

Legal Reference: (see next page)

POLITICAL PROCESSES (continued)

Legal Reference:

EDUCATION CODE

7050-7058 Political activities of school officers and employees, including:

7054 Use of district property

7054.1 Requested appearance

7056 Soliciting or receiving political funds

35160 Authority of governing boards

35172 Promotional activities

ELECTIONS CODE

9501 School district elections, arguments for or against a measure

GOVERNMENT CODE

8314 Unlawful use of state resources

53060.5 Attendance at legislative body; expenses

54953.5 Right to record proceedings

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act, including:

82031 Definition of independent expenditure

CODE OF REGULATIONS, TITLE 2

18600-18640 Lobbyists

18901.1 Campaign related mailings sent at public expense

COURT DECISIONS

Vargas v. City of Salinas, (2009) 46 Cal. 4th 1

Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229

Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529

Miller v. Miller, (1978) 87 Cal.App.3d 762

Stanson v. Mott, (1976) 17 Cal. 3d 206

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 46 (2005)

73 Ops.Cal.Atty.Gen. 255 (1990)

Management Resources:

CSBA PUBLICATIONS

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

Board Policy

Political Processes

BP 1160

Community Relations

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. To the extent possible, the Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's vision and goals.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on district premises. (Education Code 7055)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Legislation

The Board's responsibility as an advocate for the district may include lobbying at the state and national levels.

Because local governments also make decisions which impact the district's schools, the Board and the Superintendent or designee shall work to establish ongoing relationships with city and county officials and agencies, and shall inform them of the potential effect of local issues on the schools.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 7131 - Relations with Local Agencies)

The Board shall identify issues that will affect its schools and the children in its community, establish goals and priorities for legislative advocacy, solicit community input and adopt legislative positions. The Superintendent or designee shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members.

As necessary, the Superintendent or designee may draft legislative proposals which serve the

district's interests.

The Board may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its legislative advocacy activities. However, the Board shall not urge the public to lobby the legislature on behalf of the district.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

Ballot Measures/Candidates

The Board may study the potential effect of ballot measures on the district's schools. Any Board discussion of the effect of such measures shall include an opportunity for Board members, staff and members of the public to speak on all sides of the issue. Following such study, the Board may adopt positions in support of or in opposition to ballot measures of importance to education.

The Board's positions shall be publicized only through normal district procedures for reporting Board actions and in a manner that does not attempt to influence voters.

(cf. 9323 - Meeting Conduct)

**No district funds, services, supplies or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board.
(Education Code 7054)**

District resources shall not be used to disseminate campaign literature or to purchase advertisements, bumper stickers, posters or similar promotional items that advocate an election result.

(cf. 1325 - Advertising and Promotion)

**The Superintendent or designee may use district resources to provide students, parents/guardians and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district.
(Education Code 7054)**

In preparing or distributing such information, the Superintendent or designee shall ensure that the totality of the circumstances, including language, style, tenor and timing, does not expressly advocate passage or defeat of a measure or candidate.

The Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use district resources to secure signatures in order to qualify the measure for the ballot.

Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the district representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the Superintendent or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.

Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to challenge the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

(cf. 1330 - Use of School Facilities)

Legal Reference:

EDUCATION CODE

7054 Use of district property

7054.1 Requested appearance

7055 Local rules

7056 Soliciting or receiving political funds

7058 Use of forum

35160 Authority of governing boards

35172 Promotional activities

GOVERNMENT CODE

50023 Attending legislature to support or oppose legislation

53060.5 Attendance at legislative body; expenses

54953.5 Right to record proceedings

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act

COURT DECISIONS

Stanson v. Mott, (1976) 17 Cal. 3d 206

Miller v. Miller, (1978) 87 Cal.App.3d 762

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620

Scherer v. Buchanan, First Appellate District, Civil No. A076648

ATTORNEY GENERAL OPINIONS

73 Ops.Cal.Atty.Gen. 255 (1990)

Management Resources:

OFFICE OF LEGISLATIVE COUNSEL

Advice letter #7837, March 18, 1996 (use of public funds to publicize board positions)

FAIR POLITICAL PRACTICES COMMISSION

FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

TOBACCO-FREE SCHOOLS

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Note: Health and Safety Code 104420 mandates districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco anytime, anywhere in district-owned or leased buildings, on district property, and in district vehicles (Option 1 below). Districts must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures.

Districts that do not receive TUPE funds may select Option 2 below, which prohibits smoking only in enclosed spaces pursuant to Labor Code 6404.5 and 20 USC 6083, or may choose the more stringent requirements in Option 1.

OPTION 1: (Districts Receiving TUPE Funds)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

Note: State law does not define "tobacco products" for purposes of the district's tobacco-free schools policy. The CDE's web site recommends that a district's policy define "tobacco products" to prohibit the use of products containing tobacco or nicotine, including nicotine delivery devices such as electronic cigarettes which provide an inhalable dose of nicotine by delivering a vaporized solution. Health and Safety Code 119405, added by SB 882 (Ch. 312, Statutes of 2010), makes it unlawful for a person to sell or otherwise furnish an electronic cigarette to a minor under age 18.

TOBACCO-FREE SCHOOLS (continued)

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

~~OPTION 2: (Districts Not Receiving TUPE Funds)~~

~~In accordance with law, smoking is prohibited in district vehicles and in all enclosed spaces in district facilities, including, but not limited to, lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the building. (Labor Code 6404.5; 20 USC 6083)~~

Note: Only districts selecting Option 2 may use the following optional paragraph.

Pursuant to Labor Code 6404.5, a district may provide breakrooms designated for smoking provided that (1) air from the smoking room is exhausted directly to the outside by an exhaust fan, (2) the district complies with ventilation and other standards adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency, (3) the smoking room is located in a nonwork area where no one is required to enter as part of his/her work responsibilities, and (4) there are sufficient nonsmoking breakrooms to accommodate nonsmokers.

~~The Superintendent or designee may provide employee breakrooms designated for smoking only if such rooms meet the requirements of Labor Code 6404.5 and are not accessible to minors. Employees and visitors may smoke outside on school or district grounds except in those areas designated as nonsmoking or otherwise prohibited by law.~~

Note: The following paragraph is for use by all districts.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference: (see next page)

TOBACCO-FREE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <http://www.epa.gov>

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5131.62 - Tobacco)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act

PERB RULINGS

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

TOBACCO-FREE SCHOOLS

Notifications

Note: Districts receiving Tobacco-Use Prevention Education (TUPE) funds are required by Health and Safety Code 104420 to communicate information about the district's tobacco-free schools policy. Districts that do not receive TUPE funds may delete or revise the following paragraph.

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Note: The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

OPTION 1: (Districts Receiving TUPE Funds)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

~~OPTION 2: (Districts Not Receiving TUPE Funds)~~

Note: The following paragraph is for use by districts that do not receive TUPE funds and have selected Option 2 in the accompanying Board policy. If a district not receiving TUPE funds has chosen to adopt the more stringent prohibitions against smoking (see Option 1 in the accompanying Board policy), it should select Option 1 above.

~~At each entrance to a building or structure, the Superintendent or designee shall post a sign stating "No smoking" or "Smoking is prohibited except in designated areas" as appropriate. (Labor Code 6404.5)~~

Enforcement/Discipline

Note: Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. The effects of the district's tobacco policy, including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Governing Board and employee organizations. Pursuant to Education Code 48900(h), a student may be subject to disciplinary action when it is determined that he/she possessed or used tobacco or nicotine products; see AR 5144.1 - Suspension and Expulsion/Due Process.

TOBACCO-FREE SCHOOLS (continued)

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Note: Labor Code 6404.5 requires the district to take "reasonable steps" to prevent smoking by nonemployees. These reasonable steps include posting clear and prominent signs as specified in the "Notifications" section above and requesting that the nonemployee refrain from smoking in the enclosed workplace. The following optional paragraph may be revised to reflect district practice.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Administrative Regulation

Tobacco-Free Schools

AR 3513.3

Business and Noninstructional Operations

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Note: The following optional administrative regulation should be revised to reflect district practice.

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Note: Government Code 8607 and 19 CCR 2400-2450 require districts to be prepared to respond to emergencies using the Standardized Emergency Management System (SEMS). By Executive Order, the Governor has required each local agency to integrate the National Incident Management System with its SEMS. Districts should contact their local office of emergency services for further assistance. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: The California Emergency Management Agency (Cal EMA) offers a number of publications that may assist the district in surveying school facilities and outside areas for potential earthquake hazards.

The Superintendent or designee may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

Note: Education Code 32282 requires regular practice of drop procedures in accordance with the timelines specified below. The following paragraph may be revised to reflect the grade levels offered by the district.

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

Note: The following **optional** paragraph is for use by any district with a school near the coastline making it susceptible to the risk of a tsunami after an earthquake has occurred.

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.

Note: In <u>The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty</u> , the Cal EMA advises that evacuation should never be automatic as there may be as much danger outside the facility as inside, planned routes may not be clear, and lighting inside the building may be shut off.

4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 *School safety plans*

GOVERNMENT CODE

3100 *Public employees as disaster service workers*

8607 *Standardized Emergency Management System*

CODE OF REGULATIONS, TITLE 19

2400-2450 *Standardized Emergency Management System*

Management Resources:

CALIFORNIA EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

American Red Cross: <http://www.redcross.org>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency: <http://www.fema.gov/hazards/earthquakes>

National Incident Management System: <http://www.fema.gov/emergency/nims>

Administrative Regulation

Earthquake Emergency Procedure System

AR 3516.3

Business and Noninstructional Operations

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee may work with the California Office of Emergency Services (renamed the California Emergency Management Agency) and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate outside areas and alternative areas, which may include areas off campus if necessary, in which students will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures shall designate evacuation routes and alternative routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities. Potential hazards may include, but are not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, such shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

- 1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.**
- 2. In laboratories, burners should be extinguished if possible before taking cover.**
- 3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects and furniture that may fall.**
- 4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly areas are safe and shall communicate with teachers and other staff.**
- 5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and have the students evacuate the building in an orderly manner.**

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

- 1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.**
- 2. Staff shall have students perform the drop procedure.**
- 3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.**

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety. The driver shall pull to the side of the road, away from any outside hazards if possible, and turn off the ignition. As soon as possible, the driver shall contact the Superintendent or designee for instructions before proceeding on the route.

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

After the earthquake has subsided, the following actions shall be taken:

- 1. Staff shall extinguish small fires if possible.**
- 2. Staff shall provide assistance to any injured students, take roll, and report missing students to the principal or designee.**
- 3. Staff and students shall not light any stoves or burners until the area is declared safe.**
- 4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.**
- 5. The principal or designee shall post staff at a safe distance from all building entrances and instruct staff and students to not reenter until the buildings are declared safe.**
- 6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.**
- 7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.**

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System (SEMS)

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

OFFICE OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency (FEMA):

<http://www.fema.gov/hazards/earthquakes>

National Incident Management System (NIMS): <http://www.fema.gov/emergency/nims>

FOOD SERVICE/CHILD NUTRITION PROGRAM

Note: The following optional policy may be revised to reflect district practice and the meal programs offered by the district. Districts may receive reimbursements to offset the costs of meals through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), Special Milk Program (42 USC 1772), or other federally reimbursable meal program as described in the Child Nutrition Act (42 USC 1771-1791). In addition, state funding for meals provided to needy children may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for all available state and federal funds.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The Governing Board recognizes that adequate, nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: 42 USC 1758b, as added by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutrition standards.

2. Meet or exceed nutrition standards specified in law and administrative regulation

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Note: Students who meet federal eligibility criteria must be provided meals free of charge or at reduced prices in accordance with 42 USC 1758 and 1773 and Education Code 49550; see BP/AR 3553 - Free and Reduced Price Meals. Pursuant to Education Code 38084, the district may determine the price for other students consistent with the goal of paying the cost of maintaining the cafeterias; see BP 3551 - Food Service Operations/Cafeteria Fund. State and federal reimbursements for all child nutrition programs are administered by the CDE and are based on the number and type of meals served.

5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

Note: The following optional paragraph may be revised to reflect district practice. Grant funding may be available through the Fresh Fruit and Vegetable Program (42 USC 1769a) to provide elementary students with a variety of free fresh fruits and vegetables throughout the school day as a supplement to school breakfast and lunch programs. Eligible schools are those that operate the National School Lunch Program and have 50 percent or more of students eligible for free and reduced-price meals.

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

Note: No state or federal law directly governs the use of food produced by school gardens or local farms. However, both state and federal law support the concept of using locally grown and/or organic produce in school cafeterias (Education Code 51795-51797; 42 USC 1769). Thus, such use is allowable provided the foods comply with health and sanitation requirements as well as applicable nutrition standards.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the district's nutrition education program.

(cf. 6142.8 - Comprehensive Health Education)

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517- Facilities Inspection)

(cf. 7110 - Facilities Master Plan)

Note: The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, preparation, and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

Note: The following optional paragraph may be revised to reflect program evaluation indicators and reporting schedules determined by the district. Education Code 49431 and 49431.2 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.

Pursuant to the U.S. Department of Agriculture's Food and Nutrition Services Instruction 113-1, any district participating in federal meal programs must collect racial and ethnic data on potentially eligible populations, applicants, and program participants; see BP 3555 - Nutrition Program Compliance.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food services program meets state and federal nutrition standards for foods and beverages.

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

Legal Reference: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages
38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49562 Meals for needy students
49570 National School Lunch Act
51795-51797 School gardens

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
15575-15578 Requirements for foods and beverages outside federal meal programs

UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Program, including:
1758b Local wellness policy
1761 Summer Food Service Program and Seamless Summer Feeding Option
1769a Fresh Fruit and Vegetable Program
1771-1793 Child nutrition, especially:
1772 Special Milk Program
1773 National School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
215.1-215.18 Special Milk Program
220.1-220.21 National School Breakfast Program
245.1-245.13 Eligibility for free and reduced-price meals and free milk

Management Resources:

CSBA PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Meals Initiative Summary

Healthy Children Ready to Learn, January 2005

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

Management Resources continued: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Management Resources: (continued)

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

School Breakfast Toolkit

Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010

Food Buying Guide for Child Nutrition Programs, December 2007

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005

Dietary Guidelines for Americans, 2005

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Farm Bureau Federation: <http://www.cfbf.com>

California Food Policy Advocates: <http://www.cfpa.net>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/fns>

Board Policy

Food Service/Child Nutrition Program

BP 3550

Business and Noninstructional Operations

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn, and maintain good health. Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

2. Meet or exceed nutritional standards specified in law and administrative regulation

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6300 - Preschool/Early Childhood Education)

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits

(cf. 6142.8 - Comprehensive Health Education)

4. Be served in age-appropriate portions

5. Be sold at reasonable prices

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables that are not deep fried.

The Superintendent or designee shall encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3517- Facilities Inspection)
(cf. 7110 - Facilities Master Plan)

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

The Superintendent or designee shall annually report to the Board regarding the district's compliance with state and federal nutritional standards for foods and beverages.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages
38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49561 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code
CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
15566-15568 California Fresh Start Program
15575-15578 Requirements for foods and beverages outside federal meals program

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs, including:
1751 Note Local wellness policy
1771-1791 Child nutrition, especially:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS (continued)

Dietary Guidelines for Americans, 2005

WEB SITES

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

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Alliance for Nutrition and Activity:

<http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

School Nutrition Association: <http://www.schoolnutrition.org>

U.S. Department of Agriculture, Food and Nutrition Information Center:

<http://www.nal.usda.gov/fnic>

FOOD SERVICE/CHILD NUTRITION PROGRAM

Note: The following optional administrative regulation applies to food sales through the district's food service program, including the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and Special Milk Program (42 USC 1772). The district should select all sections below that apply to programs offered by the district.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

Nutrition Standards for School Meals

Note: Item #1 below is for use by all districts. Education Code 49550 requires all schools to provide at least one nutritionally adequate meal each school day to students who meet federal eligibility criteria for free and reduced-price meals; see BP/AR 3553 - Free and Reduced Price Meals. Education Code 49553 defines a "nutritionally adequate meal" as one that qualifies for reimbursement under federal child nutrition program regulations (7 CFR 210.10, 220.8). This requirement applies regardless of whether the school receives reimbursements through the National School Lunch Program (42 USC 1751-1769j) and/or School Breakfast Program (42 USC 1773) or the State Meal Program (Education Code 49490-49494), or receives no funding support for school meals. 42 USC 1758 and 1773 require schools participating in the National School Lunch and/or Breakfast Program to extend meal service to all students enrolled in the school.

Districts may elect to use the state's menu planning options of Shaping Health as Partners in Education (SHAPE) as a method of meeting the required nutrition standards. SHAPE California is a network of districts working together to improve the health and academic success of California students through comprehensive nutrition services and nutrition education. Participating districts must choose one of the approved SHAPE California and/or U.S. Department of Agriculture (USDA) menu planning options, as described in the California Department of Education's (CDE) School Meals Initiative Summary, available on the CDE's web site.

42 USC 1753, as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), requires the U.S. Secretary of Agriculture to develop regulations updating the meal patterns and nutrition requirements for the National School Lunch Program. When such regulations become effective, districts that are certified by the CDE as complying with these updated standards will receive an additional reimbursement.

Meals or food items provided through the district's food services program shall: (Education Code 49430, 49430.5, 49430.7, 49550, 49553; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)

1. Comply with the National School Lunch and/or Breakfast standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8, or the state's menu planning options of Shaping Health as Partners in Education

Note: Items #2-3 below reflect additional requirements for (1) districts participating in the National School Lunch and/or Breakfast Program which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement, and (2) districts participating in the State Meal Program. Such districts must annually certify compliance with Education Code 49430, 49430.5, and 49430.7. Other districts may delete or use these items at their discretion.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

2. Not be deep fried, par fried, or flash fried by the district or school or as part of the manufacturing process
3. Not contain artificial trans fat as defined in Education Code 49430.7

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Nutrition Standards for Foods and Beverages Sold Outside the Reimbursable Meal Programs

Note: The following section is for use by districts that have one or more schools which do not participate in the National School Lunch or Breakfast Program, as well as those that have schools which do participate in these programs but also sell foods or beverages to students outside of the meal program. Education Code 49430 and 49431-49431.7 establish nutrition requirements for foods and beverages sold outside the federal meal programs. 5 CCR 15575-15578 define the terms used in those code sections.

CDE Management Bulletin 06-110 clarifies that the beverage standards in Education Code 49431.5 are applicable to high schools. Pursuant to Education Code 49431.5, all beverages sold in high schools were required to meet these standards effective July 1, 2009.

Any foods or beverages that are not sold as part of the National School Lunch or Breakfast Program shall be sold to students only if they meet the nutrition standards specified in Education Code 49430-49431.7 and 5 CCR 15575-15578.

(cf. 3554 - Other Food Sales)

Drinking Water

Note: The following section is for use by all districts. Pursuant to 42 USC 1758, as amended by P.L. 111-296, schools participating in the National School Lunch Program are required to make free drinking water available for consumption in places where meals are served during meal service. Effective July 1, 2011, Education Code 38086, as added by SB 1413 (Ch. 558, Statutes of 2010), requires all California schools to make free drinking water available during school meal times. The school may, among other means, provide cups and containers of water or solicit or receive donated water. Pursuant to Education Code 38086, a district may be exempted from this requirement only if the Governing Board adopts a resolution, publicly noticed on at least two consecutive meeting agendas, demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. Any district whose Board has adopted such a resolution should delete the following paragraph.

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Special Milk Program

Note: The following section is optional. The Special Milk Program (42 USC 1772; 7 CFR 215.1-215.18) is a federally funded program which assists in providing milk at reasonable prices to students in schools that do not participate in the National School Lunch or Breakfast Program. Pursuant to 7 CFR 215.1 and 215.7, districts may choose to provide milk at no charge to students who qualify for free and reduced-price meals; see BP 3553 - Free and Reduced Price Meals.

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.1)

Food Safety

Note: Pursuant to Health and Safety Code 113789, school cafeterias are among the food facilities subject to the California Retail Food Code.

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

Note: The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in these programs to implement a food safety program that complies with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the group, rather than developing an HACCP plan for each item. These principles are described in the USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles.

P.L. 111-296 amended 42 USC 1758 to clarify that the food safety program is applicable to any facility or part of a facility in which food is stored, prepared, or served.

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but not be limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Note: The following paragraph is optional. The USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles recommends that proper staff training is a necessary component of an effective food safety program.

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. Any new employee, substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

(cf. 4231 - Staff Development)

Note: The following paragraph is optional. The USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles states that districts should maintain the following types of records in order to periodically review the food safety program and, in the event of a foodborne illness, to document that reasonable care was exercised in the operation of the school's food service program.

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

Inspection of Food Facilities

Note: Health and Safety Code 113725-113725.3 require all food facilities in California to be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. The inspections cover all food service areas, which, depending on the school's operations, may include the cafeteria, vending machines, and mobile food carts. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control); (2) poor personal hygiene of food service employees; (3) contaminated equipment; and (4) food from unapproved sources.

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Notwithstanding the requirements of county regulations, districts participating in these programs must obtain at least two safety inspections each school year.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Administrative Regulation

Food Service/Child Nutrition Program

AR 3550

Business and Noninstructional Operations

Nutritional Standards for Elementary Schools

At each elementary school, the only foods that may be sold to a student during the school day are either: (Education Code 49431)

1. Full meals, defined by Education Code 49430 as a combination of food items that meet National School Lunch or Breakfast Program meal pattern requirements or the state's menu planning options of Shaping Health as Partners in Education (SHAPE); or
2. Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes

Nutritional Standards for National School Lunch and Breakfast Program

Any school participating in the National School Lunch Program and/or School Breakfast Program pursuant to 42 USC 1751-1769h and 1771-1791 shall serve meals that, on average over each school week: (Education Code 49531; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)

1. Meet the nutrient levels and calorie requirements appropriate for the ages/grade levels served and the menu planning approach used, as specified in 7 CFR 210.10 or 220.8
2. Provide one-fourth (breakfast) or one-third (lunch) of the Recommended Dietary Allowances for protein, calcium, iron, vitamin A, and vitamin C appropriate for the ages/grade levels served and the menu planning approach used
3. Comply with applicable Dietary Guidelines for Americans which recommend:
 - a. Limiting the percentage of calories from saturated fat to less than 10 percent of total calories offered
 - b. Limiting the percentage of calories from total fat to 30 percent of total calories offered
 - c. Reducing sodium and cholesterol levels
 - d. Increasing the level of dietary fiber

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Nutritional Standards for Free and Reduced-Price Meals Program

Any school that has students who meet federal eligibility criteria for free or reduced-price meals shall: (Education Code 49430.7)

1. Ensure that meals meet National School Lunch and/or Breakfast Program nutritional guidelines or the state's menu planning options of SHAPE
2. Not sell or serve a food item that the district or school has deep fried, par fried, or flash fried, as defined in Education Code 49430, or that has been deep fried, par fried, or flash fried as part of the manufacturing process in an oil or fat prohibited by Education Code 49430.7
3. Not sell or serve a food item containing artificial trans fat, including vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil unless the manufacturer's documentation or label lists the trans fat content as less than 0.5 gram per serving

(cf. 3533 - Free and Reduced Price Meals)

Nutritional Standards for Foods Outside the National School Lunch or Breakfast Program

For food items that are not sold as part of the National School Lunch or Breakfast Program, the following nutritional standards shall apply:

1. At each elementary school, an individually sold dairy or whole grain food item may be served to students if it meets all of the following standards: (Education Code 49431)
 - a. Not more than 35 percent of its total calories is from fat.
 - b. Not more than 10 percent of its total calories is from saturated fat.
 - c. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
 - d. Its total calories do not exceed 175 calories.

(cf. 3554 - Other Food Sales)

2. For foods sold to students in middle, junior high, and high schools: (Education Code 49430, 49431.2)
 - a. Each entree item shall:
 - (1) Not exceed 400 calories
 - (2) Contain no more than four grams of fat per 100 calories
 - (3) Be categorized as an entree item in the National School Lunch or Breakfast Program

- b. For each snack item that supplements a meal:
- (1) Not more than 35 percent of its total calories shall be from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
 - (2) Not more than 10 percent of its total calories shall be from saturated fat, excluding eggs or cheese packaged for individual sale.
 - (3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
 - (4) Its total calories shall not exceed 250 calories.
3. Beginning July 1, 2009, any food provided to K-12 students during school hours and within one-half hour before and after school shall not contain or have been prepared with artificial trans fat, including vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer's documentation or label lists the trans fat content as less than 0.5 grams per serving. (Education Code 49431.7)

Nutritional Standards for Beverages

The only beverages that may be sold to elementary students, regardless of the time of day, are: (Education Code 49431.5)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener
3. Drinking water with no added sweetener
4. Milk that is 1 percent fat, 2 percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk

The only beverages that may be sold to middle school or junior high school students from one-half hour before the start of the school day until one-half hour after the end of the school day are: (Education Code 49431.5)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener
3. Drinking water with no added sweetener

4. Milk that is 1 percent fat, 2 percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk

5. Electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20 ounce serving

At least 50 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those specified in items #1-5 above. Beginning July 1, 2009, all of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall meet the standards specified in items #1-5 above. (Education Code 49431.5)

Food Safety

The Superintendent or designee shall ensure that the district's food service program meets the sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a school food safety program for the preparation and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) principles. (42 USC 1758)

The district's HACCP plan shall be in writing and shall address the components specified in Health and Safety Code 114419.1 including, but not limited to, methods for determining control measures needed to prevent hazards at each stage of food production, monitoring of the implementation of the food safety program, establishment of corrective actions to be taken if the proper time or temperature range is not met, training of food service employees and supervisors on food safety issues, recordkeeping, and periodic review of the food safety program.

The Superintendent or designee shall designate at least one staff member to be responsible for verification of the HACCP plan and shall provide the designated staff member with training in HACCP principles and the contents of the plan. Records of the training shall be retained for the duration of employment or a period of not less than two years, whichever is greater. In addition, the Superintendent or designee shall provide applicable HACCP training to food service employees who work in food preparation and shall document the date, trainer, and subject of the training. (Health and Safety Code 114419.2)

(cf. 4231 - Staff Development)

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (42 USC 1758; 7 CFR 210.13, 220.7; Health and Safety Code 113725.1)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: The following optional policy may be revised to reflect district practice. Education Code 38080-38103 contain requirements for the establishment and operation of school cafeterias.

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

Note: The California Department of Education (CDE), in collaboration with educators and professional organizations, provides training to child nutrition program directors and educators; see the CDE's web site for staff development opportunities.

As amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), 42 USC 1776 requires the U.S. Secretary of Agriculture to establish a program of required training and certification for school food service directors and other food service personnel in districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). By a date to be determined by the Secretary, such personnel will be required to receive training at least annually.

The Superintendent or designee shall ensure that all food services administrators and personnel possess appropriate qualifications and receive ongoing professional development related to the effective management and implementation of the district's food services program.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Meal Sales

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

Note: The following paragraph is optional and may be revised to reflect district practice. Pursuant to Education Code 38082, the Governing Board may, by formal resolution, authorize the serving of meals to persons other than those listed above. In Management Bulletin No. 00-111, the CDE states that the Board's policy or resolution must specify the circumstances under which those other persons will be served.

In addition, meals may be sold to other individuals and organizations that are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians, or students' siblings.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias, or other costs determined by Board resolution, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. In setting prices for students who are not eligible for the free and reduced-price meal program, 42 USC 1760, as amended by P.L. 111-296, requires schools to charge those students a price that is, on average, equal to the difference between free meal reimbursement and paid meal reimbursement. Schools that charge less than the average are required to gradually increase their prices over time until they meet the requirement or may cover the difference with nonfederal funds. 42 USC 1760 establishes a maximum annual increase of 10 cents, but allows districts to establish a higher increase at their discretion.

The Superintendent or designee shall recommend meal prices, based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760, for students and nonstudents for approval by the Board. Students who are enrolled in the free or reduced-price meal programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

Note: The following paragraph reflects CDE Management Bulletin No. 00-111 which states that using funds from the National School Lunch and Breakfast Programs to serve any adult or any child not enrolled in the school would be contrary to program goals.

Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture foods.

Cafeteria Fund

Note: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

Note: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

~~**OPTION 1:** The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)~~

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

OPTION 2: The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Note: The following **optional** paragraph may be revised to reflect district practice. The Note in 42 USC 1751, as amended by P.L. 111-296, requires the U.S. Secretary of Agriculture to issue guidance to districts participating in the National School Lunch and/or Breakfast Program regarding allowable indirect costs that may be charged to the nonprofit school food service account.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law. Program financial reports shall be presented regularly to the Board.

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

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

Note: The following section is **optional**. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.

With Board approval, the district may enter into a contract for food service consulting services or food service management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

Legal Reference: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49554 Contract for services

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs
1771-1791 Child nutrition, including:
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

255 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-FDP-02-2010 Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, August 2010

USDA-SNP-01-2008 Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, February 2008

00-111 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, July 2000

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Board Policy

Food Service Operations/Cafeteria Fund

BP 3551

Business and Noninstructional Operations

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3550 - Food Service/Child Nutrition Program)

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to other individuals and organizations who are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians, or student siblings.

The Superintendent or designee shall recommend meal prices for students and nonstudents for approval by the Board. Students who are enrolled in the free or reduced-price meal programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture commodities.

Program financial reports shall be presented regularly to the Board.

(cf. 3460 - Financial Reports and Accountability)

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Contracts with Outside Services/Providers

With Board approval, the district may enter into a contract for management consulting services related to food service.

(cf. 3600 - Consultants)

With Board approval, the district may enter into a contract with a private company that enables a school to operate a franchise offering fast food items for sale to students. The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.

Legal Reference:

EDUCATION CODE

38080-38085 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

49500-49505 School meals

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0701.00 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, No. 00-111

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEB SITES

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Management Bulletin USDA-SNP-01-2008 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day. However, payment and pricing policies for full-price meals are at the discretion of the district and may include decisions on whether or not to extend credit or provide an alternate meal to students in the event of nonpayment.

The following optional section includes recommendations of the CDE's Management Bulletin and the U.S. Department of Agriculture's (USDA) "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain an account indicating payments received from each student for the purchase of school meals.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

(cf. 1113 - District and School Web Sites)

Students and their parents/guardians shall be notified whenever their account has a zero balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: The remainder of this section is for use by any district that participates in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and has one or more schools which use a system of meal tickets, tokens, cards, or other medium of exchange rather than an electronic point-of-sale system. According to the USDA's "FAQs About School Meals," districts that use a ticket or token system may limit the number of lost or stolen tickets they will replace, provided that at least three replacement tickets will be provided to students each school year. However, a district that elects to establish a limit on replacement tickets must meet the requirements specified in the following paragraphs. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of the replacement of tickets.

The district may modify the following paragraph to specify the number (three or greater) of replacement tickets that will be allowed by the district. Also, if the district does not maintain elementary grades, it should revise the last sentence of the following paragraph accordingly. A district not participating in a federal meal program may use or modify these paragraphs at its discretion.

~~In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point of sale system, a student shall be allowed at least three replacement tickets each school year in the event that tickets are lost or stolen. School staff shall maintain a list of students who have reported lost or stolen tickets and the number of occurrences for each student. When it has been determined that a student has reached the limit, school staff shall issue at least one advance warning to the student or his/her parent/guardian prior to denying a replacement ticket. However, prekindergarten and younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets shall not be denied meals when tickets are lost or stolen.~~

~~Students and parents/guardians shall be advised in writing of the school's policy regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved.~~

Reimbursement Claims

Note: To streamline administration of state and federal meal programs, the CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims as well as to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Cafeteria Fund

Note: Education Code 38091 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, 38092)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 255, and the California School Accounting Manual. (Education Code 38091, 38101; 2 CFR 255)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

U.S. Department of Agriculture Foods

Note: The following **optional** section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. The CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, as amended by P.L. 111-296, the USDA is required to identify, develop, and disseminate model product specifications and practices to ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

USDA foods shall be used in school lunches as far as practicable, but also may be used in other nonprofit food service activities, with any revenues accruing to the district's nonprofit food service account. Such activities may include school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students. (7 CFR 250.60)

Contracts with Outside Services

Note: The following optional section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts in the district; see the accompanying Board policy.

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4212 - Appointments and Conditions of Employment)

Administrative Regulation

Food Service Operations/Cafeteria Fund

AR 3551

Business and Noninstructional Operations

Payments

With the exception of students who are eligible to receive meals at no cost, students or their parents/guardians may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain an account indicating payments received from each student or his/her parents/guardians for the purchase of school meals.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

Students and their parents/guardians shall be notified whenever their account has a zero balance.

Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, 38092)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for Board-authorized expenditures necessary for the operation of school cafeterias as defined in the California School Accounting Manual or appropriately reported to the California Department of Education. (Education Code 38091, 38101)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

Any funds derived from the sale of cafeteria food and deposited in a Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance, or replacement of cafeteria equipment. (Education Code 38102)

Contracts with Outside Services/Providers

The term of any contract for management consulting services related to food services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5)

A contract for food service management consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. (Education Code 45103.5)

Health criteria established by the district for classified staff shall be applicable to all persons providing food service management consulting services. (Education Code 45103.5)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4212 - Appointments and Conditions of Employment)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program may receive reimbursement for free and reduced-price meals at a higher rate than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education under the conditions described in Education Code 49548. Funding to support the provision of summer school meals is available through the Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)
(cf. 5030 - Student Wellness)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer School)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

Note: In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 as described in AR 3550 - Food Service/Child Nutrition Program.

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)

Note: The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or Breakfast Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following optional paragraph is for use by districts that choose to provide free milk to eligible students.

FREE AND REDUCED PRICE MEALS (continued)

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

Note: Education Code 49557 requires the district to develop a plan ensuring that students receiving free and reduced-price meals are not discriminated against in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential except as provided by law. (Education Code 49558)

Note: The following paragraph is optional. According to CDE Management Bulletin NSD-SNP-12-2010, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide either the student's application or only the student's name and eligibility status. The CDE urges districts to develop agreements with other districts regarding how the data will be shared, transported, protected, and destroyed once its purpose for determining meal eligibility has been completed.

If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.

Note: Education Code 49558 authorizes the Governing Board to allow district employees to use the name and eligibility status of students participating in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data. However, in accordance with federal guidelines, free and reduced-price meal records may be shared for this purpose only in connection with either a federal Title I program (20 USC 6301-6514) or the National Assessment of Educational Progress. Education Code 49558 allows districts with schools in program improvement, pursuant to 20 USC 6316, to use this information to identify students eligible for school choice and supplemental educational services; see BP/AR 0520.2 - Title I Program Improvement Schools. Only the name and meal eligibility status of a student may be shared for this purpose. Information regarding a student's participation in the program (e.g., household size and income, the record of meals served to that student) is confidential.

FREE AND REDUCED PRICE MEALS (continued)

Districts wishing to use free and reduced-price meal records for these purposes are **mandated** to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5125 - Student Records)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6171 - Title I Programs)

Note: Pursuant to Education Code 49558, districts may release information on the National School Lunch Program application, under the conditions described below, to the local agency that determines eligibility under the Medi-Cal program.

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information in accordance with Education Code 49557.2.

(cf. 5141.6 - School Health Services)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

Legal Reference continued: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010

NSD-SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010

04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004

98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids. Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Board Policy

Free And Reduced Price Meals

BP 3553

Business and Noninstructional Operations

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer School)

(cf. 6300 - Preschool/Early Childhood Education)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meal program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential except as provided by law. (Education Code 49558)

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced-price meal program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school identified for program improvement under Title I of the No Child Left

Behind Act, identification of students eligible for school choice and supplemental educational services

(cf. 0520.2 -Title I Program Improvement Schools)

(cf. 5125 - Student Records)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6171 - Title I Programs)

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

(cf. 5141.6 - Student Health and Social Services)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49561 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769h School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April

2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-103 Conditions for Summer School Meal Waivers and Saturday School Meal Criteria,
January 2006

04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-
Price Meals, August 2004

98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

Eligibility Guidance for School Meals Manual, August 2001

WEB SITES

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

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1758, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish. Pursuant to 42 USC 1758, as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), applicants may only be required to submit the last four digits of their social security numbers rather than the full number. Thus, the district should change its application accordingly.

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)
(cf. 5145.6 - Parental Notifications)

Note: According to the U.S. Department of Agriculture's Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, households enrolling a new student after the start of the school year must also be provided an application and related materials.

The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

(cf. 1112 - Media Relations)

FREE AND REDUCED PRICE MEALS (continued)

Eligibility

Note: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by the CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on the CDE's web site.

Pursuant to 42 USC 1769c, as amended by P.L. 111-296, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

Note: Education Code 49561-49562 require the CDE to maintain a computerized data-matching system to directly certify, for enrollment in the free and reduced-price meals program, recipients of the Food Stamp Program, California Work Opportunity and Responsibility to Kids (CalWORKS) Program, Medi-Cal program, and other programs authorized for direct certification under federal law. Under this system, the CDE provides districts with a list of students who are eligible for the free and reduced-price meals program based on their enrollment in another program. Pursuant to 42 USC 1758, as amended by P.L. 111-196, districts also may, at their own discretion and by obtaining documentation from the appropriate state or local agency, directly certify as eligible a student who is homeless, migratory, or a foster child. Pursuant to Education Code 49561 and 42 USC 1758, as amended, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's Eligibility Guidance for School Meals Manual.

Pursuant to 42 USC 1759a, as amended by P.L. 111-296, and 7 CFR 245.9, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6175 - Migrant Education Program)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

FREE AND REDUCED PRICE MEALS (continued)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meals program for the purpose of disaggregation of academic achievement data and for the identification of students eligible for public school choice and supplemental educational services in schools identified for program improvement pursuant to 20 USC 6316. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

In Management Bulletin 98-101, the CDE advises that the Governing Board must designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

FREE AND REDUCED PRICE MEALS (continued)

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Chief Administrative Officer, Curriculum & Instruction

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meals program shall be destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.

FREE AND REDUCED PRICE MEALS (continued)

3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Prices

Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1757 and 1773.

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Administrative Regulation

Free And Reduced Price Meals

AR 3553

Business and Noninstructional Operations

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

Applications

An application form for free or reduced-price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 48980, 49520; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

Applications for the free and reduced-price meal program shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557; 7 CFR 245.5)

1. Applications may be submitted at any time during the school day.
2. Students participating in the National School Lunch and/or School Breakfast Programs

will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

(cf. 5141.6 - Student Health and Social Services)

Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified for enrollment in the free and reduced-price meal program. (Education Code 49561)

Confidentiality/Release of Records

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Assistant Superintendent, Curriculum & Instruction

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meal program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.

4. Information collected regarding individual students certified to participate in the free and reduced-price meal program shall be destroyed when no longer needed for its intended purpose.

Note: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation are optional and may be revised to reflect district practice.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Note: Code of Civil Procedure 527.8 allows an employer to seek a temporary restraining order and injunction on behalf of an employee against any other individual who has subjected the employee to unlawful violence or a credible threat of violence in the workplace. Penal Code 601 makes it illegal for someone who has made such a threat to enter the threatened person's workplace within 30 days of the threat, seeking to locate that person without lawful purpose and in order to carry out the threat. In City of San Jose v. William Garbett, a California Court of Appeal held that a court's issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place.

In addition, Education Code 48905 provides that an employee who is injured or whose property is damaged by willful misconduct of a district student may request that the district pursue legal action against the student or his/her parent/guardian.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

EMPLOYEE SECURITY (continued)

The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Note: The following section is **optional** and may be revised to reflect district practice. Penal Code 12403.7 authorizes adults, with certain exceptions, to carry for purposes of self-defense an approved tear gas weapon in which the active ingredient is oleoresin capsicum, a peppery-type substance which causes physical discomfort when discharged on a sensitive part of the body. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow (Option 1) or disallow with certain exceptions (Option 2) the possession of pepper spray on school property or at school activities. **Districts that prohibit employees from possessing pepper spray on school property or at school activities without exception should delete this section.**

OPTION 1: Employees may possess pepper spray that meets the requirements of Penal Code 12403.7 on school property and at school activities for their own safety. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

~~**OPTION 2:** Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow an employee to possess pepper spray that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.~~

(cf. 4118 - Suspension/Disciplinary Action)

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

Reporting of Injurious Objects

Note: The following **optional** section specifies actions to be taken in the event an employee becomes aware that any person is in possession of an injurious object and is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

EMPLOYEE SECURITY (continued)

Pursuant to Education Code 49334, any school employee who notifies law enforcement regarding any student or adult who is in possession of an injurious object while on school grounds or under the jurisdiction of school personnel is immune from civil liability or discipline by the district.

The Board requires employees to take immediate action upon being made aware that any person is in possession of an unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and, based upon this analysis, shall do one of the following:

- ~~1. Confiscate the object and deliver it to the principal immediately~~
- ~~2. Immediately notify the principal, who shall take appropriate action~~
- 3.1. Immediately call 911 and the principal, who will contact the School Resource Officer.

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference: (see next page)

EMPLOYEE SECURITY (continued)

Legal Reference:

EDUCATION CODE

32210-32212 *Willful disturbance, public schools or meetings*

32225-32226 *Communication devices*

35208 *Liability insurance*

35213 *Reimbursement for loss, destruction or damage of school property*

44014 *Report of assault by pupil against school employee*

44807 *Duty concerning conduct of students*

48201 *Transfer of student records*

48900-48926 *Suspension or expulsion*

49079 *Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion*

49330-49335 *Injurious objects*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

CODE OF CIVIL PROCEDURE

527.8 *Workplace violence safety*

GOVERNMENT CODE

995-996.4 *Defense of public employees*

3543.2 *Scope of representation*

PENAL CODE

71 *Threatening public officers and employees and school officials*

240-246.3 *Assault and battery, including:*

241.3 *Assault against school bus drivers*

241.6 *Assault on school employee includes board member*

243.3 *Battery against school bus drivers*

243.6 *Battery against school employee includes board member*

245.5 *Assault with deadly weapon; school employee includes board member*

290 *Registration of sex offenders*

601 *Trespass by person making credible threat*

626-626.11 *School crimes*

646.9 *Stalking*

12403.7 *Weapons approved for self defense*

WELFARE AND INSTITUTIONS CODE

827 *Juvenile court proceedings; reports; confidentiality*

828.1 *District police or security department, disclosure of juvenile records*

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Management Resources:

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/lss/ss>

Board Policy

Employee Protection (Personal Security)

BP 4158

Personnel

Provisions of this policy are governed in part by the negotiated agreement with the Center Unified Teachers Association.

An employee may use reasonable force necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or within control of a student. (Education Code 44807, 49331-49333)

Employees shall promptly report instances of attack, assault or threat against them by any student to their principal or other immediate supervisor who shall immediately notify the appropriate local law enforcement agency. The report shall be forwarded immediately to the Superintendent or his/her designee. The Superintendent shall act as liaison between the employee, the police, and the courts. (Education Code 44014)

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee may request the Governing Board to furnish legal counsel to defend the employee in any civil action or proceeding brought against him/her within the limits set by law. (Government Code 995)

The Governing Board shall reimburse an employee for the cost of medical, surgical or hospital services (less the amount of any insurance reimbursement) incurred as the result of any injury sustained in the course of his/her employment.

An employee whose person or property is injured or damaged by willful misconduct of a student may request the school district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion Grounds for suspension or expulsion

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Management Resources:

CDE CORRESPONDENCE

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/lss/>

All Personnel

AR 4158(a)

4258

EMPLOYEE SECURITY

4358

An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

Note: Pursuant to Education Code 44014, an employee or principal/supervisor's failure to report to law enforcement an assault, attack, or physical threat by a student is an infraction punishable by a fine of not more than \$1,000. It is also an infraction for any person, including Governing Board members, to prevent the filing of the report or to impose any sanction against an employee for so doing.

Although the law only requires employees to report attacks, assaults, or threats made by students, the following optional paragraph is for use by districts that wish to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.

In addition, employees shall promptly report to the principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

Note: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. School district officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

The Superintendent or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could

EMPLOYEE SECURITY (continued)

constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee must inform the student's teacher(s) of the acts as specified below.

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

Note: The following optional paragraph is for use by districts maintaining a district police or security department. Welfare and Institutions Code 828 specifies that information gathered by a law enforcement agency relating to a minor taken into custody may be disclosed to a school district police or security department. The following paragraph addresses what the district police department may do with such information as it pertains to certain offenses committed by students.

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs,

EMPLOYEE SECURITY (continued)

tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

Note: The following **optional** section describes procedures for maintaining confidentiality of student records and documenting the district's good faith effort to notify counselors or teachers about student offenses. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine. This section may be modified to reflect district practice.

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

EMPLOYEE SECURITY (continued)

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Note: The following **optional** section is for use by districts that allow all or individual employees to carry pepper spray on school property or at school activities; see the accompanying Board policy. **Districts that prohibit all employees from possessing pepper spray on school property or at school activities should delete this section.**

Employees who possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

(cf. 4118 - Suspension/Disciplinary Action)

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

3. Employees shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Note: The following **optional** paragraph is for use only by districts that allow individual employees to carry pepper spray on a case-by-case basis, as specified in Option 2 of the accompanying Board policy.

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

Administrative Regulation

Employee Security

AR 4158 4258,4358

Personnel

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144 - Discipline)

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institution Code 827)

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Employees who possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

(cf. 4118 - Suspension/Disciplinary Action)

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

3. The employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

STUDENT AND FAMILY PRIVACY RIGHTS

Note: 20 USC 1232h, the Protection of Pupil Rights Act (PPRA), mandates that any district receiving funds from a program administered by the U.S. Department of Education (USDOE) adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents to inspect instructional materials, and (3) collection of personal information for marketing purposes. See the accompanying administrative regulation for requirements pertaining to these topics.

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5021 - Noncustodial Parents)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.8 - Research)

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the district may collect the personal information of students for marketing or sale
2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
4. Whether the district may administer any nonemergency invasive physical examination or screening
5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

Note: 20 USC 1232h mandates that the district's policy regarding student privacy be developed in consultation with parents/guardians. Such consultation could occur during meetings of the school site council or parent association or a separate committee could be convened to review the draft policy. The following paragraph should be modified to reflect district practice.

The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committee)
(cf. 1230 - School-Connected Organizations)

Legal Reference:

EDUCATION CODE

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpc>

Board Policy

Student And Family Privacy Rights

BP 5022

Students

The Governing Board believes that personal information concerning district students and their families should be kept private in accordance with law.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5021 - Noncustodial Parents)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6000 - Concepts and Roles)

(cf. 6162.8 - Research)

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy.

Collection of Personal Information for Marketing Purposes

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Legal Reference:

EDUCATION CODE

49450-49457 Physical examinations

49602 Confidentiality of pupil information

51101 Parents Rights Act of 2002

51513 Personal beliefs

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

CDE: <http://www.cde.ca.gov>

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>

STUDENT AND FAMILY PRIVACY RIGHTS**Collection of Personal Information for Marketing or Sale**

Personal information for marketing or sale means individually identifiable information, including a student's or parent/guardian's first and last name, home or other physical address (including street name and the name of the city or town), telephone number, or social security identification number. (20 USC 1232h)

Note: 20 USC 1232h mandates that districts receiving funds from a program administered by the U.S. Department of Education (USDOE) adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes.

Option 1 is for use by districts that wish to prohibit the collection of personal information for marketing. Option 2 is for use by districts that wish to authorize the collection of personal information. For districts selecting Option 2, 20 USC 1232h mandates adoption of a policy that (1) provides arrangements to protect the privacy of students and their parents/guardians and (2) allows parents/guardians to preview the instrument to be used to collect student personal information and to opt their children out of the activity.

OPTION 1: District staff shall not administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.

~~**OPTION 2:** District staff may administer or distribute to students a survey instrument that is designed for the purpose of collecting personal information for marketing or sale, provided that the instrument is administered in accordance with law.~~

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

Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

(cf. 6162.51 - Standardized Testing and Reporting Program)

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Surveys Requesting Information about Beliefs and Practices

Note: Education Code 51513 provides that districts shall not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent (i.e., "active consent"). The following paragraph regarding surveys is for use by all districts and is **mandated**, pursuant to 20 USC 1232h, for districts receiving funds from a program administered by the USDOE.

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)*(cf. 5148 - Child Care and Development)*

Note: The following paragraph is **optional**. Education Code 51938 creates an exception to the above requirements by authorizing districts to administer to students in grades 7-12 anonymous, voluntary surveys regarding student health behaviors and risks upon providing written parent/guardian notification and allowing a parent/guardian to opt his/her child out of participation (i.e., "passive consent"). See sections below entitled "Parent/Guardian Access to Surveys and Instructional Materials" and "Notifications."

Notwithstanding the above requirements, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

Note: Pursuant to 20 USC 1232h, districts receiving funds from a USDOE-administered program are **mandated** to adopt a policy regarding the district's arrangements to protect student privacy in the event that a student participates in a survey requesting information about beliefs and practices as defined above.

If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

*(cf. 6162.8 - Research)***Parent/Guardian Access to Surveys and Instructional Materials**

Note: 20 USC 1232h **mandates** that districts receiving funds from a USDOE-administered program adopt a policy detailing a parent/guardian's right to inspect (1) survey instruments requesting information about the parent/guardian's or his/her child's personal beliefs and practices and (2) instructional materials used as part of the educational curriculum of the parent/guardian's child, as specified below. Under California law, Education Code 51101 authorizes parental inspection of instructional materials; see AR 5020 - Parent Rights and Responsibilities. In addition, pursuant to Education Code 51938, districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding health behaviors and risks must allow parents/guardians the opportunity to review the instrument and to request that their child not participate.

Pursuant to 20 USC 1232h, those districts that authorize the collection of personal information for marketing or sale (Option 2 in the section "Collection of Personal Information for Marketing or Sale" above) are **mandated** to adopt a policy concerning a parent/guardian's right to inspect any instrument used for the collection of a student's personal information for purposes of marketing or selling the information.

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

2. Any instructional material to be used as part of his/her child's educational curriculum

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

Note: 20 USC 1232h mandates districts receiving funds from a USDOE-administered program to adopt a policy which includes procedures for providing parents/guardians reasonable access to surveys, instruments, and instructional materials within a reasonable amount of time after the request has been received. The following paragraph may be modified to reflect the district's definition of a reasonable timeline and reasonable access.

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

Note: The following paragraph is optional and may be revised to reflect district practice.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Note: 20 USC 1232h mandates a district receiving funds from a USDOE-administered program to adopt a policy on any nonemergency invasive physical examination or screening that may be administered to district students.

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(*cf. 5131.61 - Drug Testing*)

(*cf. 5141.3 - Health Examinations*)

Note: 20 USC 1232h requires that districts receiving funds from a USDOE-administered program notify parents/guardians of the following.

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Notifications

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical examinations or screenings

Note: Item #c below is for districts that permit the collection of personal information for marketing or sale (Option 2 in the section "Collection of Personal Information for Marketing or Sale" above).

- c. Collection of personal information from students for marketing or sale

Note: Education Code 51938 requires that districts administering anonymous, voluntary surveys regarding health behaviors and risks to students in grades 7-12 first provide parents/guardians with written notice. The following **optional** paragraph is for use by districts that choose to administer such surveys with "passive consent," as specified in the section "Surveys Requesting Information about Beliefs and Practices" above.

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Administrative Regulation

Student And Family Privacy Rights

AR 5022

Students

Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.8 - Research)

Exceptions to Collection of Personal Information

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may: (20 USC 1232h; Education Code 51938)

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the district. (20 USC 1232h)

Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical exams or screenings

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

INTRADISTRICT OPEN ENROLLMENT

Note: Education Code 35160.5 mandates that governing boards establish an open enrollment policy within the district for residents of the district. This requirement does not apply to districts with only one school or with schools that do not serve any of the same grade levels.

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

Note: Education Code 35160.5 mandates that the district's intradistrict open enrollment policy contain the following provision.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Note: Education Code 48350-48361, as added by SBX5 4 (Ch. 3, Fifth Extraordinary Session, Statutes of 2010), created the Open Enrollment Act which allows a student attending an "open enrollment" school, as identified by the Superintendent of Public Instruction, to transfer to another school that has a higher Academic Performance Index (API). For details regarding such transfers, see BP/AR 5118 - Open Enrollment Act Transfers.

It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside of the district. Therefore, CSBA's BP 5118 specifies that students attending an open enrollment school who wish to attend another school within the district use the procedures specified in this Board policy and accompanying administrative regulation, applicable to all students applying for intradistrict open enrollment. However, students transferring from an open enrollment school should receive priority for admission, as specified in item #1 below. Districts that do not use this policy for intradistrict transfers under the Open Enrollment Act should delete item #1.

Items #1-7 below should be modified to reflect district practice and any priorities established by the district.

INTRADISTRICT OPEN ENROLLMENT (continued)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

Note: Because federal law requires districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI), corrective action, or restructuring (20 USC 6316), to all students who are attending "persistently dangerous" schools, and to any student who is the victim of a violent criminal offense at school (20 USC 7912), the district should establish priority for such students in intradistrict open enrollment, as provided in items #2-4 below. Anticipated need for these transfers should be considered in determining the capacity of district schools for other intradistrict transfers pursuant to Education Code 35160.5 as described below.

See the accompanying administrative regulation for details regarding transfers 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 as a result of a school's identification for PI, see BP/AR 0520.2 - Title I Program Improvement Schools.

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)

Note: Education Code 35160.5 permits, but does not require, the district's policy to include any or all of the following priorities. **Items #5-7 below are optional** and should be deleted or modified to reflect enrollment priorities in the district.

5. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.

INTRADISTRICT OPEN ENROLLMENT (continued)

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist
 - b. A court order, including a temporary restraining order and injunction
6. Any sibling of a student already in attendance in that school.
 7. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application and Selection Process

Note: Education Code 48354 of the Open Enrollment Act requires the district to give priority for enrollment to students residing in the district before admitting students seeking to transfer from an open enrollment school outside of the district. In order to accurately determine the number of slots available for interdistrict transfers, the district should set an application window for parents/guardians to apply for intradistrict open enrollment that precedes the district's application window under the Open Enrollment Act. For language regarding the application window under the Open Enrollment Act, see BP/AR 5118 - Open Enrollment Act Transfers.

The district should specify the intradistrict open enrollment application window, if any, in the blank provided in the following paragraph.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between February 1 and March 15 of the school year preceding the school year for which the transfer is requested.

Note: Education Code 35160.5 mandates that the district's intradistrict open enrollment policy contain all the elements listed in the remainder of this section.

Education Code 35160.5 requires districts to calculate capacity in a nonarbitrary manner using student enrollment and available space. The law does not provide a specific formula for the calculation, but the district may want to include unique factors specific to the school to calculate available space, such as class size reduction requirements, space needs for specialized programs, and anticipated transfers of students from PI schools within the district. The district may modify the following paragraph to include the specific formula for schools within the district.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

INTRADISTRICT OPEN ENROLLMENT (continued)

Note: Pursuant to Education Code 35160.5, the district must use a random, unbiased process (e.g., a lottery) to select students for intradistrict open enrollment when requests for admission exceed the capacity of the school. The California Attorney General (85 Ops.Cal.Atty.Gen. 95 (2002)) has opined that a "first come, first served" selection policy does not constitute a random, unbiased process.

An exception in Education Code 35160.5 gives districts the authority to maintain appropriate racial and ethnic balances across district schools. However, in Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component as authorized by Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 35160.5 relative to racial and ethnic balance. The district should consult legal counsel regarding any policy or regulation dealing with maintenance of racial or ethnic balance.

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(*cf.* 6172 - *Gifted and Talented Student Program*)

Note: Education Code 35160.5 makes no provision related to the duration of the transfer. See the accompanying administrative regulation.

Transportation

Note: The following section is **optional** and may be revised to reflect district practice. **Districts that do not provide transportation should delete this section.**

The district is not obligated to provide transportation for students who are transferring pursuant to the Open Enrollment Act. However, 20 USC 6316 requires that a district either provide transportation or reimburse the costs of transporting students who have transferred out of Title I schools identified for PI, corrective action, or restructuring to a different school. The district is not obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified. These requirements are addressed in AR 0520.2 - Title I Program Improvement Schools.

The district 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

INTRADISTRICT OPEN ENROLLMENT (continued)

IV, Part A, and Title V, Part A) to cover the costs. When a district chooses to provide transportation, U.S. Department of Education Guidance (Unsafe School Choice Option) clarifies that the district is not obligated to continue providing or paying for transportation after the school is no longer designated as "persistently dangerous."

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference: (see next page)

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education, *Unsafe School Choice Option*:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, *No Child Left Behind*: <http://www.nclb.gov>

Board Policy

Intradistrict Open Enrollment

BP 5116.1

Students

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

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. 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)

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.

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)

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)

Transportation

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:

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

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200.36 Dissemination of information

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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>

INTRADISTRICT OPEN ENROLLMENT

Note: The following administrative regulation addresses intradistrict transfers for victims of a violent criminal offense and students in a "persistently dangerous" school pursuant to 20 USC 7912 and other intradistrict open enrollment options authorized by Education Code 35160.5. For transfers required by 20 USC 6316 as a result of a school being identified for program improvement, see BP/AR 0520.2 - Title I Program Improvement Schools. For interdistrict transfers under the Open Enrollment Act pursuant to Education Code 48350-48361, see BP/AR 5118 - Open Enrollment Act Transfers.

Transfers for Victims of a Violent Criminal Offense

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that any student who becomes a victim of a violent criminal offense while on school grounds be provided an option to transfer to another district school, including a charter school; see the accompanying Board policy. 20 USC 7912 does not specify which offenses constitute a "violent criminal offense" for purposes of the victim transfer option. According to the California Department of Education (CDE), districts should consider the specific circumstances of the incident on a case-by-case basis, as specified below. The following two paragraphs are consistent with the CDE's guidance.

U.S. Department of Education (USDOE) Guidance, Unsafe School Choice Option, suggests that districts should notify parents/guardians of the transfer option "generally within 14 days" after the determination that the student has been a victim of a violent offense. In making this offer, the Guidance encourages districts to take into account the needs and preferences of the affected student and parents/guardians. A sample parent/guardian notification letter is available on the CDE's web site.

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that all students attending a "persistently dangerous" school be provided an option to transfer to a safe school within the district, including a charter school; see the accompanying Board policy. Pursuant to 5 CCR 11992 and

INTRADISTRICT OPEN ENROLLMENT (continued)

11993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years.

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. Timelines in the following two optional paragraphs may be revised to reflect district practice.

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

Note: 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.

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.

Note: Because Education Code 35160.5 requires the use of a lottery process, openings which occur later during the year should be filled only by applicants whose names are drawn in the lottery. Late applicants should not be added to the waiting list, but should instead wait for a subsequent lottery.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

INTRADISTRICT OPEN ENROLLMENT (continued)

Note: 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 open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

Administrative Regulation

Intradistrict Open Enrollment

AR 5116.1

Students

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In 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

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.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

Other Intradistrict Open Enrollment

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. 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.
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.

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**

OPEN ENROLLMENT ACT TRANSFERS

Note: As added by SBX5 4 (Ch. 3, Fifth Extraordinary Session, Statutes of 2010), Education Code 48350-48361 create the Open Enrollment Act which allows a student attending a "low-achieving school" to transfer to another school that has a higher Academic Performance Index (API) than the school in which the student was enrolled. Each year, the Superintendent of Public Instruction will identify 1,000 open enrollment schools ranked by increasing API scores. The list will not include court, community, community day, or charter schools and a district may not have more than 10 percent of its schools on the list.

The following **optional** policy and accompanying administrative regulation are for use by all districts since even districts without a school on the Open Enrollment List may receive applications from students attending a school on the list in a neighboring district.

The Governing Board desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever a student is attending a district school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

Note: It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside of the district. In order to avoid conflict with the statute authorizing intradistrict open enrollment, the following policy and administrative regulation require students who wish to transfer to another district school to use the district's policy and procedures created pursuant to Education Code 35160.5; see BP/AR 5116.1 - Intradistrict Open Enrollment. The following **optional** sentence should be modified to reflect district practice.

A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1 - Intradistrict Open Enrollment.

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

Note: Education Code 48354 and 48356 require districts to establish a period of time for resident student enrollment and for accepting transfer applications. In establishing timelines for transfer applications under the Open Enrollment Act, the district should consider how these timelines will align with timelines for other student enrollment options. Education Code 48354 requires the district to give priority for enrollment to students residing in the district; thus, districts must first admit those students, as well as students applying for intradistrict transfers, before admitting students from an open enrollment school outside of the district. See BP/AR 5111 - Admission, AR 5111.1 - District Residency, and BP/AR 5116.1 - Intradistrict Open Enrollment. In order to accurately predict the number of slots that may be available, the timelines for accepting transfer applications under the Open Enrollment Act should also be consistent with the district's timelines for interdistrict attendance permits and transfers based on parent/guardian employment (Allen Bill transfers). See also AR 5111.12 - Residency Based on Parent/Guardian Employment and BP/AR 5117 -

OPEN ENROLLMENT ACT TRANSFERS (continued)

Interdistrict Attendance. Title I schools in Year 1 of program improvement (PI) or beyond must also offer students the option to transfer to another district school that is not in PI; see BP/AR/E 0520.2 - Title I Program Improvement Schools.

However, the timelines specified in Education Code 48354 and 48357 for Open Enrollment Act transfers may conflict with the deadlines for these other attendance options. Education Code 48354 specifies that these transfer applications must be submitted by January 1 of the preceding school year. Education Code 48357 requires the district to notify parents/guardians within 60 days whether their application for a transfer from an open enrollment school has been accepted or rejected. Therefore, if a parent/guardian submits a transfer application on October 1, the district would need to provide notification of the application's status by December 1, even though the enrollment period for residents might still be open and the district would not yet know how many slots would be available for transfers at a specific school.

One way for a district to comply with these inconsistent statutory provisions is for the Governing Board to waive the January 1 deadline for receipt of all transfer applications, as authorized by Education Code 48354, and create an application window for submission of applications. Such an application window will result in the 60-day deadline for notification of an application's status to fall after the district's deadline by which residents need to enroll their children, allowing residents to receive enrollment priority as required by law.

Districts should specify the transfer application window, if any, in the blank provided in the following paragraph. Because Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may only be overturned if the Board acted in an arbitrary and capricious manner, these timelines should be rationally related to the timelines for other intradistrict and interdistrict transfers.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between February 1 and March 15 of the preceding school year for which the transfer is requested.

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

Note: Education Code 48355 authorizes the district of residence or the district of enrollment to limit the number of students transferring out of or into the district if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan or the racial and ethnic balance of the district. However, in Crawford v. Huntington Beach Union High School District, an appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component pursuant to 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 48355 relative to racial and ethnic balance. Districts should consult legal counsel as necessary. The following optional paragraph is for use by districts with a court-ordered or voluntary desegregation plan.

OPEN ENROLLMENT ACT TRANSFERS (continued)

The Board may deny a transfer out of or into the district upon a determination by the Board that the transfer would negatively impact a court-ordered or voluntary desegregation plan in accordance with Education Code 48355.

Standards for Rejection of Transfer Applications

Note: Education Code 48356 authorizes the district of enrollment to adopt specific written standards for rejection of a transfer application which may include a consideration of the capacity of a program, class, grade level, or school building or any adverse financial impact that may result from the transfer. The law is unclear whether a district may also consider students' discipline history when evaluating transfer applications. Districts that wish to consider disciplinary history should consult legal counsel.

Because Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may only be overturned if a court finds that the Board acted in an arbitrary and capricious manner, it is recommended that the standards be included in a Board-adopted policy and be supported by data specific to the district's capacity and financial situation as well as any specific findings by the Superintendent or designee. **Items #1-2 below are examples only. The district should be careful to modify the following section to delete any standards that are not applicable and modify or add any specific district standards, as appropriate. Legal counsel should also be consulted.**

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:
 - a. The class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12
 - b. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement
 - c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document
 - d. The class or grade level exceeding capacity pursuant items #a-#c above in subsequent years as the student advances to other grade levels at the school

OPEN ENROLLMENT ACT TRANSFERS (continued)

(cf. 6151 - Class Size)

(cf. 7110 - Facilities Master Plan)

2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:
 - a. The hiring of additional certificated or classified staff
 - b. The operation of additional classrooms or instructional facilities
 - c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

Appeal Process for Denials of Transfer Applications

Note: Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may be overturned if a court finds that the Board acted in an arbitrary and capricious manner. In order to help ensure that any rejection of a transfer application was not arbitrary, it is recommended that the district adopt a process that allows parents/guardians to appeal the Superintendent's or designee's denial to the Board.

The following section is **optional** and should be modified to reflect district practice.

A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision by the next regularly scheduled meeting and shall send its decision to all concerned parties. The Board's decision shall be final.

OPEN ENROLLMENT ACT TRANSFERS (continued)

Program Evaluation

Note: Education Code 48359 encourages each district to collect data regarding the number of requests granted, denied, or withdrawn; the number of students who transfer out of and into the district; the race, ethnicity, gender, socioeconomic status, and district to and from which students are transferring; and the number of students classified as English language learners or identified as individuals with disabilities transferring out of and into the district.

The following optional paragraph is consistent with Education Code 48359 and requires the Superintendent or designee to collect data regarding enrollment patterns to determine the space available at specific schools.

The Superintendent or designee shall collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect data regarding the number of students who apply to transfer into the district, the number of requests granted, denied, or withdrawn, and the district schools and programs receiving applications.

When the Superintendent or designee anticipates that a particular school will receive a large number of transfer applications, he/she shall study the enrollment pattern at that school in order to anticipate future resident enrollment at the school and at the district schools into which those students would normally matriculate.

The Superintendent or designee shall regularly report to the Board regarding the implementation of this program.

Legal Reference: (see next page)

OPEN ENROLLMENT ACT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE

200 Prohibition of discrimination

35160.5 District policies, rules, and regulations

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

FAMILY CODE

6500-6552 Caregivers

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

CODE OF REGULATIONS, TITLE 5

4700-4703 Open Enrollment Act

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

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen.* 132 (2004)

84 *Ops.Cal.Atty.Gen.* 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Board Policy

Transfers; Withdrawals

BP 5118

Students

Transfers into the District

Students who apply for admission to district schools will be placed at the grade level they have reached elsewhere pending observation and evaluation by teachers, guidance personnel and the principal or designee.

Within 30 days of the student's enrollment, staff shall complete its observation and evaluation and the principal or designee shall determine the student's appropriate grade placement.

(cf. 5111 - Admission)

(cf. 5141.31 - Immunizations)

(cf. 6146.3 - Reciprocity on Standards of Proficiency/Graduation Requirements)

Transfers out of the District

When a student transfers out of the district, a brief statement will be attached to his/her permanent record showing which basic proficiencies, if any, have been assessed and satisfactorily met according to the standards of this district. This statement will be appended to any permanent record sent to another school in or outside California.

Students who transfer out of the district during their senior year may receive a diploma from this district, provided they have met all district graduation requirements.

Students transferring or withdrawing from school must settle any unpaid fines and return all school books and materials on or before their last day of attendance. Transcripts and grades may be withheld from students who damage or fail to return school property.

(cf. 5125 - Student Records; Confidentiality)

(cf. 5131.5 - Vandalism)

(cf. 6161.2 - Overdue, Damaged or Lost Instructional Materials)

Legal Reference:

EDUCATION CODE

48011 Admission from kindergarten or other school

48904 Withholding grades, diplomas or transcripts

Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: November 19, 2003 Antelope, California

TOBACCO

Note: The following **optional** policy may be revised to reflect district practice. Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the middle or elementary grades.

The state's Tobacco-Use Prevention Education (TUPE) competitive grant program for grades 6-12 (Health and Safety Code 104350-104495) provides support for local tobacco-use prevention and intervention programs.

The Governing Board recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

(cf. 5141.23 - Asthma Management)

Prohibition Against Tobacco Use

Note: State and federal law restrict the sale and distribution of cigarettes and smokeless tobacco to minors under age 18 (Penal Code 308; 21 CFR 1041.1-1041.34). Health and Safety Code 119405, added by SB 882 (Ch. 312, Statutes of 2010), makes it unlawful for a person to sell or otherwise furnish an electronic cigarette to a minor.

Education Code 48900 and 48901 prohibit students from possessing, smoking, or using tobacco on school grounds, as provided in the following paragraph. Pursuant to Education Code 48900, students who violate this prohibition may be subject to suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process. In addition, Health and Safety Code 104420 mandates that any district receiving funding through the TUPE program adopt and enforce a tobacco-free schools policy which prohibits the use of tobacco products in district buildings, on district property, and in district vehicles by any person at any time; see BP 3513.3 - Tobacco-Free Schools for language implementing this mandate.

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

TOBACCO (continued)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. (Education Code 48900, 48901)

Prevention Instruction

Note: The following **optional** section may be revised to reflect district practice and the grade levels offered by the district. Education Code 51202 requires the district to offer a course of study at the appropriate elementary and secondary grade levels that includes the effects of tobacco upon the human body. Education Code 51202 also requires that the course of study in secondary grades include instruction on the effects of tobacco upon prenatal development. See AR 6143 - Courses of Study. The state's content standards for health education include a number of standards at selected grade levels from K-12 related to the health consequences of tobacco use.

The TUPE program provides resources for supplemental instruction in grades 6-12 that addresses specified topics; see the accompanying administrative regulation. The California Department of Education's (CDE) Guidelines for Tobacco Prevention, contained in its Getting Results publication, recommend developmentally appropriate instruction in grades K-12, with instruction that is especially intensive in grades 6-9 (particularly the transition year from elementary to middle school/junior high) and is reinforced in high school.

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention/Cessation Services

Note: The following **optional** section may be revised to reflect district practice. Pursuant to Health and Safety Code 104420 and 104460, districts receiving TUPE funds must provide students with access to intervention and cessation services and must provide pregnant and parenting minors with access to designated services. The district may fulfill these requirements either through the direct provision of services or through referrals to available services. See the accompanying administrative regulation.

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

TOBACCO (continued)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Program Planning

Note: The following **optional** section may be revised to reflect district practice.

Health and Safety Code 104420 requires the CDE to give priority for TUPE funding to programs that, in addition to targeting current tobacco users, target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment, as provided in the following paragraph.

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

Note: The following **optional** paragraph may be revised to reflect district practice. Health and Safety Code 104420 and 104435 require districts receiving TUPE funds, with assistance from the county office of education, to coordinate efforts with the "lead local agency" in the community, defined in Health and Safety Code 104400 as the county or city health department.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

Note: The following paragraph is for use by districts that receive TUPE funds and may be used by other districts at their discretion.

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet district needs. (Health and Safety Code 104420)

TOBACCO (continued)

Note: Pursuant to "TUPE Acceptance of Funds Guidance" on the CDE's web site, TUPE grant funding will not be awarded to an applicant that receives any funding or educational materials from the tobacco industry, or from any agency which has received funding from the tobacco industry, for the purpose of implementing tobacco-prevention or intervention programs.

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Program Evaluation

Note: The following optional section may be revised to reflect district practice. Districts that accept TUPE funds are required by the CDE to administer the core California Healthy Kids Survey in the first year of funding and at least every other year thereafter to assess the health-related behavior of a representative sample of students in grades 7, 9, and 11. In addition, districts that receive funding through TUPE are required to complete the TUPE Annual Report by June 30 of each year.

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference: (see next page)

TOBACCO (continued)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>

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

U.S. Surgeon General: <http://www.surgeongeneral.gov>

Board Policy

Tobacco

BP 5131.62

Students

The Governing Board recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. This prohibition does not include students' possession or use of their own prescription products. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Program Planning

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 1325 - Advertising and Promotion)

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

The district's program shall be aligned with guidelines issued by the California Department of Education (CDE) and with federal Principles of Effectiveness described in 20 USC 7115. The Superintendent or designee shall:

1. Base the district's program on a thorough assessment of objective data regarding tobacco-use problems in district schools and the community

This assessment shall include an analysis of data regarding the incidence and consequences of tobacco use, an examination of existing efforts and activities in the community, and a determination of high-priority groups that are most in need of district services.

2. Establish a set of measurable goals and objectives and design the program to meet those goals and objectives

3. Design and implement the program based on scientific research or evaluation that provides evidence that the strategies will prevent or reduce tobacco use

4. Use the results of ongoing program evaluations to strengthen the program and refine program goals and objectives

Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey to students at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board and the CDE on program activities, program expenditures, the number of individuals receiving each type of service or training, progress toward program goals and objectives, and other data required pursuant to Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey: 2008-2009 Edition, 2008

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use:

<http://www.cdc.gov/tobacco>

Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>

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

U.S. Surgeon General: <http://www.surgeongeneral.gov>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: November 4, 2009 Antelope, California

DISCIPLINE

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. In addition, discipline shall be used in a manner that corrects student behavior without intentionally creating an adverse effect on student learning or health.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

Note: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. The following paragraph is optional.

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's particular needs.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.5 - Student Success Teams)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

DISCIPLINE (continued)

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

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

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans
35146 Closed sessions
35291 Rules
35291.5-35291.7 School-adopted discipline rules
37223 Weekend classes
44807.5 Restriction from recess
48900-48926 Suspension and expulsion
48980-48985 Notification of parent/guardian
49000-49001 Prohibition of corporal punishment
49330-49335 Injurious objects

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus
353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

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

Board Policy

Discipline

BP 5144

Students

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.4 - Recovery for Property Loss or Damage)

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

(cf. 5136 - Gangs)

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

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

(cf. 6164.5 - Student Study Teams)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48630-48644.5 Opportunity schools

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

CIVIL CODE

1714.1 Parental liability for child's misconduct

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

DISCIPLINE**Site-Level Rules**

Note: The following section is **optional**. Pursuant to Education Code 35291.5, schools are authorized, but not required, to adopt student discipline rules and procedures. Schools that choose to adopt student discipline rules, or that are directed by the Governing Board to do so, must solicit input from groups specified in items #1-5 below. If the school develops student discipline rules, Education Code 32282 requires that they be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan.

In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

Note: Item #5 below may be deleted by elementary districts.

5. For junior high and high schools, students enrolled in the school

Note: The following strategies may be modified or expanded to reflect district practice.

Disciplinary strategies provided in Board policy, administrative regulation, and law may be used in developing site-level rules. These strategies include, but are not limited to:

1. Referral of the student for advice and counseling

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6164.2 - Guidance/Counseling Services)

2. Discussion or conference with parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

DISCIPLINE (continued)

3. Recess restriction
4. Detention during and after school hours
5. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

6. Community service
7. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

8. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

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

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

Note: The following paragraph is optional.
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Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Board policy, and district regulations. The Governing Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

Note: Education Code 35291.5 provides that schools may adopt discipline rules at least every four years. The following optional paragraph, including the timelines for review of the school's discipline rules, may be revised to reflect district practice.

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student.

DISCIPLINE (continued)

Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

Corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 6145.2 - Athletic Competition)

Recess Restriction

Note: Education Code 44807.5 authorizes the district to adopt reasonable regulations allowing a teacher to restrict recess time for disciplinary purposes. The following optional section should be revised to reflect district practice.

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

Note: 5 CCR 353 limits after-school detention to one hour after the close of the maximum school day except as otherwise provided by 5 CCR 307. 5 CCR 307 allows schools to require students to stay at school and participate in school activities until the departure of the school transportation to which the student has been assigned. The California Department of Education's legal counsel has interpreted these regulations to mean that a school may detain a student up to an hour after school even if the student misses his/her bus, and

DISCIPLINE (continued)

may require a student to remain at school for more than one hour if the school bus leaves more than one hour after the end of the school day. For safety purposes, when a student will miss his/her transportation due to detention, the school should notify the parent/guardian at least one day in advance so that alternative arrangements may be made.

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

Note: The following paragraph should be modified to reflect district practice.

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Note: The following optional paragraph is offered for districts that use Saturday classes for purposes of detention. Education Code 37223 authorizes the use of Saturday classes; however, except in the case of truants, attendance at such classes must be at the election of the student or parent/guardian.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours, on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

Note: Education Code 48900.6 provides that the community service option is not available for those students who have been suspended, pending expulsion, for acts qualifying for either "mandatory recommendation for expulsion" or "mandatory expulsion" pursuant to Education Code 48915. See AR 5144.1 - Suspension and Expulsion/Due Process.

DISCIPLINE (continued)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

Administrative Regulation

Discipline

AR 5144

Students

Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For junior high and high schools, students enrolled in the school

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Governing Board policy and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Discussion or conference with parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

3. Recess restriction
4. Detention during and after school hours
5. Community service
6. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

7. Removal from the class in accordance with Board policy, administrative regulation and law

8. Suspension and expulsion

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

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

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.

3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal or principal's designee may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: April 23, 2003 Antelope, California

PARENTAL NOTIFICATIONS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

Note: The following exhibit lists those notices which the law requires be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. <u>Annually</u>			
Beginning of each school year	231.5, 48980	AR 5145.7	Sexual harassment policy as related to students
Beginning of each school year	17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
Beginning of each school year	32255-32255.6, 48980	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	35160.5, 48204, 46600-46611, 48980	AR 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency
Annually by February 1	35256	BP 0510	School Accountability Report Card provided
Beginning of each school year	35291, 48980	AR 5144 AR 5144.1	District and site discipline rules

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. <u>Annually</u> (continued)			
Beginning of each school year if high school open campus	44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year if Board has adopted resolution allowing such absence	46014, 48980	BP 5113 AR 5113	Absence for religious purposes
Beginning of each school year	48205, 48980	BP 5113 AR 5113	Absence for justifiable personal reasons
Beginning of each school year	48205, 48980	AR 6154	Grade/credit cannot be reduced due to excused absence if work or test has been completed
Beginning of each school year	48206.3, 48207, 48208, 48980	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	48980, 52244	AR 6141.5	Availability of state funds to cover costs of advanced placement exam fees
Beginning of each school year	48980	BP 6111	Schedule of minimum days
Beginning of each school year	49063, 49068, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest
Beginning of each school year	49063, 49070	AR 5125 AR 5125.3	Challenge, review and expunging of records
Beginning of each school year	49063, 49073	AR 5125.1	Release of directory information

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. <u>Annually</u> (continued)			
Beginning of each school year	49063, 49091.14	AR 5020 AR 5125	Availability of course prospectus
Beginning of each school year	49403, 48980	BP 5141.31	Consent to school immunization program
Beginning of each school year	49423, 49480, 48980	AR 5141.21	Administration of prescribed medication
Beginning of each school year	49451, 48980; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	49472, 48980	AR 5143	Availability of insurance
Beginning of each school year	49510-49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Free and reduced price meals
Annually	56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	58501	AR 6181	Alternative schools
Beginning of each school year	20 USC 1681-1688; 42 USC 2000d-2000d-7; 34 CFR 106.9	BP 0410 BP 6178	Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills
Annually	5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies, and identity of coordinator
Beginning of each school year	20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. <u>Annually</u> (continued)			
For districts receiving Title I funds, beginning of each school year	20 USC 6311	AR 4112.24 AR 4222	Right to request information re: professional qualifications of their child's teacher and paraprofessional
Annually to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
II. <u>At Specific Times During the Student's Academic Career</u>			
At least once before counseling in grades 7-12	221.5, 48980	AR 6164.2	Course selection and career counseling
At beginning of each school year if student has been placed in structured English immersion program	310; 5 CCR 11309	AR 6174	Placement of child in program and opportunity to apply for parental exception waiver
Before high school student attends specialized secondary program on a university campus	17288	None	University campus buildings may not meet Education Code requirements for structural safety
To members of athletic teams	32221.5	AR 5143	Offer of insurance, no-cost and low-cost program options
Before presenting a course using live or dead animals or animal parts	32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
When child first enrolls in a public school, if the school offers a fingerprinting program	32390, 48980	AR 5142.1	Fingerprinting program
Beginning of each term for students who have not passed the exit exam by the end of grade 12	37254	AR 6179	Availability of intensive instruction and services for two consecutive academic years and right to file complaint

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. <u>At Specific Times During the Student's Academic Career</u> (continued)			
Upon registration, if K-6 students have not previously been transported	39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year in grades 7-12	46010.1	BP 5113	Absence for confidential medical services
Before early entry to kindergarten, if offered	48000	AR 5111	Effects, advantages and disadvantages of early entry
Beginning of each school year in grades 9-12 and when high school student transfers into the district	48980, 60850	AR 6162.52	Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation
When students entering grade 7	49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten or 1st grade if not previously enrolled in public school	49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of teeth health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	51229, 48980	BP 6143	College admission requirements, UC and CSU web sites that list certified courses, description of career technical education and CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12	51938, 48980	AR 6142.1	Explanation of sex and HIV/ AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse
Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners	52164.1, 52164.3, 52173; 5 CCR 11303	AR 6174	Program of education for English language learners

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. <u>At Specific Times During the Student's Academic Career</u> (continued)			
Within 20 working days of receiving results of standardized achievement tests	60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
Annually to each high school student	66204	BP 6143	Copy of list of courses offered that are certified by UC as meeting admission criteria
When child is enrolled in kindergarten	Health & Safety Code 124100	AR 5141.32	Health screening examination
Prior to student participation in gifted and talented program	5 CCR 3831	AR 6172	Gifted and talented student program
Within 30 calendar days of receipt of CELDT results	5 CCR 11511.5	AR 6174	CELDT test results
To students in grades 11 and 12, early enough to enable registration for current fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program
Upon receipt of a complaint alleging discrimination	262.3	AR 1312.3	Civil law remedies available to complainants
At least 72 hours before use of pesticide product not included in annual list	17612	AR 3514.2	Intended use of pesticide product
If school has lost its WASC accreditation status	35178.4	BP 6190	Loss of status, potential consequences
At least six months before implementing a schoolwide uniform policy	35183	AR 5132	Dress code policy requiring schoolwide uniform

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. <u>When Special Circumstances Occur</u>			
Before implementing a year-round schedule	37616	BP 6117	Year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	46601	AR 5117	Appeal process
When student identified as being at risk of retention	48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before student is excluded for lack of immunization	48216	AR 5141.31	Two weeks to submit evidence of immunization or exemption; referral to medical care
When a student is classified a truant	48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
Prior to involuntary transfer to continuation school	48432.5	AR 6184	Right to require meeting prior to involuntary transfer to continuation school
Prior to withholding grades, diplomas, or transcripts	48904	AR 5125.2	Damaged school property

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When withholding grades, diplomas or transcripts from transferring student	48904.3	AR 5125.2	Next school will continue withholding grades, diplomas or transcripts
When student is released to peace officer	48906	BP 5145.11	Release of student to peace officer
At time of suspension	48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	48911	AR 5144.1	Extension of suspension
Before holding a closed session re: suspension	48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	48916	AR 5144.1	Description of readmission procedures
10 calendar days before expulsion hearing	48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
One month before the scheduled minimum day	48980	BP 6111	When minimum days scheduled after beginning of the school year
When parents request guidelines for filing complaint of child abuse at a school site	48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student in danger of failing a course	49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	49068	AR 5125	Right to receive copy of student's record and to challenge its content
Within 24 hours of release of information to a judge or probation officer	49076	AR 5125	Release of student record to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	49456	AR 5141.3	Vision or hearing test
Before any test questioning personal beliefs	51513	AR 5022	Permission for test, survey questioning personal beliefs
Within 14 days of instruction if arrangement made for guest speaker after beginning of school year	51938	AR 6142.1	Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	51938	AR 5022	Notice that the survey will be administered
When migrant education program is established	54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health & Safety Code 1596.857	AR 5148	Parent right to enter facility

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When sharing student immunization information with an immunization system	Health & Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with law regulating educational programs	5 CCR 4631	AR 1312.3	Appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: unexcused absences
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"	20 USC 6311	AR 4112.24	Timely notice to parent of child's assignment
When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress	20 USC 6312	AR 0520.2	Notice of failure to parents of English language learners
When school identified for program improvement or corrective action	20 USC 6316	AR 0520.2 AR 5116.1	Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
For districts with schools that have been identified for program improvement or corrective action, annually	20 USC 6316	AR 0520.2	Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers
When district identified for program improvement	20 USC 6316	AR 0520.3	Explanation status, reasons for identification, how parents can participate in upgrading district
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
For districts with secondary students receiving Title I funds	20 USC 7908	AR 5125.1	Notice that parents may request district to not release name, address, phone number of child to military recruiters without prior written consent
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 246.6a	AR 3553	Notice of need to submit verification information; any subsequent change in benefits; right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
IV. Special Education Notices			
Prior to conducting initial evaluation	56301, 56321, 56321.5, 56321.6, 56329; 34 CFR 300.502	AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice
24 hours before IEP when district intending to record	56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent to attend IEP meeting	56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
When parent orally requests review of IEP	56343.5	AR 6159	Need for written request
For student receiving exit exam waiver, prior to receipt of diploma	60852.4	AR 6162.52	Right to FAPE
Before functional behavioral assessment begins	5 CCR 3052	AR 6159.4	Notification and consent
Before modification of behavioral intervention plan	5 CCR 3052	AR 6159.4	Need for modification, right to question modification
Within one school day of emergency intervention or serious property damage	5 CCR 3052	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Initial referral for evaluation	20 USC 1415(d); 34 CFR 300.503	AR 6159.1	Prior written notice and procedural safeguards notice
Registration of complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
Disciplinary action taken for dangerous behavior	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Suspension or change of placement for more than 10 days	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Child's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	Procedural safeguards, district responsibilities

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. Classroom Notices			
In each classroom in each school	35186	AR/E 1312.4	Complaint rights re: sufficiency instructional materials, teacher vacancy and misassignment, maintenance of facilities, and, for classrooms with grades 10-12, right of students who did not pass the exit exam to receive intensive instruction after completion of grade 12

Exhibit

Parental Notifications

E 5145.6

Students

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

*****Note:** This exhibit relates to notices which must be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections.***

I. Annually

When to Notify: Beginning of each school year

Legal Code: Education Code 17612, 48980.3

BP/AR#: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year

Legal Code: Education Code 32255-32255.6, 48980

BP/AR#: See BP 5145.8, See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Annually by February 1

Legal Code: Education Code 35256

BP/AR#: See BP 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Legal Code: Education Code 35291, 48980

BP/AR#: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year if high school open campus

Legal Code: Education Code 44808.5, 48980

BP/AR#: See BP 5112.5

Subject: Open campus

When to Notify: Beginning of each school year if Board has adopted resolution allowing

such absence

Legal Code: Education Code 46014, 48980

BP/AR#: See BP 5113, See AR 5113

Subject: Absence for religious purposes

When to Notify: Beginning of each school year

Legal Code: Education Code 48205, 48980

BP/AR#: See BP 5113, See AR 5113

Subject: Absence for justifiable personal reasons

When to Notify: Beginning of each school year

Legal Code: Education Code 48205, 48980

BP/AR#: See AR 6154

Subject: Grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year

Legal Code: Education Code 48206.3, 48207, 48208, 48980

BP/AR#: See AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year

Legal Code: Education Code 48216, 48980

BP/AR#: See BP 5141.31, See AR 5141.31

Subject: Immunizations

When to Notify: Beginning of each school year

Legal Code: Education Code 48980

BP/AR#: See AR 5111.1, See AR 5116.1 See AR 5117

Subject: All statutory attendance options, available local attendance options, options for meeting residency

When to Notify: Beginning of each school year

Legal Code: Education Code 48980, 231.5

BP/AR#: See AR 5145.7

Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year

Legal Code: Education Code 48980, 52244

BP/AR#: See AR 6141.5

Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning of each school year
Legal Code: Education Code 48980
BP/AR#: See BP 6111
Subject: Schedule of minimum days

When to Notify: Beginning of each school year
Legal Code: Education Code 49063, 49068, 49069, 20 USC 1232g, 34 CFR 99.7
BP/AR#: See BP 5125, See AR 5125
Subject: Student records: Inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest

When to Notify: Beginning of each school year
Legal Code: Education Code 49063, 49070
BP/AR#: See AR 5125, See AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Legal Code: Education Code 49063, 49073
BP/AR#: See AR 5125.1
Subject: Release of directory information

When to Notify: Beginning of each school year
Legal Code: Education Code 49063, 49091.14
BP/AR#: See AR 5020, See AR 5125
Subject: Availability of course prospectus

When to Notify: Beginning of each school year
Legal Code: Education Code 49423, 49480, 48980
BP/AR#: See AR 5141.21
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year
Legal Code: Education Code 49451, 48980
BP/AR#: See BP 5141.3
Subject: Refusal to consent to physical examination

When to Notify: Beginning of each school year
Legal Code: Education Code 49472, 48980
BP/AR#: See BP 5143
Subject: Availability of insurance

When to Notify: Beginning of each school year
Legal Code: Education Code 49510-49520, 48980
BP/AR#: See BP 3553
Subject: Free and reduced price meals

When to Notify: Annually
Legal Code: Education Code 56301
BP/AR#: See BP 6164.4
Subject: Rights of all parents related to special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Legal Code: Education Code 58501
BP/AR#: See BP 6181
Subject: Alternative schools

When to Notify: Beginning of each school year
Legal Code: 20 USC 1681-1688, 42 USC 2000d-2000d-7, 34 CFR 106.9
BP/AR#: See BP 0410, See BP 6178
Subject: Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills

When to Notify: Annually
Legal Code: 5 CCR 4622
BP/AR#: See AR 1312.3
Subject: Uniform complaint procedures, available appeals, civil law remedies, and identity of coordinator

When to Notify: Beginning of each school year
Legal Code: 20 USC 1232h
BP/AR#: See AR 5022
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing

When to Notify: For districts receiving Title I funds, beginning of each school year
Legal Code: 20 USC 6311
BP/AR#: See AR 4112.24, See AR 4222
Subject: Right to request information re: professional qualifications of their child's teacher and paraprofessional

When to Notify: Annually to parent, teacher and employee organizations or, in their absence, individuals
Legal Code: 40 CFR 763.84, 40 CFR 763.93
BP/AR#: See AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

II. At Specific Times During the Student's Academic Career

When to Notify: At least once before counseling in grades 7 through 12
Legal Code: Education Code 221.5, 48980
BP/AR#: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: At beginning of each school year if student has been placed in structured English immersion program
Legal Code: Education Code 310, 5 CCR 11309
BP/AR#: See AR 6174
Subject: Placement of child in program and opportunity to apply for parental exception waiver

When to Notify: Before high school student attends specialized secondary program on a university campus
Legal Code: Education Code 17288
BP/AR#: None
Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: To members of athletic teams
Legal Code: Education Code 32221.5
BP/AR#: See AR 5143
Subject: Offer of insurance, no-cost and low-cost program options

When to Notify: Before presenting a course using live or dead animals or animal parts
Legal Code: Education Code 32255-32255.6
BP/AR#: See BP 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Legal Code: Education Code 32390, 48980
BP/AR#: See BP 5142.1

Subject: Fingerprinting program

When to Notify: Beginning of each term for students who have not passed the exit exam by the end of grade 12

Legal Code: Education Code 37254

BP/AR#: See AR 6179

Subject: Availability of intensive instruction and services for two consecutive academic years and right to file complaint

When to Notify: Upon registration, if K-6 students have not previously been transported

Legal Code: Education Code 39831.5

BP/AR#: See AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year in grades 7-12

Legal Code: Education Code 46010.1

BP/AR#: See BP 5113

Subject: Absence for confidential medical services

When to Notify: Upon admission to school

Legal Code: Education Code 48216, 49403, Health and Safety Code 120365, 120370, 120375

BP/AR#: See AR 5141.31

Subject: Immunizations

When to Notify: Before early entry to kindergarten, if offered

Legal Code: Education Code 48000

BP/AR#: See AR 5111

Subject: Effects, advantages and disadvantages of early entry

When to Notify: Beginning each school year in grades 9-12 and when high school student transfers into the district

Education Code 48980, 60850

BP/AR#: See AR 6162.52

Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to Notify: When students entering grade 7

Legal Code: Education Code 49452.7

BP/AR#: None

Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten or 1st grade if not previously enrolled in public school

Legal Code: Education Code 49452.8

BP/AR#: See AR 5141.32

Subject: Requirement for oral health assessment, explanation of law, importance of teeth health, agency contact, privacy rights

When to Notify: Beginning of each school year for students in grades 9-12

Legal Code: Education Code 51229, 48980

BP/AR#: See BP 6143

Subject: Explanation of college admission requirements, list of UC and CSU web sites that list certified courses, description of career technical education and CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12

Legal Code: Education Code 51938, 48980

BP/AR#: See AR 6142.1

Subject: Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners

Legal Code: Education Code 52164.1, 52164.3, 52173, 5 CCR 11303

BP/AR#: See AR 6174

Subject: Program of education for English language learners

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Legal Code: Education Code 60641, 5 CCR 863

BP/AR#: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

When to Notify: Annually to each high school student

Legal Code: Education Code 66204

BP/AR#: BP 6143

Subject: Copy of list of courses offered Student that are certified by UC as meeting admission criteria

When to Notify: When child is enrolled in kindergarten
Legal Code: Health and Safety Code 124100
BP/AR#: See BP 5141.32
Subject: Health screening examination

When to Notify: Prior student participation in gifted and talented program
Legal Code: 5 CCR 3831
BP/AR#: See AR 6172
Subject: Gifted and talented student program

When to Notify: Within 30 calendar days of receipt of CELDT results
Legal Code: 5 CCR 11511.5
BP/AR#: See AR 6174
Subject: CELDT test results

When to Notify: To students in grades 11 and 12, early enough to enable registration for current fall test
Legal Code: 5 CCR 11523
BP/AR#: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners
Legal Code: 20 USC 6312
BP/AR#: See AR 6174
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination
Legal Code: Education Code 262.3
BP/AR#: See AR 1312.3
Subject: Civil law remedies available to complaints

When to Notify: At least 72 hours before use of pesticide product not included in annual list
Legal Code: Education Code 17612
BP/AR#: See AR 3514.2
Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status

Legal Code: Education Code 35178.4

BP/AR#: See BP 6190

Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy

Legal Code: Education Code 35183

BP/AR#: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule

Legal Code: Education Code 37616

BP/AR#: See BP 6117

Subject: Year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Legal Code: Education Code 46601

BP/AR#: See AR 5117

Subject: Appeal process

When to Notify: When student identified as being at risk of retention

Legal Code: Education Code 48070.5

BP/AR#: See AR 5123

Subject: Student at risk of retention

When to Notify: When a student is classified a truant

Legal Code: Education Code 48260.5

BP/AR#: See AR 5113.1

Subject: Truancy, parental obligation, availability of alternative programs, student consequences

When to Notify: When a truant is referred to a SARB or probation department

Legal Code: Education Code 48263

BP/AR#: See AR 5113.1

Subject: Name and address of SARB or probation department and reason for referral

When to Notify: Prior to involuntary transfer to continuation school

Legal Code: Education Code 48432.5

BP/AR#: See AR 6184

Subject: Right to require meeting prior to involuntary transfer to continuation school

When to Notify: Prior to withholding grades, diplomas, or transcripts
Legal Code: Education Code 48904
BP/AR#: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Legal Code: Education Code 48904.3
BP/AR#: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Legal Code: Education Code 48906
BP/AR#: See BP 5145.11
Subject: Release of student to peace officer

When to Notify: At time of suspension
Legal Code: Education Code 48911
BP/AR#: See BP 5144.1, See AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Legal Code: Education Code 48911
BP/AR#: See AR 5144.1
Subject: Extension of suspension

When to Notify: Before holding a closes session re: suspension
Legal Code: Education Code 48912
BP/AR#: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission
Legal Code: Education Code 48915.1, 48918
BP/AR#: See AR 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Legal Code: Education Code 48916
BP/AR#: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs
Legal Code: Education Code 48916
BP/AR#: See AR 5144.1
Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing
Legal Code: Education Code 48918
BP/AR#: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Legal Code: Education Code 48918
BP/AR#: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day
Legal Code: Education Code 48980
BP/AR#: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site
Legal Code: Education Code 48987
BP/AR#: See AR 5141.4
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Legal Code: Education Code 49067
BP/AR#: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school
Legal Code: Education Code 49068
BP/AR#: See AR 5125
Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer
Legal Code: Education Code 49076
BP/AR#: See AR 5125

Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena

Legal Code: Education Code 49077

BP/AR#: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis

Legal Code: Education Code 49452.5

BP/AR#: See BP 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects

Legal Code: Education Code 49456

BP/AR#: See BP 5141.3

Subject: Vision or hearing test

When to Notify: Before any test questioning personal beliefs

Legal Code: Education Code 51513

BP/AR#: See AR 5022

Subject: Permission for test, survey questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year

Legal Code: Education Code 51938

BP/AR#: BP 6142.1

Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: When migrant education program is established

Legal Code: Education Code 54444.2

BP/AR#: See BP 6175, See AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program

Legal Code: Health and Safety Code 1596.857

BP/AR#: See AR 5148

Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system

Legal Code: Health and Safety Code 120440

BP/AR#: See AR 5125

Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises

Legal Code: Penal Code 627.5

BP/AR#: See AR 3515.2

Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational programs

Legal Code: 5 CCR 4631

BP/AR#: See AR 1312.3

Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program

Legal Code: 5 CCR 18066

BP/AR#: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

Legal Code: 20 USC 6311

BP/AR#: See AR 4112.24

Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

Legal Code: 20 USC 6312

BP/AR#: See AR 0520.2

Subject: Notice of failure to parents of English language learners

When to Notify: When school identified for program improvement or corrective action

Legal Code: 20 USC 6316

BP/AR#: See AR 0520.2, See AR 5116.1

Subject: Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually

Legal Code: 20 USC 6316

BP/AR#: See AR 0520.2

Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to Notify: When district identified for program improvement

Legal Code: 20 USC 6316

BP/AR#: See AR 0520.3

Subject: Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

Legal Code: 20 USC 6318

BP/AR#: See AR 6020

Subject: Notice of policy

When to Notify: For districts with secondary students receiving Title I funds

Legal Code: 20 USC 7908

BP/AR#: See AR 5125.1

Subject: Notice that parents may request district to not release name, address, phone number of child to military recruiters without prior written consent

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30

Legal Code: 34 CFR 99.34

BP/AR#: AR 5125

Subject: Right to review records

IV. Special Education Notices

When to Notify: Prior to conducting initial evaluation

Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329, 34 CFR 300.502

BP/AR#: See AR 6164.4

Subject: Proposed evaluation plan, related parental rights, prior written notice

When to Notify: 24 hours before IEP when district intending to record

Legal Code: Education Code 56341.1

BP/AR#: See AR 6159

Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting
Legal Code: Education Code 56341.5 34 CFR 300.322
BP/AR#: See AR 6159
Subject: Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent orally requests review of IEP
Legal Code: Education Code 56343.5
BP/AR#: See AR 6159
Subject: Need for written request

When to Notify: For student receiving exit exam waiver, prior to receipt of diploma
Legal Code: Education Code 60852.4
BP/AR#: See AR 6162.52
Subject: Right to FAPE

When to Notify: Before functional behavioral assessment begins
Legal Code: 5 CCR 3052
BP/AR#: See AR 6159.4
Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan
Legal Code: 5 CCR 3052
BP/AR#: See AR 6159.4
Subject: Need for modification, right to question modification

When to Notify: Within one school day of emergency intervention or serious property damage
Legal Code: 5 CCR 3052
BP/AR#: See AR 6159.4
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement, or FAPE
Legal Code: 20 USC 1415(c), 34 CFR 300.503
BP/AR#: See AR 6159.1
Subject: Prior written notice

When to Notify: Initial referral for evaluation
Legal Code: 20 USC 1415(d), 34 CFR 300.503
BP/AR#: See AR 6159.1
Subject: Prior written notice and procedural safeguards notice

When to Notify: Registration of complaint
Legal Code: 20 USC 1415(d), 34 CFR 300.504
BP/AR#: See AR 6159.1
Subject: Procedural safeguards notice

When to Notify: Disciplinary action taken for dangerous behavior
Legal Code: 20 USC 1415(k), 34 CFR 300.530
BP/AR#: See AR 5144.2
Subject: Decision and procedural safeguards notice

When to Notify: Suspension or change of placement for more than 10 days
Legal Code: 20 USC 1415(k), 34 CFR 300.530
BP/AR#: See AR 5144.2
Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing
Legal Code: 20 USC 1415(k), 34 CFR 300.508
BP/AR#: See AR 6159.1
Subject: Child's name, address, school, description of problem, proposed resolution

V. Classroom Notices

When to Notify: In each classroom in each school
Legal Code: Education Code 35186
BP/AR#: See AR 1312.4, See E 1312.4
Subject: Complaint rights re: sufficiency instructional materials, teacher vacancy and misassignment, maintenance of facilities, and, for classrooms with grades 10-12, right of students who did not pass the exit exam to receive intensive instruction after completion of grade 12

(3/17 3/08) 3/10

LIBRARY MEDIA CENTERS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: Education Code 18100 requires the Governing Board to provide library services for students and teachers by maintaining school libraries or contracting with another public agency. The following **optional** policy is intended for use by districts that maintain their own school libraries, but may be modified to meet the needs of districts that enter into an arrangement to receive services from either a county or city library pursuant to Education Code 18130 or 18134; also see BP 1330.1 - Joint Use Agreements.

In September 2010, the State Board of Education (SBE) adopted model school library program standards which describe staffing, resources, and infrastructure recommended for effective school library programs. The following policy may be modified to reflect state program standards that the district chooses to implement.

The Governing Board recognizes that school library media centers support the educational program by providing access to a variety of informational resources. The Board desires to provide school libraries with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and prepare students to become lifelong learners.

(cf. 0440 - District Technology Plan)
(cf. 6011 - Academic Standards)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6163.4 - Student Use of Technology)
(cf. 7110 - Facilities Master Plan)

School libraries shall be open for use by students and teachers during the school day.
(Education Code 18103)

Note: The following paragraph is **optional**.

With the approval of the Board, a school library may be open at other hours outside the school day, including evenings and weekends. Any library open to serve students during evening and Saturday hours shall be under the supervision of a certificated employee who consents to the assignment. (Education Code 18103)

LIBRARY MEDIA CENTERS (continued)

Staffing

Note: The following **optional** section may be revised to reflect district practice. Pursuant to Education Code 18120, the Board may appoint one or more librarians to staff school libraries, provided they possess an appropriate credential issued by the Commission on Teacher Credentialing as required by Education Code 44868. This may include a Teacher Librarian Services Credential issued since January 1, 2008 or a Library Media Teacher Services Credential issued prior to that date. These credentials authorize their holders to perform the duties listed below. If the district does not employ any teacher librarians, it should modify the remainder of this policy to reflect the position(s) that are assigned to fulfill the related duties.

The state's school library program standards recommend a ratio of one full-time teacher librarian per 785 students plus assignment of a classified paraprofessional (e.g., library technician, library aide) at least 34 hours per week.

To staff school libraries, the Board may appoint one or more teacher librarians who possess an appropriate credential issued by the Commission on Teacher Credentialing. (Education Code 18120, 44868)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

Any teacher librarian employed by the district shall be authorized to perform the following duties:

1. Instruct students in the choice and use of library materials and technology
2. Plan and coordinate school library programs with the district's instructional programs
3. Select materials for school and district libraries
4. Coordinate or supervise library programs at the district level
5. Plan and conduct a course of instruction for students who assist in the operation of school libraries
6. Supervise classified personnel assigned school library duties
7. Develop procedures for and management of the school and district libraries

The Board also may appoint classified paraprofessionals to serve as library aides or library technicians. Volunteers may assist with school library services in accordance with law, Board policy, and administrative regulation.

(cf. 1240 - Volunteer Assistance)

(cf. 4222 - Teachers Aides/Paraprofessionals)

LIBRARY MEDIA CENTERS (continued)

Library Plan

Note: The following section is for use by districts that receive funding under the School and Library Improvement Block Grant (Education Code 41570-41573). Block grant funds may be expended for any purpose authorized under the California Public School Library Act (Education Code 18180-18184) as those repealed statutes read on January 1, 2004, such as for school library resources and equipment. As a condition of receiving this funding, Education Code 41572 requires districts to have a single plan for student achievement; see BP/AR 0420 - School Plans/Site Councils. The single plan must incorporate the requirements of Education Code 18181 pertaining to a districtwide library plan, as that repealed provision read on January 1, 2004.

Whenever a school receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement which incorporates a districtwide plan for school libraries. (Education Code 41572)

(cf. 0420 - School Plans/Site Councils)

Note: The following optional paragraphs may be revised to reflect district practice.

In developing the districtwide plan, the Superintendent or designee is encouraged to consult with teacher librarians, classroom teachers, administrators, parents/guardians, and students as appropriate.

The districtwide library plan shall describe the district's vision and goals for district libraries and how funds will be distributed to school sites to support libraries. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Classroom Libraries for Grades K-4

Note: Pursuant to Education Code 60422, if any funds for the Instructional Materials Funding Realignment Program (IMFRP) (Education Code 60420-60424) remain after every student is provided with standards-based instructional materials in specified core curriculum areas (see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials), the remaining funds may be used for any of the purposes specified in Education Code 60242, including classroom library materials for grades K-4, provided that the district meets the eligibility requirements of Education Code 60119 by holding a public hearing and adopting a resolution on the sufficiency of instructional materials.

In order to use such funds to purchase classroom library materials, the district must develop a districtwide classroom library plan. An existing plan, such as the districtwide plan described in the section "Library Plan" above, may be used if it meets the criteria of Education Code 60242. The following optional section is for use by districts that wish to use the funds for such purposes.

LIBRARY MEDIA CENTERS (continued)

When state funding is available for classroom library materials in grades K-4, the Superintendent or designee shall develop, for certification by the Board, a districtwide classroom library plan for grades K-4. The plan shall include a means of preventing loss, damage, or destruction of the materials. (Education Code 60242, 60422)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

The districtwide library plan developed pursuant to Education Code 41572 may fulfill this requirement provided the plan meets the criteria of Education Code 60242.

Note: In developing the plan for classroom libraries in grades K-4, Education Code 60242 encourages districts to consider materials recommended by the State Librarian pursuant to Education Code 19336 (Recommended Literature: Kindergarten Through Grade 12) and to consult with primary grade teachers and teacher librarians employed by the district. If the district does not employ teacher librarians, then the district is encouraged to consult with a teacher librarian employed by the county office of education. The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee is encouraged to consult with primary grade teachers and teacher librarians employed by the district and/or county office of education in the development of the K-4 classroom library plan and to consider selections from the list of books recommended by the State Librarian pursuant to Education Code 19336.

Selection and Evaluation of School Library Materials

Note: The following optional section may be revised to reflect district practice. At its discretion, the Board may establish selection criteria that exclude all materials of a sectarian, partisan, or denominational character as authorized by Education Code 18111.

Library materials shall include print and electronic resources that align with the curriculum and are accessible to students with varying cognitive or language needs.

Teacher librarians shall evaluate and select materials in accordance with law, Board policy, and administrative regulation and shall use professional selection aids and standards. The selection process shall invite recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

(cf. 6144 - Controversial Issues)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

Library materials should be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain outdated subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced.

LIBRARY MEDIA CENTERS (continued)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

All gifts and donations of school library materials shall be subject to the same criteria as materials selected for purchase by the district.

(cf. 3290 - Gifts, Grants and Bequests)

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

Fees

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

(cf. 3260 - Fees and Charges)

Note: Pursuant to 5 CCR 16042, the Board may determine whether or not to charge for the late return of library materials. The district should select the option below that reflects district practice. Option 2 may be modified to include the amount that will be charged.

OPTION 1: No charge shall be assessed for the late return of materials.

~~**OPTION 2:** To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.~~

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Library Instruction

Note: In September 2010, the SBE adopted model academic standards for library instruction which address what students should know and be able to do at each grade level or grade span in terms of information literacy skills. The introduction to the standards expresses the intent that the standards be taught collaboratively by the classroom teacher and the teacher librarian within the context of the curriculum. The following **optional** section reflects the four major categories addressed in the state standards and may be revised to reflect district practice.

Teacher librarians and/or classroom teachers shall provide library instruction to develop students' information literacy skills. Such instruction shall be aligned with state academic standards for library instruction and shall prepare students to:

1. Access information by applying knowledge of the organization of libraries, print materials, digital media, and other sources

LIBRARY MEDIA CENTERS (continued)

2. Evaluate and analyze information to determine appropriateness in addressing the scope of inquiry
3. Organize, synthesize, create, and communicate information
4. Integrate information literacy skills into all areas of learning and pursue information independently to become life-long learners

Teacher librarians also may provide support to teachers, administrators, and other staff by identifying instructional materials that will aid in the development of curriculum and instructional activities and by providing information about effective and ethical uses of school library services and equipment.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6141 - Curriculum Development and Evaluation)

Reports

Note: Education Code 18122 directs districts to report to the California Department of Education on the condition of their school libraries. This survey is conducted online via the CDE's web site.

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of its school libraries for the preceding year ending June 30. (Education Code 18122)

Legal Reference: (see next page)

LIBRARY MEDIA CENTERS (continued)

Legal Reference:

EDUCATION CODE

1703 Coordination of district library services by county superintendent
1770-1775 Provision of library services by county superintendent
18100-18203 School libraries
18300-18571 Union high school district/unified school district library district
19335-19336 Reading Initiative Program; recommended books
41570-41573 School and Library Improvement Block Grant
42605 Tier 3 categorical flexibility
44868-44869 Qualifications and employment of library media teachers
45340-45349 Instructional aides
60119 Sufficiency of textbooks and instructional materials; public hearing
60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials
60420-60424 Instructional Materials Funding Realignment Program
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
18181 Districtwide library plan
52012 Establishment of school site council
52014-52015 School plans
CODE OF REGULATIONS, TITLE 5
16040-16043 School libraries
80053 Library media service teaching credential
UNITED STATES CODE, TITLE 20
6383 Improving Literacy Through School Libraries grant program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Library Program Standards, September 2010
School Library Standards for Students, September 2010
Check It Out! Assessing School Library Media Programs, 1998
Recommended Literature: Kindergarten Through Grade Twelve
CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS
Standards and Guidelines for Strong School Libraries, 2004

WEB SITES

American Library Association: <http://www.ala.org>
California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>
California Library Association: <http://www.cla-net.org>
California School Library Association: <http://www.csla.net>

Board Policy

Library Media Centers

BP 6163.1

Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Center Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Governing Board recognizes that school library media centers support the educational program by providing access to a variety of informational resources. The Board desires to provide library media centers with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and encourage students to become lifelong learners.

(cf. 0440 - District Technology Plan)
(cf. 6000 - Concepts and Roles)
(cf. 6011 - Academic Standards)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6163.4 - Student Use of Technology)

School libraries shall be open for use by students and teachers during the school day.
(Education Code 18103)

Any school library open outside the school day, such as evenings and/or Saturdays, shall be under the supervision of a certificated employee. (Education Code 18103)

The district's school libraries may provide: (5 CCR 16040)

1. Library instruction to students that enables them to become proficient users of library resources
2. Information to teachers and administrators concerning sources and availability of instructional materials that will aid in the development of school curriculum, and, in cooperation with classroom teachers, the development of instructional units and activities using library resources

(cf. 6141 - Curriculum Development and Evaluation)

3. Assistance to teachers and students in the evaluation, selection, production, and uses of instructional materials

4. A collection of materials and resources that support the curriculum and are appropriate for user needs

5. Assistance to teachers, administrators, and other school staff members in becoming knowledgeable about appropriate uses of library media services, materials, and equipment

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

The Superintendent or designee shall develop procedures for the selection and evaluation of library materials.

Library Plans

Whenever a school receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement which incorporates a districtwide plan for school libraries. (Education Code 41572)

(cf. 0420 - School Plans/Site Councils)

In developing the districtwide plan, the Superintendent or designee is encouraged to consult with school library media teachers, classroom teachers, administrators, parents/guardians, and students as appropriate in the development of the plan.

The districtwide library plan shall describe the district's vision and goals for the district's libraries and action steps including how funds will be distributed to school sites. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

Classroom Libraries for Grades K-4

When state funding is available for library materials in grades K-4 classrooms, the Superintendent or designee shall develop, for certification by the Board, a districtwide classroom library plan grades K-4. The plan shall include a means of preventing loss, damage, or destruction of the materials. (Education Code 60242, 60422)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

The districtwide plan for school libraries developed pursuant to Education Code 41572 may fulfill this requirement provided the plan meets the criteria of Education Code 60242.

The Superintendent or designee is encouraged to consult with primary grade teachers and school and/or county office of education library media teachers in the development of the

plan and to consider selections from the list of books recommended by the State Librarian pursuant to Education Code 19336.

Selection and Evaluation of School Library Materials

Responsibility for the selection of library materials is delegated to the professional library staff through the Assistant Superintendent, Instructional Services. School librarians shall evaluate materials, using professional selection aids and standards, in accordance with law, Board policy, and administrative regulation. The selection process shall invite recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

(cf. 6144 - Controversial Issues)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

Library materials should be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain obsolete subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced if possible.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

Fees

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

(cf. 3260 - Fees and Charges)

No charge shall be assessed for the late return of materials.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Reports

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of school libraries for the preceding year ending June 30.
(Education Code 18122)

Legal Reference:

EDUCATION CODE

1703 Coordination of district library services by county superintendent
1770-1775 Provision of library services by county superintendent
18100-18203 School libraries
18300-18571 Union high school district/unified school district library district
19335-19336 Reading Initiative Program; recommended books
41570-41573 School and Library Improvement Block Grant
44868-44869 Qualifications and employment of library media teachers
45340-45349 Instructional aides
60119 Sufficiency of textbooks and instructional materials; public hearing
60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials
60420-60424 Instructional Materials Funding Realignment Program
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
18181 Districtwide library plan
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CODE OF REGULATIONS, TITLE 5
16040-16043 School libraries
80053 Library media service teaching credential
UNITED STATES CODE, TITLE 20
6383 Improving Literacy Through School Libraries grant program

Management Resources:

CDE PUBLICATIONS

Check It Out! Assessing School Library Media Programs, 1998

Recommended Literature: Kindergarten Through Grade Twelve

CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

Standards and Guidelines for Strong School Libraries, 2004

WEB SITES

American Library Association: <http://www.ala.org>

American Association of School Librarians: <http://www.ala.org/aasi>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California Library Association: <http://www.cla-net.org>

California School Library Association: <http://www.csla.net>

ANIMALS AT SCHOOL

Note: Pursuant to 28 CFR 35.136, as amended by 75 Fed. Reg. 178, a district is mandated to modify its policies, practices, and procedures to permit an individual with a disability to use a service animal at school, when the work or task performed by the service animal is directly related to the individual's disability. See the accompanying administrative regulation for language reflecting this mandate.

The Governing Board recognizes that animals can contribute to the district's instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access district programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, the district assumes no liability for the safety of animals allowed on district property.

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.23 - Asthma Management)

Legal Reference: (see next page)

ANIMALS AT SCHOOL (continued)

Legal Reference:

EDUCATION CODE

233.5 Instruction in kindness to pets and humane treatment of living creatures

39839 Transportation of guide dogs, signal dogs, service dogs

51202 Instruction in personal and public health and safety

51540 Safe and humane treatment of animals at school

CIVIL CODE

54.1 Access to public places

54.2 Guide, signal, or service dogs, right to accompany

GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally; immunity of public entity

835 Conditions of liability

VEHICLE CODE

21113 Public grounds

CODE OF REGULATIONS, TITLE 13

1216 Transportation of property

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

COURT DECISIONS

Sullivan v. Vallejo City USD, (1990) 731 F.Supp. 947

Management Resources:

FEDERAL REGISTER

Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236

CSBA PUBLICATIONS

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

WEB SITES:

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Board Policy

Animals At School

BP 6163.2

Instruction

The Governing Board recognizes that animals can be an effective teaching aid and can help support the district's instructional program. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.5 - Environmental Education)

A teacher may bring an animal to school or arrange for students in his/her class to bring an animal to school for instructional purposes upon written permission from the principal or designee and subject to administrative regulation and other reasonable health, safety, and sanitation precautions. Teachers shall be responsible for ensuring that animals are strictly controlled and for ensuring that all such precautions are observed so as to protect both the students and the animal.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142 - Safety)

(cf. 5145.8 - Refusal to Harm or Destroy Animals)

(cf. 6142.93 - Science Instruction)

(cf. 6145.8 - Assemblies and Special Events)

Individuals with disabilities may be accompanied by specially trained guide dogs, signal dogs, or service dogs on school premises or on school transportation. (Education Code 39839; Civil Code 54.2)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5131.1 - Bus Conduct)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

When any animal is brought into the classroom, the principal or designee shall provide written notification to all parents/guardians of students in the affected class asking them to verify whether their child has any known allergies, asthma, or other health condition that may be affected by the animal's presence.

(cf. 3514 - Environmental Safety)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.23 - Asthma Management)

The district assumes no liability for the safety of animals voluntarily brought to school.

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

(cf. 3530 - Risk Management/Insurance)

Legal Reference:

EDUCATION CODE

233.5 Instruction in kindness to pets and humane treatment of living creatures

39839 Transportation of guide dogs, signal dogs, service dogs

51202 Instruction in personal and public health and safety

51540 Safe and humane treatment of animals at school

CIVIL CODE

54.1 Access to public places

54.2 Guide, signal, or service dogs, right to accompany

GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally; immunity of public entity

835 Conditions of liability

VEHICLE CODE

21113 Public grounds

CODE OF REGULATIONS, TITLE 13

1216 Transportation of property

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

Sullivan v. Vallejo City USD, 731 F.Supp. 947 (1990)

Management Resources:

CSBA PUBLICATIONS

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments,
Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

WEB SITES:

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

U.S. Department of Education, Office of Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: October 15, 2008 Antelope, California

ANIMALS AT SCHOOL**Use of Animals for Instructional Purposes**

Note: The following section is optional and may be revised to reflect district practice.

Before any student or employee brings an animal to school for an instructional purpose, he/she shall receive written permission from the principal or designee. The principal or designee shall give such permission only after he/she has provided written notification to all parents/guardians of students in the affected class, asking them to verify whether their child has any known allergies, asthma, or other health condition that may be aggravated by the animal's presence. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or other health condition that may be aggravated by the animal, the principal shall take appropriate measures to protect the student from exposure to the animal.

(cf. 3514 - Environmental Safety)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.23 - Asthma Management)

All animals brought to school must be in good physical condition and must be appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals brought to school shall be adequately fed, effectively controlled, humanely treated, and properly housed in cages or containers suitable for the species. The teacher shall ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner.

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

The teacher shall ensure that students receive instructions regarding the proper handling of and personal hygiene around animals.

(cf. 5141.22 - Infectious Diseases)

Except for service animals, as defined below, all animals are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5131.1 - Bus Conduct)

Use of Service Animals by Individuals with Disabilities

Note: Pursuant to 28 CFR 35.136, as amended by 75 Fed. Reg. 178, a district is mandated to modify its policies, practices, and procedures to permit an individual with a disability to use at school a service animal, as defined in the paragraph below, when the work or task performed by the service animal is directly related to the individual's disability.
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ANIMALS AT SCHOOL (continued)

In Sullivan v. Vallejo USD, the court held that a disabled student had a right to use a service dog at school. According to the court, the district was required to incorporate the dog into the student's educational program and to accommodate the dog in a way that did not impinge on the legitimate rights of others. Thus, the student's placement might need to be changed because of the teacher's severe allergies; however, the district could not alter the student's placement to accommodate the purely personal feelings of students or faculty about dogs in the school environment.

For an individual with a disability, *service animal* means any dog that is individually trained to do work or perform tasks related to the individual's disability and for his/her benefit. For example, for an individual who is blind or has low vision, a service animal would mean a dog that helps him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would mean a dog that alerts him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would mean a dog that assists him/her by preventing or interrupting impulsive or destructive behaviors. (28 CFR 35.104)

Individuals with disabilities may be accompanied on school premises and on school transportation by service animals, including specially trained guide dogs, signal dogs, or service dogs. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Note: Pursuant to 28 CFR 35.136, a miniature horse may be permitted as a service animal if the conditions stated in the following paragraph are satisfied.

The Superintendent or designee may permit the use of a miniature horse as a service animal when the horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability, provided that: (28 CFR 35.136)

1. The district's facility can accommodate the type, size, and weight of the horse.
2. The individual has sufficient control of the horse.
3. The horse is housebroken.
4. The horse's presence in the specific facility does not compromise legitimate safety requirements of the facility.

The Superintendent or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation if the animal is out of control and the

ANIMALS AT SCHOOL (continued)

individual does not take effective action to control it or the animal is not housebroken. When an individual's service animal is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

Administrative Regulation

Animals At School

AR 6163.2

Instruction

In accordance with Board policy, a teacher or student may bring an animal into the classroom for instructional purposes with prior approval of the principal or designee. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or health condition that may be affected by the animal, the teacher shall remove the animal from the classroom or provide an alternative instructional activity for the student as appropriate.

(cf. 3514 - Environmental Safety)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.23 - Asthma Management)

All animals brought to school must be in good physical condition and appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals, with the exception of service animals, are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5131.1 - Bus Conduct)

All animals shall be humanely and properly housed in cages or containers specific for the species or otherwise appropriately controlled. The teacher shall also ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner. If the animal is to remain in the classroom longer than one day, the teacher shall be responsible for care and maintenance of the animal and ensure proper care when school is not in session, such as weekends, vacations, and holidays.

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

The teacher shall ensure that students receive instruction regarding personal hygiene around animals.

(cf. 5141.22 - Infectious Diseases)

CLERK

Note: The following **optional** bylaw is for use by any board other than a city board of education governed by a city charter. Any board other than a city board of education is required by Education Code 35143 to elect a clerk from among its members at the annual organizational meeting. See BB 9100 - Organization for other requirements pertaining to the annual organizational meeting. This bylaw is not intended to address a situation where a non-member of the Board is appointed clerk to perform certain responsibilities.

The Governing Board shall elect a clerk from its own membership at the annual organizational meeting. (Education Code 35143)

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the district as directed by the Board

Note: Districts without a vice president should modify the following paragraph accordingly.

4. Serve as presiding officer in the absence of the president ~~and vice president~~

(cf. 9121 - President)

5. Notify Board members and members-elect of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

Legal Reference: (see next page)

CLERK (continued)

Legal Reference:

EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)

35038 Appointment of clerk by county superintendent of schools

35039 Dismissal of clerk

35121 Appointment of clerk in certain city and high school districts

35143 Annual organizational meetings

35250 Duty to keep certain records and reports

38113 Duty of clerk (re provision of school supplies)

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

Board Bylaw

Clerk

BB 9123

Board Bylaws

At the annual organizational meeting, the Governing Board shall elect a clerk from its own membership. (Education Code 35143)

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign the minutes of Board meetings following their approval

(cf. 9324 - Minutes and Recordings)

4. Sign documents on behalf of the district as directed by the Board
5. Serve as presiding officer in the absence of the president

(cf. 9121 - President)

6. Perform any other duties assigned by the Board

Legal Reference:

EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)

35038 Appointment of clerk by county superintendent of schools

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35121 Appointment of clerk in certain city and high school districts

35143 Annual organizational meetings

35250 Duty to keep certain records and reports

38113 Duty of clerk (re provision of school supplies)

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

BOARD REPRESENTATIVES

Labor Relations Negotiators

The Governing Board shall designate a chief negotiator to represent it in negotiations with employee organizations.

Board Representative

The district Superintendent is officially delegated as the representative of the board to consult with the negotiator.

The Board itself will not negotiate with any employee organization directly. The Board's role in the negotiation process will be to:

1. Obtain the most competent negotiations representative it is able to secure.
2. Act in good faith from a position of fairness.
3. Establish parameters and determine its positions in the Board proposal.
4. Express these positions through its designated spokesperson.
5. Be informed by the negotiating team periodically.
6. Keep all differences between Board members behind closed doors in executive session.
7. Maintain its dedication to the school children and taxpayers.

Other Advisory Committees

Note: The following optional bylaw may be revised to reflect district practice.

Pursuant to Government Code 54952.2, a meeting of a committee on which a majority of Governing Board members serve may be deemed a Board meeting in certain circumstances and would cause the meeting to be subject to the open meeting law requirements. See BB 9130 - Board Committees for details regarding the applicability of the Brown Act to committees created by the Board.

The Governing Board recognizes that effective performance of its community leadership responsibilities may require its participation in district or community committees on matters of concern to the district and its students. As needed, the Board may appoint any of its members to serve as its representative on a district committee or on a committee of another public agency or organization of which the Board or district is a member or to which the Board is invited to participate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

BOARD REPRESENTATIVES (continued)

(cf. 9000 - Role of the Board)
(cf. 9130 - Board Committees)
(cf. 9270 - Conflict of Interest)
(cf. 9320 - Meetings and Notices)

When making such appointments, the Board shall clearly specify the authority and responsibilities of the representative(s), including, but not limited to, reporting back to the Board regarding committee activities and/or actions. Board representatives shall not exercise the authority of the Board without prior Board approval.

(cf. 9005 - Governance Standards)
(cf. 9200 - Limits of Board Member Authority)

If a committee discusses a topic on which the Board has taken a position, the Board member shall express the position of the Board. When contributing his/her own ideas or opinions, the representative shall clearly indicate that he/she is expressing his/her individual idea or opinion.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9010 - Public Statements)

Board Representative to Elect Members of County Committee on School District Organization

Note: Pursuant to Education Code 4000-4014, every county, except any one that is a city and county, is required to have a county committee on school district organization. In many counties, the duties of the county committee have been transferred to the county board of education pursuant to Education Code 4020. In any county with six or more districts or where the duties of the county committee have not been transferred to the county board, the Board of each district must, at its annual organizational meeting, designate a voting representative to elect members of the county committee, pursuant to Education Code 35023.

At its annual organizational meeting, the Board shall designate one Board member as its representative to elect members to the county committee on school district organization. (Education Code 35023)

The Board shall provide the representative with nominees to this committee.

A Board member is eligible serve as a member of the county committee on school district organization. (Education Code 4007)

(cf. 9100 - Organization)

Legal Reference:

EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education District Organization Handbook, 2010

Board Bylaw

Board Representatives

BB 9140
Board Bylaws

Labor Relations Negotiators

The Governing Board shall designate a chief negotiator to represent it in negotiations with employee organizations.

Board Representative

The district Superintendent is officially delegated as the representative of the board to consult with the negotiator.

The Board itself will not negotiate with any employee organization directly. The Board's role in the negotiation process will be to:

1. Obtain the most competent negotiations representative it is able to secure.
2. Act in good faith from a position of fairness.
3. Establish parameters and determine its positions in the Board proposal.
4. Express these positions through its designated spokesperson.
5. Be informed by the negotiating team periodically.
6. Keep all differences between Board members behind closed doors in executive session.
7. Maintain its dedication to the school children and taxpayers.

Other Advisory Committees

The Board may appoint any of its members to serve on advisory committees, or as representatives to other public agencies or organizations when the Board deems such appointments desirable, contingent on acceptance of the appointment by the member.

At its annual organizational meeting, the Board shall designate one Board member as its representative to elect members to the county committee on school district organization. (Education Code 35023)

The Board shall provide the representative with nominees to this committee.

A Board member is eligible serve as a member of the county committee on school district organization. (Education Code 4007)

(cf. 9100 - Organization)

Legal Reference:

EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

ACTIONS BY THE BOARD

Note: Pursuant to Education Code 35164, a majority vote of all members of the Governing Board is necessary for an item to carry, even in those cases where some members are absent. For districts with a five-member Board, an item will pass with three votes, even if only three members are present or there is a vacancy. Education Code 35165 details the effect of a vacancy in districts with a seven-member Board. For language regarding vote requirements when a Board member abstains, see BB 9323 - Meeting Conduct.

The law specifies certain Board actions as requiring more than a majority vote; see the accompanying Exhibit for a specific list of such actions.

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

Note: In some instances, the law requires that a hearing be conducted before the Board takes action on an item (e.g., before adopting the district's budget or expelling a student). Notice and other applicable requirements for hearings may be more extensive than those for regular or special meetings and will depend upon the requirements in applicable statutes.

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

Note: The Brown Act (Government Code 54950-54963) generally prohibits any action or discussion of items not on the posted agenda. However, Government Code 54954.2 provides for three specific and narrow situations in which a Board can act on an item not on the agenda, as specified below. Board members may also briefly respond to questions raised by members of the public concerning items not on the agenda; see BB 9323 - Meeting Conduct.

ACTIONS BY THE BOARD (continued)

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Challenging Board Actions

Note: Pursuant to Government Code 54960.1, the district attorney's office or any interested person may file a lawsuit to invalidate (i.e., declare null and void) actions that violate specific provisions of the Brown Act listed in Government Code 54960.1 and specified below. However, even when the action may normally be subject to invalidation, Government Code 54960.1 provides that in certain circumstances (e.g., when there has been substantial compliance with the Brown Act or the Board created a contractual obligation), the action may not be invalidated.

Before seeking court action, the person who believes a violation occurred must send a written demand to the Board to "cure or correct" the action as specified below. Because the laws regarding these provisions are complex, it is recommended that the district consult with legal counsel upon receipt of a "cure and correct" demand.

Any interested person or the district attorney's office may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of Government Code 54954.2 (agenda posting), Government Code 54953 (open meeting and teleconferencing), Government Code 54954.5 (closed session item descriptions), Government Code 54954.6 (new or increased tax assessments), Government Code 54956 (special meetings), or Government Code 54956.5 (emergency meetings). (Government Code 54960.1)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

ACTIONS BY THE BOARD (continued)

Within 30 days of receiving the demand, the Board shall do one of the following:
(Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

Note: Pursuant to Government Code 54960.1, a demanding party who desires to file a lawsuit must do so within 15 days of receiving the Board's written decision to not cure or correct the challenged action or within 15 days of the expiration of the 30-day Board review period, whichever is earlier.

Government Code 54960 grants authority for the district attorney or any interested person to file a civil action asking the court to order the Board to stop or prevent Brown Act violations, to determine the legal validity of any Board action to penalize or otherwise discourage the expression of one or more of its members, or to compel the Board, under certain circumstances, to record its closed sessions. Pursuant to Government Code 54960.5, a court may award the plaintiff court costs and reasonable attorney's fees if he/she successfully invalidates a Board action in violation of the Brown Act or successfully enforces one of the Brown Act's civil remedies. In addition, a court may award court costs to the district when the district has prevailed and the court finds that the action was clearly frivolous and totally lacking in merit.

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582-17583 District deferred maintenance fund

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue

1245.240 Eminent domain vote requirements

1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

53724 Parcel tax resolution requirements

Legal Reference continued: (see next page)

ACTIONS BY THE BOARD (continued)

Legal Reference: (continued)

GOVERNMENT CODE (continued)

53790-53792 Exceeding the budget

53820-53833 Temporary borrowing

53850-53858 Temporary borrowing

54950-54963 The Ralph M. Brown Act, especially:

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; secret ballots

54960 Action to prevent violations

65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20113 Emergencies, award of contracts without bids

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors, (2003) 112 Cal.App.4th 1313

McKee v. Orange Unified School District, (2003) 110 Cal.App.4th 1310

Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672

Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

WEB SITES

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

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

Institute of Local Government: <http://www.ca-ilg.org>

Board Bylaw

Actions By The Board

BB 9323.2
Board Bylaws

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.

(cf. 9320 - Meetings and Notices)

2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.

3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

(cf. 9322 - Agenda/Meeting Materials)

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Challenging Board Actions

Any demand by the district attorney's office or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions
3. Government Code 54954.6, regarding new or increased tax assessments
4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582 District deferred maintenance fund

17583 Deferred maintenance fund; transfer of excess local funds

35144 Special meeting

35145 Public meetings

35164 Majority vote of all members constituting board for board action

35165 Vacancies, effect on majority and unanimous vote

48660 Establishment of community day schools

48661 School site restrictions for community day schools

CODE OF CIVIL PROCEDURE

1245.240 Eminent domain vote requirements
1245.245 Eminent domain, resolution adopting different use
GOVERNMENT CODE

53094 Authority to render zoning ordinance inapplicable
53097 Compliance with ordinances
53097.3 Charter school ordinances
53724 Parcel tax resolution requirements
53790-53792 Exceeding the budget
53820-53833 Temporary borrowing
53850-53858 Temporary borrowing
54950 Meetings: declaration; intent; sovereignty
54952.6 Action taken, definition
54953 Meetings to be open and public; attendance; secret ballots
54953.5 Right to record proceedings; conditions
54954.2 Agenda posting requirements; board actions
54954.5 Closed session item descriptions
54954.6 New or increased taxes or assessments; hearings; notice
54956 Special meetings; call; notice
54956.5 Emergency meetings in emergency situations
54960 Action to prevent violations
54960.1 Challenge of governing board actions
54960.5 Costs and attorney fees
65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20113 Emergencies, award of contracts without bids
COURT DECISIONS

Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

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